

IN THE SUPREME COURT OF MAURITIUS

In the matter of:

1. **Nandcoomar Bodha**, a Member of the National Assembly, residing at Solferino No. 2 Vacoas
2. **Maynanda Rajaratnam**, a small entrepreneur and former councillor, residing at Impasse Cantin, Vacoas
3. **Vir Abhi Manuyu Trilochun**, self-employed, a registered voter for the Municipal Council of Vacoas Phoenix residing at Solferino No. 2 Vacoas

APPLICANTS

v.

The Prime Minister, service to be effected at Old Treasury Building, Port Louis

RESPONDENT

And in the matter of :

EXPARTE

1. **Nandcoomar Bodha**, a Member of the National Assembly, residing at Solferino No. 2 Vacoas
2. **Maynanda Rajaratnam**, a small entrepreneur and former councillor, residing at Impasse Cantin, Vacoas
3. **Vir Abhi Manuyu Trilochun**, self-employed, a registered voter for the Municipal Council of Vacoas Phoenix residing at Solferino No. 2 Vacoas

APPLICANTS

MOTION PAPER

The Applicants move for

(A) For an Order granting to the Applicants LEAVE to apply for JUDICIAL REVIEW against the decision of the

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Respondent to advise the President to *further extend* the life of the Municipal City Council and Municipal Town Councils by 2 years with effect from 13 June 2023,

(B) In the event LEAVE FOR JUDICIAL REVIEW is granted,

(i) For a procedural Order setting out a calendar for the matter to be heard by the Supreme Court within a delay of 3 months as a matter of urgency;

(ii) for a MANDATORY ORDER ordering the Respondent to advise the President of the Republic of Mauritius to issue writs of election within 60 days of the present Court Order, in line with Section 11 of the Local Government Act, and the said elections to take place according to law;

(iii) for a DECLARATION declaring that the advice given to the President to further extend the life of the Municipal City Council and Municipal Town Councils is against the Rule of Law and/or unlawful and/or procedurally improper and/or irrational and/or arbitrary and/or unfair and/or made without purpose and/or unreasonable in the Wednesbury sense, thus void for all intents and purposes,

(iv) An order Declaring the Respondent has broken his Oath of Allegiance taken by him before acceding to the position of Prime Minister;

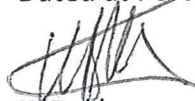
(C) Such other Order/s as the above Honourable Court may deem fit and proper in the present circumstances.

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And this, for the reasons fully set forth in the hereto annexed affidavit. **WITH COSTS**

Under all legal reservations.

Dated at Port-Louis, this 16th day of June 2023.



K. Bokhoree

Of Ground Floor, St James Court, St Denis Street,
Port-Louis

Applicants' Attorney, instructing Counsel Mr. S. K.
Trilochun

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IN THE SUPREME COURT OF MAURITIUS

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APPLICANTS

v.

The Prime Minister, service to be effected at Old Treasury Building, Port Louis

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APPLICANTS

APPLICANTS' AFFIDAVIT

1. **Nandcoomar Bodha**, a Member of the National Assembly, residing at Solferino No. 2 Vacoas and holder of the passport bearing No. 1506067
2. **Maynanda Rajaratnam**, a small entrepreneur and former councillor, residing at Impasse Cantin, Vacoas and holder of the National Identity Card No.R110659420619F



3. **Vir Abhi Manuyu Trilochun**, self-employed, a registered voter for the Municipal Council of Vacoas Phoenix residing at Solferino No. 2 Vacoas and holder of the National Identity Card No.T1506654205773

MAKE SOLEMN AFFIRMATION AS HINDUS AND SAY THAT

INTRODUCTION

1. On 26 May 2023, the President of the Republic of Mauritius has, upon the advice of the Respondent, purportedly '*further extended the life*' of the entire Municipal City Council and Municipal Town Councils (hereinafter referred to as the 'Councils') for 2 years with effect as from 13 June 2023.
 - 1.1 A copy of the Proclamation No.14 of 2023, published in the Legal Supplement to the Government Gazette of Mauritius on 26 May 2023, is annexed and marked as Annex A.
2. The decision-making process leading to the advice of the Respondent to purportedly '*further extend*' the life of the Councils for 2 years with effect as from 13 June 2023, shall hereinafter be referred to as the "impugned decision" and/or "the decision making process" interchangeably.
3. The present application is an application for Leave to have the impugned decision judicially reviewed by the above Honourable Court, on the following grounds:
 - (A) the impugned decision is ultra vires, illegal and tainted with procedural impropriety in as much as it relies upon the existence of an "*extended life*" of the Councils which did not even exist at the material time. ["Ground A"]
 - (B) the Respondent failed to adhere to the principles of the rule of law when it purportedly decided to "*further extend*" the life of the Councils, inasmuch as:
 - (i) the decision making process is unclear and lacks transparency
 - (ii) the impugned decision rested solely and entirely on the discretion of the Respondent and has been exercised in a way which is unfair, arbitrary, irrational, without purpose and Wednesbury unreasonable. It further removed the possibility of review and examination by the Courts of the legality and correctness of such impugned decision.

(iii) the impugned decision is further unfair, arbitrary and irrational as it does not apply equally to all.

(iv) the impugned decision denies us the protection of our fundamental human rights and is further inconsistent with national and international laws

["Ground B"].

(C) the impugned decision has thwarted our legitimate expectation to vote and/or stand as candidate at the elections of the Councils which were reasonably expected to take place this year. ["Ground C"]

THE PARTIES

The Applicants

4. I, Applicant No.1, am a registered voter under the Representation of People Act 1958 to vote for Councillors in the Municipal Town Councils of Vacoas/Phoenix. I have occupied the following constitutional posts

- Member of the National Assembly from September 2000
- Minister of Agriculture from 2003 to 2005
- Leader of the Opposition from 2006 to 2007
- Minister of Tourism from 2000 to 2003 and 2010 to 2011
- Minister of Foreign Affairs from 2019 to 2021
- Minister of Public Infrastructure and Land Transport from 2014 to 2019

5. I, Applicant No.1, am the founder and leader of "Rassemblement Mauricien", founded in 2021, represented in the national assembly and will field candidates for municipal and general elections with the Electoral Supervisory Commission whenever elections are to be held. It would have fielded candidates for the next Local Government Elections and I intend to field my candidates for the Municipal City and Town Councils under the Representation of People Act 1958.

6. I, Applicant No.2, am a registered voter under the Representation of People Act 1958 to vote for Councillors in the Municipal Town Council of Vacoas/Phoenix. I was elected at the election of 13th June 2015 in Ward 2 of the Municipal Town Council Vacoas/Phoenix as candidate of the political party "Alliance Lepep". My seat was forcefully vacated when I changed political party and joined the "Rassemblement Mauricien" under the leadership of Applicant No.1.



7. I, Applicant No.3, am a registered voter under the Representation of People Act 1958 to vote for Councillors in the Municipal Town Council of Vacoas/Phoenix.
8. We are all registered as 'local government elector' for the Municipal Council of Vacoas/Phoenix in accordance with the Representation of People Act and are therefore entitled to,
 - (i) vote at the Municipal Town Council elections for the election of Municipal Town Councillors of Vacoas/Phoenix to sit on its Council, and
 - (ii) be nominated as candidate for election as Municipal Town Councillors of Vacoas/Phoenix and to stand as candidate, with the exception of Applicant No.1.
9. We are directly and personally aggrieved by the impugned decision inasmuch as it has usurped our rights to vote and/or stand as candidate as applicable, at the Town Council Local Government Elections of 2023, which goes to the very root of our democratic rights.

The Respondent

10. The Respondent was appointed as Prime Minister of Mauritius by the President of the Republic of Mauritius, pursuant to Section 59 of the Constitution.
11. Upon appointment, the Respondent has, pursuant to Section 67 of the Constitution, taken and subscribed the oath of allegiance as is prescribed by the Third Schedule of the Constitution which reads as follows:

OATH OF ALLEGIANCE

I,....., do swear (or solemnly affirm) that I will be faithful and bear true allegiance to Mauritius according to law. (So help me God.)

RESPONDENT'S IMPUGNED DECISION

Respondent as decision maker

12. On 26 May 2023, the President of the Republic of Mauritius purportedly 'further extended' the life of the entire Councils for 2 years with effect as from 13 June 2023.
13. In so doing, the President acted upon the advice of the Respondent.

14. In order to purportedly 'further extend' the life of the Councils, the Respondent relied on Section 12(1A) of the Local Government Act as can be gleaned from the Proclamation published on 26 May 2023 which is marked as Annex A hereto.

15. The relevant part of Section 12A of the Local Government Act (as amended in 2021 and 2023) reads as follows:

"12A. Extension of life of Councils, and Village Councils

(1) At any time when –

(a) there is, or there is likely to be, an epidemic of a communicable disease in Mauritius;

and

(b) a quarantine period is in force in Mauritius,

the President, acting in accordance with the advice of the Prime Minister, shall, by Proclamation, extend, from time to time, the life of 6 years of the entire Councils, or entire Village Councils, by not more than one year at a time, provided that the life of the Councils shall not be extended for more than 2 years.

(1A) At any time during the extended period of the life of the entire Councils, or entire Village Councils under subsection (1), the President, acting in accordance with the advice of the Prime Minister, shall, notwithstanding subsection (1), further extend such life for a period of 2 years by Proclamation."

[...]

(6) In this section–


"communicable disease" has the same meaning as in the Quarantine Act 2020;

"quarantine period" has the same meaning as in the Quarantine Act 2020

16. It is apposite to note that Section 12A was amended to include sub-section (1A) on the 24 May 2023, following an urgent introduction of the Local Government Act (Amendment) Bill ("the Amendment Bill") in Parliament on 23 May 2023 through a certificate of urgency issued by the Respondent himself.

16.1. The Respondent gave no explanation to the House as to why the Amendment Bill was introduced with a certificate of urgency.

16.2. The Amendment Bill was voted after its three readings in one single sitting. It was proclaimed and came into effect on the very next day, i.e., on 24 May 2023.



16.3. A copy of the Legal Supplement of the Government Gazette of Mauritius dated 24 May 2023 is annexed and marked as Annex B.

17. It is also apposite to note that the Proclamation for the aforementioned further extension took place on the 26 May 2023. (We refer to Annex A hereto).

18. It can only be deduced that the Respondent's decision to '*further extend*' the life of the entire Councils could only have taken place on or between 24 May 2023 and 26 May 2023, given that he relied upon Section 12A(1A) of the Local Government Act to '*further extend*' the life of the said Councils.

19. We are advised and verily believe that the Respondent's impugned decision ought to be judicially reviewed for the following reasons:

(A) the impugned decision is ultra vires, illegal and tainted with procedural impropriety in much as it relies upon the existence of an "*extended life*" of the Councils which did not even exist at the material time. ["Ground A"]

(B) the Respondent failed to adhere to the principles of the rule of law when it purportedly decided to "*further extend*" the life of the Councils, inasmuch as :

(i) the decision making process is unclear and lacks transparency

(ii) the impugned decision rested solely and entirely on the discretion of the Respondent and has been exercised in a way which is unfair, arbitrary, irrational, without purpose and Wednesbury unreasonable. It further removed the possibility of review and examination by the Courts of the legality and correctness of the such impugned decision.

(iii) the impugned decision is further unfair, arbitrary and irrational as it does not apply equally to all

(iv) the impugned decision denies us the protection of our fundamental human rights and is further inconsistent with national and international laws

["Ground B"].

(C) the impugned decision has thwarted our legitimate expectation to vote and/or stand as candidate at the elections of the Councils which were reasonably expected to take place this year. ["Ground C"]

LIFE OF COUNCILS

20. First, it is important to set out the chronology in which the life of the Councils were extended in 2021 and 2022.
21. The Local Government Act 2011 ("the Act") establishes a local authority for capital city and every town of Mauritius, and such authority is known as Municipal City Council and the Municipal Town Council respectively. There exists in Mauritius, one Municipal City Council (for the Capital city of Mauritius) and four Municipal Town Councils.
22. Pursuant to Section 10A of the Act,
- (i) the life of the Councils shall be of 6 years from the date on which the previous poll of the return of the entire Councils, and entire Village Councils was taken.
 - (ii) the life of 6 years of the Councils can be sooner dissolved.
 - (iii) If not sooner dissolved, the life of the Councils shall at the end of the 6 years stand dissolved.
 - (iv) the life of the Councils can only be extended pursuant to the Section 12A of the Act, and shall only continue for the period of extension, unless sooner dissolved.
23. Section 10A of the Act is reproduced verbatim:

10A. Life of entire Municipal City Council and Municipal Town Councils, and Village Councils

(1) The entire Municipal City Council and Municipal Town Councils, and entire Village Councils, shall, unless sooner dissolved, continue for 6 years from the date on which the previous poll of the return of the entire Municipal City Council and Municipal Town Councils, and entire Village Councils was taken and shall then stand dissolved.

(2) Where, pursuant to subsection 12A(1), the life of 6 years of the entire Municipal City Council and Municipal Town Councils, or entire Village Councils, is extended, the entire Municipal City Council and Municipal Town Councils, or the entire Village Councils shall, unless sooner dissolved, continue for the period of extension and shall then stand dissolved.

(3) Notwithstanding this section, the President, acting in accordance with the advice of the Prime Minister, may, at any time, dissolve the entire Municipal City Council and



Municipal Town Councils, and the entire Village Councils, for the holding of a general election of the entire Municipal City Council and Municipal Town Councils, and the entire Village Councils.

[underlining is ours]

24. There ought therefore to have been an election of Councillors to the entire Councils (“Local Government Elections”) every 6 years unless sooner dissolved.
25. The last Local Government Elections took place on 14 June 2015 (We make reference to the information published on the website of the Office of the Electoral Commissioner, through the link: https://electoral.govmu.org/oec/?page_id=1644).
26. No Local Government Elections of the City and Municipal Councillors has taken place since 14 June 2015.
27. The President, acting upon the advice of the Respondent, had purportedly extended the life of the said Councils on 3 occasions, as described below:
 - (i) On 14 June 2021, the President, acting upon the Respondent’s advice, purported to extend the life of the entire Councils with effect as from 15 June 2021. A copy of the Proclamation in the Legal Supplement to the Government Gazette of Mauritius is annexed and marked as Annex C (“Extension No.1”).
 - (ii) On 13 April 2022, the President, acting upon the Respondent’s advice, again purported to extend the life of the entire Councils for 1 year as from 14 June 2022. This purported extension was allegedly based on an epidemic of Covid-19 in Mauritius and a quarantine period was in force in Mauritius. A copy of the Proclamation No. 17 of 2022 published on 13 April 2022 in the Legal Supplement to the Government Gazette of Mauritius is annexed and marked as Annex D. (“Extension No.2”).
 - (iii) On 26 May 2023, the President, acting upon the Respondent’s advice, again purported to ‘further extend’ the life of the entire Councils for 2 years with effect from 13 June 2023. (see Annex A). (“Extension No.3”)
28. It is important to note that during the three extensions as set out above, Mauritius was not under any lock-down. Furthermore, at the time Extension No.3 was proclaimed, all activities had already resumed to normal and there were no more any restrictions on public social gatherings of any nature or number, nor any compulsory wearing of masks in public.

28.1. On 12 May 2023, i.e., less than two (2) weeks before the Amendment Bill was introduced for reading in the Parliament on 23 May 2023, the Cabinet had even *“taken note of the Statement released by the World Health Organization (WHO) regarding the COVID-19 pandemic. COVID-19 was now an established and ongoing health issue which no longer constitute a public health emergency of international concern.”* . [We refer to Annex E hereto which is a copy of the highlights of the Cabinet meeting held on 12 May 2023]

28.2. However, in November 2020, Local Government Elections were held for the entire Village Councils. At that particular time, i.e. in November 2020, there were sanitary restrictions in place in Mauritius and the world was still fighting the Covid-19 pandemic which was a huge humanitarian and international concern.

GROUND A : ULTRA VIRES, ILLEGAL AND PROCEDURALLY IMPROPER – BASED ON A SIMPLE COMPUTATION OF TIME

29. We aver that the impugned decision is ultra vires, illegal and tainted with procedural impropriety in much as it relies upon the existence of an “extended life” of the Councils which initially never existed at the material time., the whole morefully described below.

Extension No.1

30. We aver that on the 15 June 2021, the life of the entire Councils already ended and they stood dissolved. There could not have been any “extension of life” whatsoever.

31. The computation of time for the duration of the life of the entire Councils run as follows:

- (i) the life of the Councils started on 14 June 2015.
- (ii) Its death (dissolution) occurred on 13 June 2021 at 23:59 hrs.
- (iii) any extension of life could only have been proclaimed with effect as from 14 June 2021 at 00:00 hrs.

32. However, the purported Extension No.1 took effect only on 15 June 2021.

33. By that time, the Councils already stood dissolved under Section 10(A)(1) of the Act.

34. We are advised and verily believe that the result of the Councils becoming dissolved requires no decision making nor does it require any positive act to be taken by any person or body. The death (dissolution) of the Councils is purely and simply based on the date when the previous elections took place i.e. 14 June 2015 and died on the 13 June 2021.



35. Extension No.1 would therefore be tantamount to a “revival” of the life of the Councils. There is no law which allows the Respondent to decide on the “revival” of the life of the Councils. Only a general Local Government Elections could have given birth to a newly constituted lawful Council.

36. For the reasons set out in paragraphs 30 to 35 above, Extension No.1 was ultra vires, unlawful and was procedurally improper under the facts and circumstances.

Extension No.2 and Extension No.3

37. Since Extension No.1 was unlawful, the purported Extension No.2 and Extension No.3 were also unlawful and had no legitimacy.

38. As at today, the Councils are inexistent in law as per the Act.

39. The use of the words “*further extend such life*” in the President’s Proclamation dated 26 May 2023 (see Annex A), further lends credence to the fact that Extension No.3 could only have existed and depended upon Extension No.2 and ultimately Extension No.1. Extension No.3 could also only have existed if such life of the Councils was initially existent.

40. As such, the Respondent’s impugned decision to ‘*further extend*’ the life of Councils is ultra vires, illegal, illegitimate and rigged with procedural impropriety.

GROUND B : THE RESPONDENT FAILED TO ADHERE TO THE RULE OF LAW

41. We are advised and verily believe that the decision-making process, whether they are carried out by courts, administrative bodies, or public bodies, is subject to the rule of law. The rule of law applies not only to the laws themselves but also to the processes by which decisions are made within a legal system.

42. We aver that the Respondent failed to adhere to the principles of the rule of law when it purportedly decided to “further extend” the life of the Councils, inasmuch as :

- (i) the decision making process is unclear and lacks transparency
- (ii) the impugned decision rested solely and entirely on the discretion of the Respondent and has been exercised in a way which is unfair, arbitrary, irrational, without purpose and Wednesbury unreasonable. It further removed the possibility of review and examination by the Courts of the legality and correctness of the impugned decision;

- (iii) the impugned decision is further unfair, arbitrary and irrational as it does not apply equally to all; and
- (iv) the impugned decision denies us the protection of our fundamental human rights and is further inconsistent with national and international laws

43. For the sake of convenience and ease of reference, we first reproduce the relevant part of Section 12A of the Act.

“12A. Extension of life of Councils, and Village Councils

(1) At any time when –

(a) there is, or there is likely to be, an epidemic of a communicable disease in Mauritius; and

(b) a quarantine period is in force in Mauritius,

the President, acting in accordance with the advice of the Prime Minister, shall, by Proclamation, extend, from time to time, the life of 6 years of the entire Councils, or entire Village Councils, by not more than one year at a time, provided that the life of the Councils shall not be extended for more than 2 years.

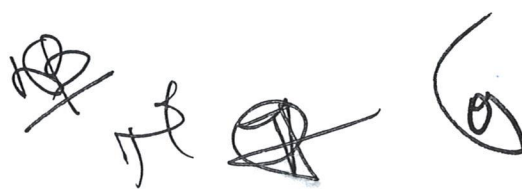
(1A) At any time during the extended period of the life of the entire Councils, or entire Village Councils under subsection (1), the President, acting in accordance with the advice of the Prime Minister, shall, notwithstanding subsection (1), further extend such life for a period of 2 years by Proclamation.”

[...]

(6) In this section–

“communicable disease” has the same meaning as in the Quarantine Act 2020;

“quarantine period” has the same meaning as in the Quarantine Act 2020



(i) the decision making process is unclear and lacks transparency

44. We reiterate that the Respondent relied upon Section 12A(1A) of the Act to advise the President to “*further extend*” the life of the Councils.

45.1 The use of the words “*further extend such life*” in Section 12A(1A) of the Act clearly suggests that Extension No.3 could only have depended upon Extension No.2 and ultimately upon Extension No.1.

45.2 However (without prejudice to Ground A above), subsection 12A(1A) of the Act also contains the words “*notwithstanding subsection (1)*”. On the one hand, Section 12A(1A) of the Act relies on the existence of the “*extended period*”, but on the other hand, provides that irrespective of the existence of an “*extended period*” (i.e irrespective of subsection (1)), life of the Councils can be *further extended*.

45.3 It is therefore unclear how and in what manner the Respondent was empowered to give any advice to the President to “*further extend*” the life of the Councils.

45.4 Furthermore, we wish to emphasize that initially, i.e., prior to the amendment made on 24 May 2023 (see Annex D hereto – in respect of Extension No.2) the life six years of the Councils could only have been extended if the conditions set out under Section 12A(1) were fulfilled, i.e., “*at any time - (a) there is, or there is likely to be, an epidemic of a communicable disease in Mauritius; and (b) a quarantine period is in force in Mauritius*”

45.4.1 Ex-facie, a reading of subsection (1A) of the Act shows that no condition whatsoever is attached to the decision to ‘*further extend*’ the life of the Councils, thereby making it unclear as to what conditions and/or pre-conditions ought to exist in order to empower the Respondent to give any advice to the President.

45. The Respondent’s impugned decision therefore lacks transparency and accountability to understand how the decision was made.

(ii) the impugned decision rested solely and entirely on the discretion of the Respondent and has been exercised in a way which is unfair, arbitrary, irrational, without purpose and Wednesbury unreasonable. It further removed the possibility of review and examination by the Courts of the legality and correctness of such impugned decision.

46. A reading of Section 12A(1A) of the Act shows that the Respondent's impugned decision rested solely and entirely upon the exercise of his own sole discretion. The Respondent is therefore at liberty to give such advice for the purpose of *further extending* the life of the Councils and this, according to his own arbitrary and deliberate whims and unexplained/unreasoned judgment.

47. We draw such conclusion from a distinction between Section 12A(1) and Section 12A(1A) of the Act.

(i) Whilst it is clear that the basis of the decision making process can be clearly identified in Section 12A(1) of the Act (epidemic of a communicable disease and a quarantine period), there is no such trigger points, reasoning or identifiable events provided under Section 12A(1A) of the Act.

(ii) This renders the Respondent's impugned decision devoid of the need and existence of any decision making process and entirely at the mercy of the Respondent.

(iii) It therefore removes any control or examination on the legality or correctness of his decision by way of review by the Courts.

48. By advising to '*further extend*' the life of the Councils pursuant to Section 12A(1A) of the Act on his own deliberate judgment, the Respondent has unfairly, arbitrarily, irrationally unreasonably, and without any purpose, usurped our right to vote for local representatives and the right to vote from the electorate, which is contrary to our representative democracy.

49. In support of the above contention,

51.1 we re-iterate paragraphs 16, 16.1, 16.2 and 16.3 above.

51.2 We also quote part of the Parliamentary Debates regarding the amendment made to the Act in 2021 ("the 2021 Amendment") and the amendment made to the Act in 2023 ("the 2023 Amendment"), in order to understand how the decision-making process of the Respondent and the impugned decision is unfair, arbitrary, irrational, has been made without any purpose, Wednesbury unreasonable and further threatens the very fabric of our Democracy.

51.3 We first refer to the Hansard dated 18 May 2021 (Annex F)

51.4 On 11 May 2021, the Government introduced Bill No. VII of 2021 ("the 2021 Bill") to amend the Local Government Act 2011 ("the Act"). In the original 2021 Bill the Government proposed to have an additional reason to trigger the said extension i.e the state of emergency. This proposed additional reason i.e, period of public emergency, was removed from the Bill. The explanations given by the Vice-Prime Minister who introduced the 2021 Bill is very telling and self-explanatory.

51.5 The Explanatory Memorandum to the 2021 Bill (Annex G) reads as follows:

The object of this Bill is to amend the Local Government Act so as to provide that, at any time, when -

(a) a period of public emergency is in force in Mauritius; and
(b) there is, or there is likely to be, an epidemic of a communicable disease in Mauritius and a quarantine period is in force in Mauritius,

the President, acting in accordance with the advice of the Prime Minister, shall, by Proclamation, extend, during such periods, from time to time the life of 6 years of the entire Councils, or entire Village Councils, by not more than one year at a time, provided that the life of the Councils shall not be extended for more than 2 years.

[Underlining is ours]

51.6 Clause 12A(1) of the 2021 Bill provided as follows:

12A. Extension of life of Councils, and Village Councils

At any time when –

(a) a period of public emergency is in force in Mauritius; and
(b) there is, or there is likely to be, an epidemic of a communicable disease in Mauritius and a quarantine period is in force in Mauritius,

the President, acting in accordance with the advice of the Prime Minister, shall, by Proclamation, extend, during such periods, from time to time the life of 6 years of the entire Councils, or entire Village Councils, by not more than one year at a time, provided that the life of the Councils shall not be extended for more than 2 years.

[Underlining is ours]

51.7 During the Second Reading of the 2021 Bill, the mover of the Bill, the Vice-Prime Minister, Minister of Local Government and Disaster Risk Management, Dr. A. Husnoo ("the Minister") addressed the following pertinent issues inter alia, which are reproduced below: [For convenience, we have underlined the relevant parts]

[The Ground of 'Public Emergency' under Clause 6]

Mr Speaker, Sir, before proceeding any further, I wish to make an amendment at Clause 6 in the proposed Section 12 (A) as circulated and which I am going to move at Committee Stage.

Accordingly, a period of emergency will not be a situation which would trigger the extension of the life of Councils. Why, Mr Speaker, Sir? This is more indicative of the genuine intention of Government, as well as meant to give further reassurance to the House as to the primary objectives of this Bill. Now the amendments will be only limited to situations of an epidemic or when a quarantine is in force in the Republic of Mauritius.

Initially, it was thought appropriate to include a period of emergency in the proposals so as to circumscribe all possible circumstances in which the holding of the local elections would have to be postponed. However, the definition of an emergency situation is broader. Our main purpose today is to address a particular state of affairs, that is, the pandemic and for which we have to muster all our efforts to combat collectively. Therefore, the Bill which is before the House today is focused and straightforward as to its intent and purpose.

We are all aware that, holding of regular free and fair elections is an essential feature of democratic practices which is deeply entrenched in our Constitution. We did firmly demonstrate our strong commitment, as a reliable Government to respect the democratic process.

This Government has and will always uphold the underlying principle of the Rule of Law, which is one of the fundamental tenets of the Constitution of Mauritius. It safeguards the civil and political rights of its citizens, including free and fair elections. This has, over the years, contributed significantly to the political stability and economic growth of our country. We are not going to depart from this principle. On behalf of the Government, I can assure our fellow citizens that we will never attempt to restrict their rights nor limit their freedom. We should, however, bear in mind that our objective is also to preserve the wellbeing and safety of our population, especially during these challenging and tough times and we will not, in any circumstances, flout our responsibilities.



Mr Speaker, Sir, Professor Stanley De Smith, the father of our Constitution, dedicated much effort in the preparation of our Constitution to ensure the stability of our nation. Nevertheless, he also enshrined exceptions in certain circumstances which are, inter alia, "public health and public safety" to protect the community at large. However, these powers are not being used abusively or in an anti-democratic way by this Government.

Mr Speaker, Sir, it is within this perspective that Government is coming forward with this Bill. We are not the only country which has taken such a decision. According to the International Institute for Democracy and Electoral Assistance (IDEA), from 21 February 2020 until 09 May 2021, around 78 countries and territories across the world have postponed national and subnational elections due to COVID-19. So, what we are doing now in Mauritius is not an exception.

The Bill makes new provision for the extension of the life of the Councils solely in situations of an epidemic of a communicable disease or a quarantine period is in force in the country. In this respect –

"communicable disease" has the same meaning as in the Quarantine Act 2020, and
quarantine period" has the same meaning as in the Quarantine Act 2020.

The aim of the Government is not to delay the holding of the polls indefinitely, not at all, Mr Speaker, Sir. The proposals are for bringing specific extensions to the life of the Councils for short periods of time, not for more than one year at a time and for a maximum of two years. This maximum period of two years is considered reasonable as, at this juncture, even experts in the field do not have any visibility as to when we will manage to control this unprecedented pandemic and we will return to normalcy.

Mr Speaker, Sir, although the Bill makes provision for a maximum period of extension of two years, this Government, to repeat myself, always adheres to the fundamental principle of good governance and respect of our values and traditions and undertakes to hold this election within a shorter period as soon as the conditions allow.

I wish to reassure the House and the population at large, that this major initiative of the Government to bring about amendments to these specific provisions of the Local Government Act has not been prompted by any political motive whatsoever

and there is no hidden agenda attached thereto. It is only the prevailing unprecedented sanitary conditions that have dictated our action.

Mr Speaker, Sir, I once again reassure the House that the decision of the Government to amend the Local Amendment Act is purely and exclusively motivated to safeguard the health, welfare and safety of the population.

51.8 It is clear from the above that the Government, in particular the Minister (including the Respondent), was concerned that the extension provision is not abused and such extension is to be restricted for the protection of people's health and lives.

51.9 We now refer to Hansard 23 May 2023 ("Hansard 2023")– (Annex H), more especially to relevant part thereof where the Vice-Prime Minister, Minister of Local Government and Disaster Risk Management (Dr. Husnoo) has concluded his speech as follows:

Mr Speaker, Sir, I once again reassure the House that the decision of the Government to amend the Local Government Act is to bring proper reform to the local authorities so that in the future, the Councils would be able to provide enhanced quality service to the country.

With these words, Mr Speaker, Sir, I commend the Bill to the House.

51.10 It is clear from the above that the reason given for the 2023 amendment is the reform of the local authorities. This is in stark contradiction to the reasons and reassurances given by the Respondent, through the Government, in 2021. Reform of the local authorities seems to now amount to a better reason to delay elections administratively as compared to a public state of emergency.

51.11 We also refer to the relevant part of the Hansard dated 23 May 2023 where the Leader of the Opposition stated the following in his introductory part of his debate:

Mr X. L. Duval (Leader of the Opposition): *Mr Speaker, Sir, I must start my speech to protest against the very short time that is being given to Members of Parliament on the Opposition side mainly, to comment on this extremely important, extremely dangerous Bill that is being proposed today. The population will be shocked, Mr Speaker, Sir, to learn that Members of Parliament, apart from the Leader of the Opposition, will have from 8 minutes to 13 minutes each to talk and to expend [sic] on their worries regarding this Bill. So, it is a terrible thing to happen to us.*

[...]

Mr Speaker, Sir, I have listened very carefully to what the hon. Vice-Prime Minister had to say on this Bill. What I will say at the outset – I will come back to it in a moment – is this is the first time we have details of what he is proposing; it was not public before. But my reaction is that hardly any of the so-called reforms that he wants to bring, affects the election process. Hardly any!

He is talking about I-Council. He is talking about cleaning and all. These do not affect the electoral process and so, there are a few issues that will affect the electoral process like whether MPs or not are able to stand; whether we should have Municipal Councils in Goodlands, Grand Baie, etc. These, Mr Speaker, Sir, - I am suggesting showing respect to the electorates - can be dealt with at the end of the next mandate. Make it coterminous at the end of the next mandate with the general elections, but not for this time. It does not justify the taking away of the most important right in a democracy, that is, the right to vote, because, Mr Speaker, Sir, they can be lots of types of democracies but what is sure and certain is that you cannot have a democracy without an election. It isn't possible. You can have a fake election; you can have a rigged election; you can have a single party election but you cannot have a democracy of any type without elections. And when you take away the right to vote, the right for the people to express themselves, then you are in fact denying democracy. You are, in fact, cancelling democracy and this time, of course, we are talking about local democracy."

50. We aver that it is clear that the Respondent has departed from the reasoning behind the 2021 Amendment where public health and safety were the conditions sine qua non to extend the life of Municipal City Councils and Municipal Town Councils.
51. For the reasons stated above, we aver that the Respondent's decision making process and advice to further extend the life of the Councils based on the 2023 Amendment is irrational, devoid of any purpose and has denied us our right to vote for no reason whatsoever. Such advice lacks any purpose upon which the parameters of his powers and the decision making process could be based upon.
52. A reading of the Hansard 2023 also indicates that the only purpose of further extending the life of the Councils appears to be one which is self-serving, arbitrary and wednesbury unreasonably, given that it is only based on a "desire to reform the local government".

(iii) the decision making process is further unfair, arbitrary and irrational as it does not apply equally to all

53. In November 2020, when the world was bearing the full brunt of Covid-19 pandemic, the Respondent advised the President to issue a writ of elections for the village and district councillors. [We make reference to the website of the Office of the Electoral Commissioner via the link : https://electoral.govmu.org/oec/?page_id=1647]
54. This clearly differentiates electorates from villages and towns /city and by denying us the right to vote, the Respondent's decision making process is fraught with unfairness, irrationality, arbitrariness and wednesbury unreasonableness.
55. We strongly believe that the ruling government is currently very unpopular and does not want to face an electoral defeat which will bring irrefutable fact of their unpopularity.
56. All major political parties have always fielded their candidates for the Municipal Council Elections. All 5 municipal councils are currently controlled by the same party controlling the central government. Furthermore, the political parties (in alliance) controlling the central government has the Respondent as its leader. We therefore verily believe that the Respondent's intention is to prevent a crushing defeat in the Municipal Councils election and reasons advanced for the further extension is purely cosmetic.

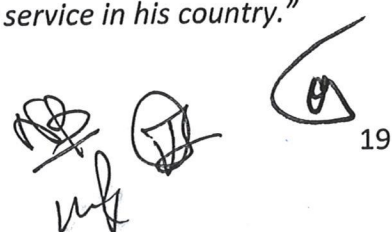
(vi) the impugned decision denies us the protection of our fundamental human rights and is further inconsistent with national law and international law

57. In 1973, the Republic of Mauritius has through Accession adopted the United Nations International Covenant on Civil and Political Rights Convention (ICCPR) and committed itself to recognise the People's right to participate in public affairs through universal suffrage.

Article 25 of the ICCPR reads as follows:

"Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions:

- (a) To take part in the conduct of public affairs, directly or through freely chosen representatives;*
- (b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;*
- (c) To have access, on general terms of equality, to public service in his country."*

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58. Article 25 of the ICCPR extends and covers all aspects of public affairs, including those at local levels. We refer to the General Comment No.25 which is annexed and marked as Annex I. The relevant extracts are reproduced for ease of reference and read as follows:

4. *"The conduct of public affairs, referred to in paragraph (a), is a broad concept which relates to the exercise of political power, in particular the exercise of legislative, executive and administrative powers. It covers all aspects of public administration, and the formulation and implementation of policy at international, national, regional and local levels. The allocation of powers and the means by which individual citizens exercise the right to participate in the conduct of public affairs protected by article 25 should be established by the constitution and other laws.*

5. *Citizens participate directly in the conduct of public affairs when they exercise power as members of legislative bodies or by holding executive office. This right of direct participation is supported by paragraph (b). Citizens also participate directly in the conduct of public affairs when they choose or change their constitution or decide public issues through a referendum or other electoral process conducted in accordance with paragraph (b). Citizens may participate directly by taking part in popular assemblies which have the power to make decisions about local issues or about the affairs of a particular community and in bodies established to represent citizens in consultation with the government. Where a mode of direct participation by citizens is established, no distinction should be made between citizens as regards their participation on the grounds mentioned in article 2, paragraph 1, and no unreasonable restrictions should be imposed."*

59. We are advised and verily believe that our right to vote and/or to stand as candidates are not restricted to the elections for the National Assembly but also extends to the Local Government Elections.

60. We are advised and verily believe that the same view was endorsed in the recent case of ***Maharaj v The Cabinet of the Republic of Trinidad and Tobago & Anor (2023) UKPC 17*** that the right to vote is an essential feature of our democracy, whether at a national or a local level. A copy of the judgment of the said case is annexed and marked as Annex J.

61. Through and by Extension No.3,

(i) we have been denied "our right to decide whether we wish the incumbent representatives of the current Councils to remain in office, assuming they stand for re-election at the end of the period for which they were elected."

(ii) we have been denied the right to be governed by representatives chosen democratically;

(iii) it is solely and entirely the Respondent who now decides who are the representatives of the Councils and for what period,

(iv) our right to vote was usurped by the Respondent and he has disrespected and violated the very essence of our democracy which he has solemnly affirmed to protect, through the oath of allegiance.

62. We aver that the Prime Minister's Oath (as averred in paragraph 11 above) is an integral part of our Constitution.

63. When the Respondent solemnly affirmed to be faithful to Mauritius, he undertook to apply all the democratic principles enshrined and recognised in our laws and one of these principles in a representative democracy is to allow people to choose their representatives.

64. When the Respondent solemnly affirmed to bear true allegiance to Mauritius, he undertook to be true in protecting our Democracy against any other State or other influences or undemocratic philosophies and principles to be incorporated in our system of Government and governance.

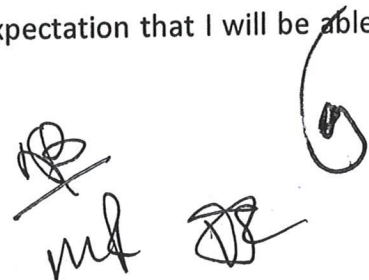
65. It is clear that we as reasonable and faithful citizens of our Sovereign Democratic country, when analysing the implications of the Respondent's impugned decision, we feel and fear that he has acted in defiance of his oath and is flouting the very principles of our democracy and has taken us in the realm of autocracy. He has broken his Sacrosanct Oath. This is the worst damage that can be caused to our rights.

66. For all reasons set out above, we aver that this leads us to say that the Respondent's decision-making process has infringed the principles of the rule of law.

GROUND C : APPLICANTS' LEGITIMATE EXPECTATIONS

67. We re-iterate paragraphs 57 to 67 above, and further aver that the Respondent's impugned decision infringes the very essence of our democracy and has usurped our rights to vote and/or stand as candidate as applicable, at the Local Government Elections.

68. I, Applicant No.1, further aver that I had a legitimate expectation that I will be able to field my candidates after the said dissolution.



69. I, the Applicant No.2, further aver that I intended to stand as candidate to the next elections.

70. I, Applicant No.3, had a legitimate expectation to vote for the next Councillors.

71. We therefore aver that for the additional reasons set out in paragraphs 5 to 9 above, the Respondent's impugned decision has thwarted our legitimate expectation to vote and/or stand as candidate at the elections of the Councils which were reasonably expected to take place this year.

NO OTHER AVAILABLE REMEDIES

72. We are advised and verily believe that there is no other available remedy open to us, to challenge the impugned decision making process of the Respondent, on all the grounds we have, other than by way of a Judicial Review under Order 53 of the RSC of England and Wales.

EXTREME URGENCY AND EX PARTE APPLICATION

73. We aver that for all the reasons set out above, the Respondent's impugned decision infringes the very essence of our democracy and has usurped our rights to vote and/or stand as candidate as applicable, at the Local Government Elections.

74. We aver that we have the locus standi to make this application.

75. We have acted promptly in making this application which required extensive research by our legal advisers and ourselves with very limited means available and pressure of time.

76. We are advised and verily believe that based on the aforementioned grounds, there is an arguable case fit for further consideration on the merit stage of the judicial review.

77. We aver that the present application is therefore so urgent that it requires the intervention of the above Honourable Court to grant us Leave to apply for judicial review against the Respondent's impugned decision, on an ex parte basis, i.e., without giving any prior notice to the Respondent, and in line with Rule 2 (4) of the Supreme Court Rules 2000 of Mauritius and Rule 3 of Order 53 of Rules of the Supreme Court of England and Wales.

78. In order to further justify that Leave must be granted to us on an ex parte basis, we refer to Annex K, which is a survey which was caused to be carried out by us in respect of the time taken by our Courts to adjudicate on applications for Judicial Review. The survey

contains reported judgments published on the website of the Supreme Court of Mauritius for this year alone. The delay shown in the said survey indicates that an application for leave to apply for judicial review ("first leg") takes between a year to more than 4 years; and that the application for judicial review ("second leg") takes between 3 years to 10 years.

79. We respectfully aver that the statistics of this year alone show that there is considerable delay in disposing of judicial review cases either at leave stage or at the merit stage itself.

80. We are advised and verily believe that all applications of judicial review are inherently urgent as the said applications must be made "*promptly*". Delay in dealing with an application such as this one would defeat its very purpose and amount to a denial of justice.

81. We are apprised that the above Honourable Court has developed a practice of hearing the Respondent, prior to granting Leave to apply for Judicial Review. We aver that the present situation justifies that the above Honourable Court departs from the adopted *cursum* and practice to grant us Leave to apply for Judicial Review on an *ex parte* basis, and in line with UK Order 53 rules (which is applied in Mauritius).

82. We also reiterate most respectfully that the subject matter which concerns our fundamental rights which ought to be exercised in a representative democracy compels us to pray **ONLY** that Leave to apply for judicial review to be granted to us on an *ex-parte* basis.

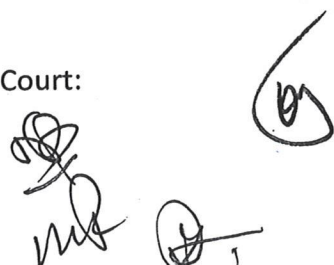
83. Time is a luxury and is of the essence that we do not have and the underlying principles that the Court is called upon to adjudicate requires special attention and absolute celerity in line with our democratic principles.

84. We aver that we are ready and willing to offer submissions and arguments to the above Honourable Court, should the Court be minded to hear us prior to granting us Leave to apply for Judicial Review on an *exparte* basis.

85. Should Leave for Judicial Reivew be granted to us, we further pray to the above Honourable Court to set out a clear and specific time frame within which the application for Judicial Review against the Respondent's impugned decision be heard.

PRAYERS

86. For the above reasons, we pray to this above Honourable Court:

The block contains several handwritten signatures and initials. On the right side, there is a large, stylized signature that appears to be 'G'. Below it and to the left, there are several smaller, less legible signatures and initials, including one that looks like 'MS' and another that looks like 'A'.

(A) For an Order granting us LEAVE to apply for JUDICIAL REVIEW against the decision of the Respondent to advise the President to *further extend* the life of the Municipal City Council and Municipal Town Councils by 2 years with effect from 13 June 2023,

(B) In the event LEAVE FOR JUDICIAL REVIEW is granted,

(i) For a procedural Order setting out a calendar for the matter to be heard by the Supreme Court within a delay of 3 months as a matter of urgency;

(ii) for a MANDATORY ORDER ordering the Respondent to advise the President of the Republic of Mauritius to issue writs of election within 60 days of the present Court Order, in line with Section 11 of the Local Government Act, and the said elections to take place according to law;

(iii) for a DECLARATION declaring that the advice given to the President to further extend the life of the Municipal City Council and Municipal Town Councils is against the Rule of Law and/or unlawful and/or procedurally improper and/or irrational and/or arbitrary and/or unfair and/or made without purpose and/or unreasonable in the Wednesbury sense, thus void for all intents and purposes,

(iv) An order Declaring the Respondent has broken his Oath of Allegiance taken by him before acceding to the position of Prime Minister;

(C) Such other Order/s as the above Honourable Court may deem fit and proper in the present circumstances.

87. We pray accordingly.

SOLEMNLY AFFIRMED BY THE ABOVENAMED DEPONENTS NOS 1 TO 3
AT CHAMBERS, NEW SUPREME COURT HOUSE, PORT-LOUIS
THIS 16th DAY OF JUNE 2023

Randoo
1
2 *Sarav*
3 *N. J. J.*

DRAWN UP BY ME

K. Bokhoree
K. Bokhoree

Attorney

On 16/06/2023

BEFORE ME

[Signature]

RAJ JHUBOO
Chief Court Officer/
Court Manager

I certify that the present affidavit will form part of a case before the Supreme Court of

Mauritius

K. Bokhoree
K. Bokhoree

OR

LEGAL SUPPLEMENT

to the Government Gazette of Mauritius No. 45 of 26 May 2023

27

Proclamation No. 14 of 2023

TO FURTHER EXTEND THE LIFE OF ENTIRE MUNICIPAL CITY
COUNCIL AND MUNICIPAL TOWN COUNCILS

PRITHVIRAJ SING ROOPUN
President of the Republic of Mauritius

PRITHVIRAJ SING
ROOPUN

— By His Excellency Mr. PRITHVIRAJ SING
ROOPUN, *Grand Commander of the
Order of the Star and Key of the Indian
Ocean, President of the Republic of
Mauritius*

L.S.

&c., &c., &c.

WHEREAS by virtue of Proclamation No. 17 of 2022, I extended, on the advice of the Prime Minister, the life of the entire Municipal City Council and Municipal Town Councils for one year as from 14 June 2022.

NOW THEREFORE, by virtue of section 12A(1A) of the Local Government Act, I further extend, on the advice of the Prime Minister, the life of the entire Municipal City Council and Municipal Town Councils for 2 years as from 13 June 2023.

Given at State House, Le Réduit, this 26th day of May two thousand and twenty-three.

THE LOCAL GOVERNMENT (AMENDMENT) ACT 2023**Act No. 7 of 2023***I assent***PRITHVIRAJ SING ROOPUN, G.C.S.K.***24th May 2023**President of the Republic of Mauritius*

ARRANGEMENT OF SECTIONS

Section

1. Short title
 2. Interpretation
 3. Section 10A of principal Act amended
 4. Section 12A of principal Act amended
-

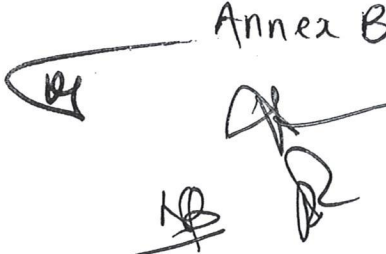
An Act**To amend the Local Government Act**

ENACTED by the Parliament of Mauritius, as follows –

1. Short title

This Act may be cited as the Local Government (Amendment) Act 2023.

Annex B

Handwritten signature and initials in the top right corner. The signature appears to be 'Annex B' with a large flourish. Below it are the initials 'NB' and 'DR'.

2. Interpretation

In this Act –

“principal Act” means the Local Government Act.

3. Section 10A of principal Act amended

Section 10A of the principal Act is amended, in subsection (2), by deleting the words “subsection 12A(1), the life of 6 years” and replacing them by the words “section 12A(1) or (1A), the life”.

4. Section 12A of principal Act amended

Section 12A of the principal Act is amended –

(a) by inserting, after subsection (1), the following new subsection –

(1A) At any time during the extended period of the life of the entire Municipal City Council and Municipal Town Councils, or entire Village Councils under subsection (1), the President, acting in accordance with the advice of the Prime Minister, shall, notwithstanding subsection (1), further extend such life for a period of 2 years by Proclamation.

(b) in subsection (2), by deleting the words “subsection (1), the life of 6 years” and replacing them by the words “subsection (1) or (1A), the life”.

Passed by the National Assembly on the twenty third day of May two thousand and twenty three.

Urmeelah Devi Ramchurn (Ms)
Acting Clerk of the National Assembly

Annex e

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Handwritten initials and signature

LEGAL SUPPLEMENT

7

to the Government Gazette of Mauritius No. 82 of 14 June 2021

Proclamation No. 4 of 2021

**TO EXTEND THE LIFE OF ENTIRE MUNICIPAL CITY
COUNCIL AND MUNICIPAL TOWN COUNCILS**

PRITHVIRAJ SING ROOPUN

President of the Republic of Mauritius

PRITHVIRAJ SING
ROOPUN

– *By His Excellency Mr. PRITHVIRAJ SING
ROOPUN, Grand Commander of the
Order of the Star and Key of the Indian
Ocean, President of the Republic of
Mauritius*

L.S.

&c., &c., &c.

WHEREAS by section 12A(1) of the Local Government Act, it is enacted that any time when –

- (a) there is, or there is likely to be, an epidemic of a communicable disease in Mauritius; and
- (b) a quarantine period is in force in Mauritius,

the President, acting in accordance with the advice of the Prime Minister, shall, by Proclamation, extend, from time to time, the life of 6 years of the entire Municipal City Council and Municipal Town Councils, or entire Village Councils, by not more than one year at a time, provided that the life of the Councils shall not be extended for more than 2 years.

NOW THEREFORE, in view of the fact that there is, by virtue of the Quarantine Act 2020, an epidemic of COVID-19 in Mauritius

and a quarantine period is in force in Mauritius, I do hereby extend, on the advice of the Prime Minister, the life of the entire Municipal City Council and Municipal Town Councils for one year as from 15 June 2021.

Given at State House, Le Réduit, this 14th day of June two thousand and twenty one.

Proclamation No. 17 of 2022

TO EXTEND THE LIFE OF ENTIRE MUNICIPAL CITY COUNCIL AND MUNICIPAL TOWN COUNCILS

PRITHVIRAJSING ROOPUN

President of the Republic of Mauritius

PRITHVIRAJSING ROOPUN



By His Excellency, Mr PRITHVIRAJSING ROOPUN, *Grand Commander of the Order of the Star and Key of the Indian Ocean, President of the Republic of Mauritius*

&c., &c., &c.

WHEREAS by section 12A(1) of the Local Government Act, it is enacted that any time when –

- (a) there is, or there is likely to be, an epidemic of a communicable disease in Mauritius; and
- (b) a quarantine period is in force in Mauritius,

the President, acting in accordance with the advice of the Prime Minister, shall, by Proclamation, extend, from time to time, the life of 6 years of the entire Municipal City Council and Municipal Town Councils, or entire Village Councils, by not more than one year at a time, provided that the life of the Councils shall not be extended for more than 2 years.

NOW THEREFORE, in view of the fact that there is, by virtue of the Quarantine Act 2020, an epidemic of COVID-19 in Mauritius

and a quarantine period is in force in Mauritius, I do hereby extend, on the advice of the Prime Minister, the life of the entire Municipal City Council and Municipal Town Councils for one year as from 14 June 2022.

Given at State House, Le Reduit, this 13th day of April two thousand and twenty two.

HIGHLIGHTS OF CABINET MEETING – FRIDAY 12 MAY 2023

1. Cabinet has agreed to the introduction of the Status of the Artist Bill into the National Assembly. The main object of the Bill is to provide for the establishment of the Professional in the Arts Council. The Council would, in the discharge of its functions and exercise of its powers –

- (a) categorise persons engaged as professional artists, specialised professionals in the Arts, technical professionals and occasional professionals in the Arts, and register them as professionals in the Arts;
- (b) promote the status of professionals in the Arts;
- (c) enhance the social and economic status of professionals in the Arts;
- (d) implement the State Recognition Allowance scheme and pension scheme for professionals in the Arts;
- (e) enhance access to training and skills development for professionals in the Arts; and
- (f) develop and promote the marketing of artistic products and services nationally and internationally.

2. Cabinet has taken note of the Capacity Strengthening Support Programme in respect of the Plant Genetic Resources for food and agriculture, funded by the Consultative Group for International Agricultural Research. The programme would benefit the agricultural sector by -

- (a) making Plant Genetic Resources for food and agriculture more visible to the local planting community;
- (b) contributing to achieving local food security;
- (c) facilitating the access of agricultural researchers, academic institutions, breeders (private and public), farmers, and genebanks, to plant genetic resources;
- (d) increasing activities in research, conservation and sustainable use of plant genetic resources; and
- (e) ensuring transparency for both providers and users of genetic resources and associated traditional knowledge.

3. Cabinet has taken note of the signing of a Technical Cooperation Programme in respect of technical support for the upgrading of the Food Technology Laboratory of the Ministry of Agro-Industry and Food Security, funded by the Food and Agriculture Organization (FAO). The following activities would be undertaken under the Technical Cooperation Programme –

- (a) review of the legal framework including the draft legal instruments for Genetically Modified Organisms (GMO) testing;
- (b) provision of in-house practical training by FAO international consultant on GMO testing and other molecular diagnostics in foods and feeds;
- (c) support to accredit the molecular tests and upgrade the laboratory as required;
- (d) hands-on training for two officers of the laboratory in an accredited European Union (EU) reference or EU recognised laboratory; and
- (e) national awareness and information campaign associated with GMOs, food fraud due to meat and fish adulteration and food safety issues related pathogens contamination.

4. Cabinet has taken note of the activities being organised by the Ministry of Agro-Industry and Food Security to mark the International Tea Day 2023, celebrated on 21 May every year, to raise awareness of the importance of tea production in the tea supply chains and as means for livelihood and poverty reduction.

An exhibition *cum* sales would be held on Friday 19 May 2023 at Renganaden Seeneevassen Building, Port Louis, and would involve, inter alia, the participation of the National Agricultural Products Regulatory Office, the Small Farmers Welfare Fund, growers, factories and importers of tea and tea products.

5. Cabinet has agreed to declare 06 April as the Segga Day, the day on which Mr Joseph Emmanuel Serge Lebrasse passed away, to pay tribute to him. The Segga Day would be celebrated every year by organising cultural and artistic activities.

6. Cabinet has taken note of the outcome of the first meeting of the National Tripartite Council and the nomination of Professor Ved Prakash Torul and Dr Harris Neeliah as part-time Vice-Chairpersons of the Council. Three Commissions, namely the Commission on Employment Situation and Challenges, the Commission on Training and Re-skilling and the Commission on Employability have also been instituted by the Council.

7. Cabinet has taken note of the status regarding the implementation of the recommendations contained in Volume 1 relating to General Background and Related Issues and Conditions of Service and Part I of Volume 2 pertaining to Ministries and Departments of the Pay Research Bureau Report 2021. As at end of April 2023, 252 out of 254 recommendations of Volume 1 of the Report, representing 99 percent of the total recommendations and 532 out of 657 recommendations of Volume 2 of the Report, representing 81 percent, have already been implemented.

8. Cabinet has agreed to the holding of a Workshop on “Business Continuity and Resilience in Social Security Systems during Crisis” by the Ministry of Social Integration, Social Security and National Solidarity in collaboration with the International Social Security Association (ISSA), from 27 to 29 September 2023. The Workshop would be a unique networking opportunity for Mauritius to exchange comprehensive information on social security systems with member states of ISSA and share cutting edge knowledge from international experts on business continuity and resilience during any forthcoming crisis.

9. Cabinet has taken note that the International Convention on Oil Pollution Preparedness, Response and Co-operation Workshop would be held from 22 to 24 May 2023. The Workshop would be hosted by the Ministry of Blue Economy, Marine Resources, Fisheries and Shipping in collaboration with the International Maritime Organization. The objective of the Workshop is to train key management and on-scene commanders on international, national and local oil spill preparedness, response and co-operation, including the National Oil Spill Contingency Plan, response management and organisation, response policy, media relations, claims and compensation.

10. Cabinet has taken note that the Academy of Design and Innovation, in collaboration with ZEE Arts Gallery (an art incubator based in Dubai), the Nelson Mandela Centre for African Culture Trust Fund, the National Computer Board and the African Leadership College, would organise an Africa Consortium 2023 from 25 to 27 May 2023 to mark Africa Day under the theme ‘Transformation of future Africa’. The objective of the Africa Consortium 2023 is to bring together designers, artists, craftsmen, researchers and academics from African and non-African states, especially those who harbour a keen interest in Africa and its traditions. The following activities would be conducted –

- (a) an Art Exhibition (Africa Speaks – 54) with the objective to bring African Arts to Mauritius;
- (b) a conference on the theme “Transformation of African Culture”;
- (c) a roundtable on “Sectoral Focus on 3D Printing for Creative Fashion”;

- (d) a fashion show – “Quintessence of Africa” to showcase the richness of African colours and African Culture;
- (e) an African Creative Village to showcase talents, skills and knowledge in the field of design, fashion, art, music and culinary; and
- (f) an African Film Festival.

Cabinet has also taken note of the organisation of an event by the Ministry of Foreign Affairs, Regional Integration and International Trade at the Nelson Mandela Centre for African Culture Trust Fund on Thursday 25 May 2023 to mark the Africa Day 2023. The 25th of May 2023 commemorates the 60th anniversary of the foundation of the Organisation of African Unity and the 21st anniversary of its successor, the African Union.

11. Cabinet has taken note of the activities being organised by the Ministry of Gender Equality and Family Welfare in the context of the Day of the African Child 2023, celebrated on 16 June each year. The theme chosen for this year is “*Zanfan to kapav fer la diferans pou protez twa ek to prosin*”. A “16 Days 16 Rights” special campaign based on “*The Rights of the Child in the digital environment*” would also be conducted, targeting Primary and Secondary Schools where the young generation would be sensitised on their rights for 16 days, one right per day, and also their corresponding duties, responsibilities and obligations.

12. Cabinet has taken note of the prevailing situation in Sudan, particularly the peace process mediation efforts initiated by the African Union, the United States of America and Saudi Arabia. The Government of Mauritius is expressing its support for the mediation efforts while appealing to all concerned Parties to de-escalate the situation and call for a diplomatic solution to the crisis.

13. Cabinet has taken note that an online platform for the first registration of new and second-hand vehicles by Motor Vehicle Dealers had been launched on 05 May 2023 by the Ministry of Land Transport and Light Rail. The online system would enable Motor Vehicle Dealers to proceed with the first registration of vehicles on a 24/7 basis.

14. Cabinet has taken note that the Petroleum Pricing Committee (PPC) met on Thursday 11 May 2023. Subsequently, acting under the provisions of Regulation 8A of the Consumer Protection (Control of Price of Petroleum Products) Regulations 2011 (as amended), the Minister of Commerce and Consumer Protection has disapproved the recommendation of the PPC to increase the retail price of Gas Oil. The current retail price of Rs54.55 per litre for Gas Oil (Diesel) has therefore been maintained. The retail price of Mogas (L'Essence) has also been maintained at Rs74.10 per litre.

15. Cabinet has taken note of the report of the Mauritius Meteorological Services (MMS) with regard to the seasonal outlook for winter 2023 for Mauritius and Rodrigues. The winter season would be from May to October 2023. The MMS has predicted that Mauritius and Rodrigues might experience extreme weather events, including moderate to heavy showers, significant variation in temperatures and strong wind conditions. The Winter 2023 Seasonal Outlook Report would be released to the general public and updated by the MMS.

16. Cabinet has taken note of the outcome of the visit of HE Dr Naledi Pandor, Minister of International Relations and Cooperation of the Republic of South Africa, to Mauritius from 02 to 04 May 2023. The main objective of the visit was to review the status of the bilateral relations between Mauritius and South Africa, and to exchange views on regional and global issues of mutual interest. The General Cooperation Agreement (GCA) between the two countries was jointly signed by HE Dr Pandor and the Minister of Land Transport and Light Rail, Minister of Foreign Affairs, Regional Integration and International Trade. The GCA provides, inter alia, for the establishment of a Mauritius-South African Joint Commission. The agreement also provides a robust platform for the two countries to work together in diverse fields such as trade, investment, tourism, culture, education, science and technology, digital economy, and green development, in line with the Sustainable Development Goals. HE Dr Pandor also met with representatives of the business community to further reinforce the trade and investment relations between the two countries.

17. Cabinet has taken note of the outcome of the recent mission of the Minister of Finance, Economic Planning and Development to Washington, D.C. where he participated in the Spring Meetings of the International Monetary Fund (IMF) and World Bank Group together with Ministers of Finance of other member countries. He also attended the African Consultative Group Meeting on the theme "Addressing Africa's development challenges to build resilience and ensure debt sustainability" wherein discussions were centred on the need to address rising debt vulnerabilities, continue strengthening the international debt resolution architecture, and enhance social protection for higher and more inclusive growth.

The Minister also participated in –

- (a) the second G20 Finance Ministers and Central Bank Governors Meeting;
- (b) the Commonwealth Finance Ministers High-Level Working Group Meeting. Discussions during the Commonwealth meeting were centred on national fiscal policies, measures for financial sustainability, eligibility criteria for development finance and potential reforms required for a more equitable financial architecture; and
- (c) other meetings organised in the margins of the Spring Meetings with, inter alia, the IMF, World Bank, International Finance Corporation, Organisation of African, Caribbean and Pacific States as well as Moody's Investors service.

18. Cabinet has taken note of the outcome of the recent participation of the Minister of Financial Services and Good Governance in the Africa Venture Capital Association Conference wherein he delivered an Opening Keynote Address on "Retrospection and Prospection - Transforming Africa through Private Capital". A promotional and awareness campaign to promote the Mauritius International Financial Centre and its palette of financial services products and services in Egypt and for the African market was carried out in Cairo, Egypt in collaboration with the Economic Development Board. An interactive Business and Networking session between the Mauritian Financial Services Business community/operators and their Egyptian counterparts on the theme "Collaborating Towards Investment Financing Value Chain" was also conducted.

19. Cabinet has taken note of the situation of the COVID-19 pandemic prevailing in Mauritius. As at 10 May 2023, there were 90 active cases of COVID-19, out of which 16 were admitted at the New ENT Hospital. Over the period 04 to 10 May 2023, there was no death attributed to COVID-19.

Cabinet has also taken note of the Statement released by the World Health Organization (WHO) regarding the COVID-19 pandemic. COVID-19 was now an established and ongoing health issue which no longer constitute a public health emergency of international concern.

Cabinet has further taken note that according to the WHO, Mpox was no longer a global health emergency, but more efforts were needed to eradicate the disease.

20. Cabinet has taken note of the programme of activities for the celebration of the Dragon Boat Festival 2023 organised by the Ministry of Arts and Cultural Heritage, in collaboration with the Dragon and Lion Dance Federation, Le Caudan Waterfront Ltd, the China Cultural Centre, the Chinese Speaking Union and the United Chinese Association. The Dragon Boat Festival is celebrated on the fifth day of the fifth lunar month in the Chinese calendar which would correspond to 22 June 2023. A dragon boat race competition involving eight teams, including one team from Rodrigues, a traditional *défilé* of lions and dragons, and a cultural programme by local artists would be organised on Sunday 18 June 2023.

21. Cabinet has agreed to the de-proclamation of part of Moka-Camp de Masque-Flacq Road (A7) from its junction with Petit Verger over a distance of 600 metres up to the Carsquad Car Dealer. The Moka-Camp de Masque-Flacq Road (End of Public Use) Regulations 2023 would be promulgated and the said Road shall be deemed to have ceased to be dedicated to public use as from January 2023.

No. 08 of 2021



SEVENTH NATIONAL ASSEMBLY

PARLIAMENTARY

DEBATES

(HANSARD)

(UNREVISED)

FIRST SESSION

TUESDAY 18 MAY 2021

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THE CABINET

(Formed by Hon. Pravind Kumar Jugnauth)

Hon. Pravind Kumar Jugnauth	Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues, Outer Islands and Territorial Integrity
Hon. Louis Steven Obeegadoo	Deputy Prime Minister, Minister of Housing and Land Use Planning, Minister of Tourism
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Dr. the Hon. Renganaden Padayachy	Minister of Finance, Economic Planning and Development
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MAURITIUS

Seventh National Assembly

FIRST SON

Debate No. 08 of 2021

Sitting of Tuesday 18 May 2021

The Assembly met in the Assembly House, Port Louis, at 11.30 a.m.

The National Anthem was played

(Mr Speaker in the Chair)

PAPERS LAID

The Prime Minister: Mr Speaker, Sir, the Papers have been laid on the Table.

Prime Minister's Office**Ministry of Defence, Home Affairs and External Communications****Ministry for Rodrigues, Outer Islands and Territorial Integrity**

- (a) The Certificate of Urgency in respect of the Mauritius Emerging Technologies Council Bill (No VIII of 2021). (In Original)
- (b) The Annual Report 2018/2019 of the Information and Communication Technologies Authority.

ORAL ANSWERS TO QUESTIONS**AGALEGA - INFRASTRUCTURAL DEVELOPMENT PROJECTS**

The Leader of the Opposition (Mr X. L. Duval) (*by Private Notice*) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues, Outer Islands and Territorial Integrity whether, in regard to the infrastructural works being undertaken in Agalega, he will state the –

- (a) facilities being constructed thereat, including aerodrome and deep-water port, giving details thereof, indicating if these will include fuel, weapons and ammunition storage facilities and accommodation for personnel;
- (b) total cost of construction thereof, and
- (c) estimated total annual cost of operation of the facilities, including cost of human resources, transportation, repairs and maintenance and insurance.

The Prime Minister: Mr Speaker, Sir, as the House is aware, there are currently two main infrastructural development projects that are being implemented for improving sea and air transportation facilities in Agalega, namely the construction of a new airstrip and a jetty together with the associated infrastructure.

Mr Speaker, Sir, the existing Agalega airstrip of 1,300 metres long and 30 metres wide was constructed during the years 1984/1985 and is made up of compacted corals. As from 1998, the surface of the airstrip started to deteriorate, with small pebbles coming off from the surface.

Some remedial works were carried out in 1999 to resurface the airstrip, but, unfortunately, the bitumen materials used did not adhere to the surface and over time it started to peel off again. In view of the bad state of the airstrip, the Civil Aviation Department had since then not authorised the landing of commercial planes. Only medical evacuation by the Dornier was allowed.

Since 2003, several attempts had been made to upgrade the airstrip at Agalega, but these have not been successful.

Access by sea to Agalega is also severely constrained owing to inadequate infrastructure and facilities, as there is no proper jetty on the island for embarkation and disembarkation of passengers and cargo.

The possibility of the Indian Government providing assistance to upgrade the airstrip in Agalega had been raised with the Indian Authorities on several occasions since 2005.

In March 2014, the Indian Authorities proposed that the Government of Mauritius could consider –

- (i) designating a suitable Implementing Agency for preparing a Detailed Project Report for the infrastructural works in Agalega and for overseeing the overall implementation of the project; and
- (ii) setting up of a Joint Project Monitoring Committee comprising representatives of both India and Mauritius to oversee and monitor the implementation of the project, as well as to monitor progress made by the Implementing Agency.

The Indian side also agreed to consider deputing relevant technical experts, as and when required, to assist and work with the Implementing Agency for the preparation of the Detailed Project Report up to the final implementation of the project.

Being given that Mauritius had no technical expertise in those specific areas, the Indian Authorities were requested to consider commissioning a full-scale technical study.

A Joint Project Monitoring Committee was thus set up in April 2014 at the Ministry of Local Government and Outer Islands and a Technical Committee was set up to work on the technical specifications of the infrastructural projects.

In August 2014, three Indian technical experts proceeded to Agalega for the preparation of a comprehensive work plan for the implementation of the projects.

In parallel, following discussions at the level of the Joint Project Monitoring Committee, a draft Memorandum of Understanding for the development of air and sea transportation facilities in Agalega was prepared for consideration by both sides.

Subsequently, both sides finalised the Memorandum of Understanding and the then Government approved the MoU on 31 October 2014.

Mr X. L. Duval: Mr Speaker, Sir, on a point of order. My question is very specific as to what is presently being constructed in Agalega. Time is going to run out. Already five minutes have gone, and the Prime Minister is taking us back along history lane!

The Prime Minister: Yes, what I am saying is ...

(Interruptions)

Mr Speaker: Order!

Mr X. L. Duval: Answer the question as it is!

(Interruptions)

Mr Speaker: Order!

Mr X. L. Duval: I need your help, Mr Speaker, Sir. We need time.

Mr Speaker: I am giving you my help. Give me your help; I have no control over the Executive. You have been a former Acting Prime Minister of this country.

Mr X. L. Duval: I understand what you are saying.

Mr Speaker: I pay you due respect. Please continue!

The Prime Minister: Yes, Mr Speaker, Sir, I am stating the actual facts to explain how this project is materialising today...

Mr Speaker: You may continue!

The Prime Minister: ...and it started even before I was part of the Government.

(Interruptions)

Mr Speaker: No debate! This is question and reply.

The Prime Minister: During the State Visit of His Excellency Shri Narendra Modi, Prime Minister of India to Mauritius in March 2015, the Memorandum of Understanding, which had already been approved by the then Government in October 2014, was signed between Mauritius and India. A copy of the MoU was laid on the Table of the National Assembly on 31 March 2015 during the reply made to the Private Notice Question on Agalega.

Mr Speaker, Sir, in regard to part (a) of the question, as the House is also aware, the two projects, namely construction of new airstrip and jetty in the island of Agalega, are being implemented by AFCONS Ltd. The new runway will be of 3 kilometres in length and 60 metres wide in the north-south orientation, parallel to the existing runway. The associated infrastructure will comprise an air traffic control tower, passenger terminal building, aircraft hangar and runway lighting, amongst others. It will be an all-weather concrete runway with capabilities for day and night landings.

As regards the new jetty, it will have a berthing face of 255 metres in length. The jetty will have associated infrastructure for providing services such as fresh water, fire fighting, electricity, and crane.

The new expected completion date of these two projects is end of December 2021. The completion of some of the associated infrastructure works may go beyond December 2021 because of the constraints regarding mobilisation of manpower due to the COVID-19 pandemic.

Mr Speaker, Sir, the projects do not include storage facilities for weapons or ammunition. Fuel storage facilities will be limited to the requirement for re-fuelling of ships and aircraft, running of electric generators, vehicles and other machines. Facilities will also be available to accommodate personnel of the National Coast Guard.

Mr Speaker, Sir, in regard to part (b) of the question, these projects are being entirely financed by the Government of India.

Mr Speaker, Sir, in regard to part (c) of the question, a Committee under the Chair of the Permanent Secretary of my Office and comprising representatives of the Outer Islands Development Corporation and the port and airport authorities, is currently assessing the future operational requirements of these facilities.

Mr Speaker, Sir, the Agreement signed with the Government of India on the Infrastructural Projects in Agalega is intended only for the implementation of measures to promote, protect and safeguard our maritime security needs in the following areas -

- (i) surveillance of our vast EEZ;
- (ii) counter-piracy, counter-terrorism, counter-narcotics and human trafficking;
- (iii) controlling poaching and illegal fishing;
- (iv) provision of hydrographic services;
- (v) promoting economic development of Agalega;
- (vi) emergency response, including search and rescue, and
- (vii) marine pollution responses.

As I have stated previously in the House, let me reiterate, most emphatically and in unequivocal terms, that there is no agreement between Mauritius and India to set up a military base in Agalega.

Mr Speaker, Sir, apart from the two main projects being implemented by AFCONS Ltd, the Outer Islands Development Corporation is in the process of implementing the following capital projects -

- (i) a Fish Landing Station;
- (ii) an Office Block;
- (iii) a Refugee Centre;
- (iv) an Open Gymnasium;
- (v) a Library, and
- (vi) equipment for coconut harvesting.

In addition, the Ministry of Housing and Land Use Planning is in the process of constructing 50 housing units.

Mr Speaker, Sir, the Infrastructural development in Agalega will certainly improve air and sea connectivity, thus improving the standard of living of the Agaleans as it will generate significant economic and commercial opportunities for them and the Republic of Mauritius.

Mr Speaker, Sir, as we have done for Rodrigues, where development has been spearheaded and accelerated every time the MSM has been leading the Government, we are putting Agalega on the path of development and progress with the help of India. We want development to reach every single part of our territory since our people remain at the heart of our development goals. We have also committed to develop islands of the Chagos Archipelago once we are able to exercise our full sovereign rights on the islands as determined by the United Nations, the International Court of Justice and the United Nations Convention on the Law of the Sea (UNCLOS).

Mr Speaker, Sir, I seize this opportunity to once again thank the Government of the Republic of India for the help and assistance it has constantly extended to Mauritius.

Mr X. L. Duval: Mr Speaker, Sir, the questions I will ask are the questions that are on the lips of every Mauritian and Agalean, and also the Prime Minister will note that the International Community will be watching closely.

The first question relates to the inhabitants. Hon. Mrs Jeewa-Daureeawoo stated on 16 April 2019, in response to a PQ, that -

“When the project of construction will start, we will make sure that Agaleans are fully involved in the project.”

Is the Prime Minister aware that not a single Agalean is actually working on the construction of all these facilities on their doorstep, although there are dozens of Agaleans unemployed?

The Prime Minister: Mr Speaker, Sir, yes, I am aware that inhabitants of Agalega are not currently employed by AFCONS, except during embarkation and disembarkation of Trochetia. But I must say that they have been offered other jobs in accordance with their skills, but, unfortunately, they have not responded. However, I am informed that once these projects are completed, they will be given priority for employment in accordance with their skills.

Mr X. L. Duval: May I ask the Prime Minister to double-check this information? This is not what the Agaleans have told me.

Secondly, Mr Speaker, Sir, Agaleans have been trying to import cement for their own house extension, and this possibility has been denied to them. I would like to ask the Prime Minister why would the Government of Mauritius deny Agaleans, simple Agaleans, the right to import cement to improve their housing?

The Prime Minister: I am not aware of a request for importation of cement. I must look into the matter.

Mr X. L. Duval: Mr Speaker, Sir, – now, this was in the paper, the Prime Minister must be aware of it - one Agalean, Mr Poulay, asked to start a cattle rearing project, and this also was denied to him. So, he cannot, in fact, start to earn a decent living by himself there. So, Mr Speaker, Sir, isn't all these tantamount to actually constraining the Agaleans?

The Prime Minister: Mr Speaker, Sir, I am not aware of anybody having been denied a project or an initiative to rear cattle. I shall check into the matter.

Mr X. L. Duval: Because the Prime Minister is also Minister for OIIC.

The Prime Minister: Yes.

Mr X. L. Duval: So, he should know; he should be aware what is happening, especially...

The Prime Minister: So, I should know if somebody is wanting...

Mr X. L. Duval: Yes...

(Interruptions)

Mr Speaker: Order! Order!

The Prime Minister: Let me answer! Should I know, Mr Speaker, Sir, if somebody wants to buy cement? Should I know if somebody wants to buy cattle? Should I know if anyone wants to do...

Mr Speaker: You made your point.

(Interruptions)

The Prime Minister: Let us be serious! Let us be serious! Mr Speaker, Sir...

Mr X. L. Duval: Mr Speaker, Sir, this was given...

The Prime Minister: No, but I am answering...

Mr X. L. Duval: This was given wide publicity. You have given me the floor, Mr Speaker, Sir.

The Prime Minister: Mr Speaker, Sir, let me...

(Interruptions)

Can I complete my answer? A question is being asked. If the hon. Member intended that I shall answer those questions, I believe he should have been specific, and he should have at least ...

(Interruptions)

I am not here not to provide information. I shall provide all the information that I am able to provide, but, please, put specific questions! Do not ask me if somebody wanted to have a haircut and he was denied to go to a barber! *Enfin!*

Mr X. L. Duval: Mr Speaker, Sir, the Prime Minister should be on top of his files, especially this particular file. I am going to ask the Prime Minister this question. The airport under construction, the port under construction, neither AML and its many engineers nor the MPA and its many engineers are at all involved in the development of these facilities in Agalega, whereas for Rodrigues they are fully involved. How can he explain that we seem to have washed our hands completely of the development in Agalega?

The Prime Minister: We have not washed our hands completely. The hon. Leader of the Opposition is completely beside the point. There are Consultants who are monitoring the projects. There are three technical people who are based in Mauritius; two of them are regularly in Agalega and one is on and off in Agalega to monitor those projects. So, how can he say that we have completely washed our hands when we have these projects?

Mr X. L. Duval: I am going to table, Mr Speaker, Sir, an article - this one, I think the Prime Minister will be aware - titled "*Agalega: Massacre écologique en cours*". I hope this is not to do with his haircut. Here, he might be able to know about this. And here, Mr Speaker, Sir, there is no Mauritian based there at all; no supervision at all by the Government on a permanent basis in Agalega. And, Mr Speaker, Sir, substantial irreparable damage is being done to one of the most pristine environments in the world. What has he got to answer to this photo that appeared? I will table this, Mr Speaker, Sir; an article in *L'Express*.

The Prime Minister: Mr Speaker, Sir, yes, I have also been provided with this photo and I am informed that the problem was due to heavy continuous rain from June to October, and from water coming from side fields and which accumulated in the cleaning zone for the construction of the new airstrip parking, and as it came from the fields, it carried mud and humus, which made the texture of the water brownish.

(Interruptions)

This is the truth, and, further, I shall refer you...

(Interruptions)

Mr Speaker: Order!

Mr X. L. Duval: Tell the Prime Minister, it does not impress me when he shouts! It does not impress me!

(Interruptions)

Mr Speaker: Order!

Mr X. L. Duval: Keep cool!

The Prime Minister: Yes!

(Interruptions)

Mr Speaker: Order!

(Interruptions)

Mr Speaker: Order! Order! Have you finished with your reply?

The Prime Minister: Let me also...

(Interruptions)

The Prime Minister: I have not finished! Keep cool you!

(Interruptions)

Let me also ...

Mr Speaker: Hon. Leader of the Opposition!

The Prime Minister: Let me also refer the hon. Leader of the Opposition - I am sure he must have read because the same issue was raised by his good friend, one Mr Bruno Laurette...

(Interruptions)

... and questions were asked to Her Excellency the High Commissioner of India, who did her homework to find out about the veracity of those allegations and she had replied to say that this is not correct and there was no pollution and nothing of such sort emanated from the construction works. So, also I hope you have taken good note of that.

Mr X. L. Duval: You don't know what is happening in your own Ministry! Mr Speaker, Sir, I would like to ask the hon. Prime Minister this question: on 23 October, PQ B/901, the VPM, hon. Mrs Jeewa-Daureeawoo stated in respect of Agalega –

“(...) they will have to submit an EIA Report.”

And same was repeated many times by the previous Minister of Environment. I would like to ask the hon. Prime Minister, although we know that Agalega has been exempted, delisted, etc., there was a commitment made to this House that there would be a voluntary EIA Report prepared. Now, does he know whether an EIA Report has been prepared for Agalega and will he table same, please?

The Prime Minister: First of all, Mr Speaker, Sir, with regard to the first remark of the hon. Leader of the Opposition, I know perfectly well what is happening in my Ministry. But, I think, he does not know what is happening in his Party!

(Interruptions)

Mr Speaker: Order!

(Interruptions)

Mr Speaker: Order!

The Prime Minister: Let me ...

(Interruptions)

Let me say again, the hon. Leader of the Opposition does not know, because in his question he is asking whether the project has been exempted or delisted. It has not been exempted; it has been delisted, and we have gone according to law, and to the regulation which has been published. Now, there is an Environment Report which has been prepared and the Consultants, obviously, monitor the situation with regard to all the measures that are contained and that have to be applied by the contractor with regard to those two projects.

Mr X. L. Duval: The Prime Minister should be aware of what his own Ministers are saying against him! The question was: will he table a copy of this Report? Because Mauritians, this House has a right to have a copy of this Report.

The Prime Minister: Mr Speaker, Sir, I have additional information that the works are being supervised by RITES Ltd of India and a qualified Environment Engineer is posted at the site by the contractor. Additionally, there are authorities like the National Coast Guard, the Mauritius Meteorological Services, OI DC and others which, of course, according to the Environment Protection Act, do assume their responsibility and if there is anything that has to be communicated to my Ministry, they will do so. Of course, that is the purpose of delisting these projects from the EIA. The hon. Leader of the Opposition knows perfectly well that it is not the same procedure as is adopted for obtaining an EIA licence whereby the Report is published and then it is also subject to any objections that can be made by anyone. This is different and he knows perfectly well the law that regulates the delisting of projects.

Mr X. L. Duval: Mr Speaker, Sir, I am saying that his Ministers - not himself - took a commitment in this House to publish this very EIA Report that he says is in his possession. Now, is he going ...

(Interruptions)

Yes, I have it here! It is here!

The Prime Minister: Which PQ?

Mr X. L. Duval: Which PQ? Do you want to know which PQ?

The Prime Minister: Yes.

Mr X. L. Duval: And then you will do it? If you tell me yes, you will do it, I will tell you which PQ.

The Prime Minister: Which PQ?

Mr X. L. Duval: PQ B/901. That is the PQ.

The Prime Minister: I shall check.

Mr X. L. Duval: Now, Mr Speaker, Sir, in relation to Agalega, again, RITES has been appointed by the Government of India. My point is that there is no Government representative for the Government of Mauritius, Mr Speaker, Sir.

Now, let me come to the cost and economic benefit, Mr Speaker, Sir, and the use of the place. I am happy that the Prime Minister has said unequivocally now that it is not going to be a military base because there has been a lot of articles written in Mauritius and overseas. Let me ask, Mr Speaker, Sir, however, how can he reconcile this to what, again, the VPM, hon. Mrs Jeewa-Daureeawoo said on 23 October 2018 in a PQ, that it will be both for civil and other uses, meaning military use? And this is what is causing the confusion.

The Prime Minister: What is causing confusion?

Mr X. L. Duval: That your VPM at the time said that it is for civil and military use.

The Prime Minister: Mr Speaker, Sir, I trust that the hon. Leader of the Opposition is living in Mauritius. He has been a Minister in charge of the airport and the seaport. Does he know how many military aircrafts have been landing in Mauritius? For so many years, permission has been granted to them, and they were not only from India, France, United States. Does he know how many military ships call at the Port here, in Port Louis? Maybe I should ask my officer to provide statistics to inform the hon. Leader of the Opposition. So, if we have the airstrip which is under our control, where request to land or to berth at the jetty will have to be addressed to the MPA or the Department of Civil Aviation - I am talking about Mauritius, the Republic of Mauritius - so, what is the problem? It will be for us to give authorisation or not, as we are doing right now for our infrastructure here. So, I do not see anything abnormal and I do not see anything wrong in the answer that was given by my colleague, the then Vice-Prime Minister.

Mr X. L. Duval: It is one thing for occasional use and it is another thing for daily use, and we should not mix issues.

I would like - because time is, in fact, going by, Mr Speaker, Sir - to have a firm assurance from the Prime Minister. Given that we know now that the runway in Agalega will also be used by military aircrafts and the Port also, presumably, will be used by military ships, can he give a firm assurance to this House that he will never authorise any ships or planes with military weapons to berth and to land at Agalega?

The Prime Minister: Mr Speaker, Sir, I do not know if my previous answer was clear enough, but let me repeat again. And let me say...

(Interruptions)

Mr X. L. Duval: Mr Speaker, Sir, I meant nuclear weapons. I am sorry, not military; nuclear weapons. That is the question.

The Prime Minister: Nuclear?

Mr X. L. Duval: Yes.

The Prime Minister: I do not know if, in the past, there have been either military aircrafts or ships which have landed in Mauritius, carrying military weapons. I should not think so because I think we are a party to a Convention whereby we agree that the Indian Ocean should be demilitarised and, therefore, we are not having nuclear weapons, but I cannot say because I need to find out what is the position with regard to nuclear weapons. But, let me say, again, that with regard to military aircrafts and naval ships carrying weapons, this has always been the case with regard to a number of countries which have made requests, either to call at our Port or to land in Mauritius. Approval has been given. I know of so many cases. Therefore, I do not see why the same that we do in Mauritius should not apply for Agalega.

Mr X. L. Duval: Mr Speaker, Sir, I have one last question, but I do not know if my colleagues would wish to intervene.

Mr Speaker: If you are allowing them, hon. Armance asked prior to others.

(Interruptions)

Hon. Armance!

Mr Armance: Thank you, Mr Speaker, Sir. The Prime Minister mentioned that RITES Ltd was appointed as Consultant. May we know when they were appointed and by whom?

The Prime Minister: I do not have the exact date when they were appointed and by whom, but I undertake to provide this information to the House.

Mr Speaker: Put your last question if you have one!

Mr X. L. Duval: Yes, Mr Speaker, Sir. I would like to ask the hon. Prime Minister, we know it is going to be under control instead of MPA or AML, but the actual employees there, people fuelling the aircraft and looking after Air Traffic Control, the firemen, all these people, are these people going to be from Mauritius, and, if so, it is only going to be in a few months' time, what arrangements have been made to post these people there, or are they going to be foreigners manning these posts in Agalega?

The Prime Minister: Mr Speaker, Sir, I have been provided with figures with regard to the number of employees employed by OIDC. There are 176 of them right now, out of whom 151 are Agaleans.

With regard to the future requirements in terms of employment for the infrastructural projects, I cannot say now how many will be required, and what kind of personnel will be required. It is difficult to say now, but, of course, I have replied that when employment is available, we shall offer to the Agaleans, depending, obviously, on their skills.

The information I have is for the previous question that was asked by hon. Armance. RITES Ltd was appointed by the Government of India on 23 September 2016.

Mr Speaker: Time is over! Prime Minister's Question Time!

Hon. Members, the Table has been advised that PQ B/378 will be replied by the hon. Minister of Finance, Economic Planning and Development; PQ B/390 will be replied by the hon. Vice-Prime Minister, Minister of Education, Tertiary Education, Science and Technology.

Hon. Nuckcheddy!

HON. M. E. J. – RESTRICTED ZONE OF PORT – PRESENCE ON 05.01.21

(No. B/376) Mr S. Nuckcheddy (Third Member for Flacq & Bon Accueil) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications,

Minister for Rodrigues, Outer Islands and Territorial Integrity whether, in regard to the presence of Honourable M. E. J. in a restricted zone of the Port, on 05 January 2021, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to if an inquiry has been initiated thereinto and, if so, indicate the outcome thereof.

The Prime Minister: Mr Speaker, Sir, I am informed by the Commissioner of Police that the restricted areas of the Port, as defined in the General Notice 193 of 2012, comprise, amongst others, the terminals and quays where ships are berthed, goods are handled and stored.

I am also informed that there is a Joint Working Agreement between the Port Police, Mauritius Ports Authority Port Security Unit, Cargo Handling Corporation Limited Security and Mauritius Revenue Authority, which defines the specific roles and responsibilities of each stakeholder in the control of gate posts leading to the restricted areas.

According to this Joint Working Agreement, the established protocol for entry into and exit from the Port Area stipulates that Cargo Handling Corporation Limited, in respect of its operational areas, is responsible to control access of its gates to ensure that only authorised persons and vehicles are given access.

As regards the Police, it is responsible to, *inter alia*, stop and check suspicious persons and vehicles and forfeit prohibited goods from entering and leaving the Port Area and assist Custom Officers in enforcing the law.

I am also informed that signboards are fixed at the various gates, notifying all persons entering the Port Restricted Area that it is mandatory to be in possession of a valid access pass. According to the records of the Mauritius Ports Authority Access Pass Office, neither hon. M. E. J. nor the vehicle used by him was issued with an access pass to enter the SSR Container Terminal.

I am further informed by the Commissioner of Police that on 05 January 2021, two cases involving the hon. M. E. J. have been reported by the Port Police for offences in breach of Regulations 226(1)(a)(b) and 252(1) of the Port (Operation and Safety) Regulations 2005. The offences are -

- (i) entering Port Restricted Area without a valid access pass, and
- (ii) bringing motor vehicle into Port Restricted Area without a valid access pass.

Regulation 226(1) stipulates that, and I quote -

“No person shall –

- (a) ...enter, or remain in, any part of port premises unless he is in possession of a valid pass issued by the Authority or, in respect of access to any part of the port premises under the control of its licensed operator, by the licensed operator; and
- (b) bring any vehicle into port premises unless he is in possession of a valid pass issued by the Authority with respect to the vehicle.”

I quote Regulation 252(1), which stipulates that -

“...any person who does an act which is prohibited by these regulations or omits or fails or neglects to do an act which he is required to do by these regulations or fails or neglects to comply with any lawful order, direction or instruction issued by or on behalf of the Port Master or the Authority under these regulations, shall commit an offence and shall, on conviction, be liable to a fine not exceeding 5000 rupees and to imprisonment for a term not exceeding 12 months.”

Police has informed that it has started an enquiry into these offences and the enquiry is ongoing. After completion of the enquiry, the file will be forwarded to the Office of the Director of Public Prosecutions for advice.

Mr Speaker, Sir, following this incident, additional measures have been implemented to reinforce security by the Port Police, the Mauritius Ports Authority, the Mauritius Revenue Authority and the Cargo Handling Corporation Ltd. The services of additional Police Officers on extra duty have been hired by the Cargo Handling Corporation Ltd and more frequent patrols are being undertaken at the terminals and within the Port Area.

Mr Nuckcheddy: Mr Speaker, Sir, in an interview on 06 January 2021 on TOP FM, the concerned hon. Member stated that he went there because he was concerned about the entry of drugs in our country. Can the hon. Prime Minister inform the House if the hon. Member made any statement to the Police on any suspected items he found there?

The Prime Minister: I have requested information as to whether there has been any statement made by the hon. Member and I am informed by the Police that no statement whatsoever has been made by the hon. Member.

Mr Nuckcheddy: Mr Speaker, Sir, can the hon. Prime Minister inform the House whether hon. E.J. has ever been involved in such offences in the past?

Mr Mohamed: That's allowed? Mr Speaker, Sir, that's allowed?

The Prime Minister: Well, as far as I know, hon. E.J...

Mr Mohamed: On a point of order! Point of order! Point of order, Sir!

Mr Speaker: You asked for the point of order?

Mr Mohamed: Yes! I am asking.

Mr Speaker: You can't shout before asking the point of order.

Mr Mohamed: I had the impression you could not hear.

Mr Speaker: No, no! Don't shout at me!

Mr Mohamed: I am not shouting!

Mr Speaker: You have the right to ask for a point of order.

Mr Mohamed: I did not know that!

Mr Speaker: But, just taking the floor outright is not permitted!

Mr Mohamed: I said point of order!

Mr Speaker: Now, state your point of order!

Mr Mohamed: My point of order is he is asking with regard to the previous offences committed by the hon. Member. That is not allowed by the Standing Orders. Because Standing Orders say very clearly you cannot attack the character of a Member, and that's stipulated in the Standing Orders, unless you come by a substantive Motion! That's a fact!

Mr Speaker: You made your point of order...

(Interruptions)

Mr Mohamed: You will check later on!

Mr Speaker: You are the shadow Speaker of this House! You are the shadow Speaker of this House! You know everything!

Mr Mohamed: No, no, no! Only the question!

Mr Speaker: You put the question and you know the answer; you know everything!

Mr Mohamed: You know better; teach me!

Mr Speaker: I will teach you! Please, be a good student.

(Interruptions)

Mr Mohamed: Yes, I...

Mr Speaker: Hon. Prime Minister, continue if you have to reply to the question.

(Interruptions)

The Prime Minister: As far as I know...

Mr Mohamed: What about the point of order, Sir?

Mr Speaker: I will come to you.

Mr Mohamed: Oh, I knew!

The Prime Minister: The hon. E.J. has never been involved in such similar offences. But I am being told that he has been convicted of an offence of Bribery of Public Official and he was sentenced before the Intermediate Court to undergo one month imprisonment. After a social inquiry was conducted, the sentence was converted into 60 hours of Community Service Order at *St Jean Hospice de Dieu*. What is also interesting to know, Mr Speaker, Sir, is that the substance of the offence of bribery related to what he said to an Officer who was issuing him a PF ...

Mr Mohamed: Mr Speaker, Sir, what is the relevance?

The Prime Minister:that the driver stated the following –

« *Mo bourgeois, prend sa R 100 là pou ou, laisse mo allé.* »

(Interruptions)

But there are other offences also; I do not want to go into them.

Mr Speaker: Hon. Nuckcheddy!

Mr Nuckcheddy: Can the hon. Prime Minister inform the House if it is a normal practice for hon. Members to enter a Restricted Area without any permission or if hon. E.J. is a registered detective or a ‘Columbo’?

(Interruptions)

The Prime Minister: It is certainly not in order, not only for hon. Members, but also for anybody, as I have said, to enter a Restricted Area without prior authorisation. The law applies, as I have said, to each and every one. Now, whether the hon. Member is a private detective, I do not have this information, but, from what I have been watching, I know that ‘Columbo’ never goes against the law.

Mr Nuckcheddy: Mr Speaker, Sir, is the hon. Prime Minister aware that hon. E.J. has posted on his Facebook account images of him present in the Restricted Area?

The Prime Minister: Yes. There is a post, which is public knowledge, on 05 January, on his Facebook account, wherein photographs of the Restricted Area at the Port were displayed, and he merely made averment that he entered a Restricted Zone. There is also a video which he has posted, but he withdrew the video after some time.

Mr Speaker: This question has been sufficiently canvassed. I move to the next question. Hon. Ramful!

(Interruptions)

An hon. Member: He is very biased.

AIR MAURITIUS LTD – AIRCRAFTS, ASSETS & WATERSHED MEETING

(No. B/377) Mr D. Ramful (First Member for Mahebourg & Plaine Magnien) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues, Outer Islands and Territorial Integrity whether in regard to Air Mauritius Ltd., he will, for the benefit of the House, obtain from the Administrators thereof, information as to the –

- (a) number of times the Watershed Meeting thereof was postponed, indicating the reasons therefor;
- (b) number of aircrafts and other assets sold, if any, as at to date, giving details thereof, and
- (c) quantum of fees paid to the administrators as at to date.

The Prime Minister: Mr Speaker, Sir, I shall reply to Parliamentary Questions B/377 and B/392 together as they relate to the same subject matter.

Mr Speaker, Sir, the House will note that, since long, replies to Parliamentary Questions and Private Notice Questions on our national airline have systematically and

pertinently emphasised that Air Mauritius, being a company listed on the Stock Exchange of Mauritius and being governed by the provisions of the Companies Act, the Securities Act and its Memorandum and Articles of Association, it would certainly not be in order to disclose information of a commercially sensitive nature, as such disclosure seriously risks causing prejudice to the Company. Only information which relates to any specific matter under the purview of Government may be provided.

The information being sought by the two hon. Members, regarding the Watershed Meeting and sale of aircrafts and other assets of the Company respectively, are matters that concern solely and are under the sole purview of the Administrators, in whose mission as Administrators, there can be no Government intervention.

Mr Speaker, Sir, thus, on a specific matter under the purview of Government, I indicated in my Statement to the House on Tuesday 04 May 2021 that, in view of the deteriorating financial situation of Air Mauritius, the Company was put in Voluntary Administration on 22 April 2020, by virtue of a resolution of the Board of Directors, but, despite this, it is still listed on the Stock Exchange of Mauritius. However, dealings in its securities have been suspended with effect from 22 April 2020.

It is also pertinent that Listing Rule 11.3 of the Stock Exchange provides that a listed company should keep the Stock Exchange of Mauritius informed of any information relating to the company, including information on any major new developments in the company's sphere of activity which is not public knowledge and which, *inter alia*, might reasonably be expected to materially affect its market activity and the price of its securities. Listing Rule 11.4 further provides that the information required to be disseminated under Rule 11.3, which I have just mentioned, must not be given to a third party before it is notified to the Stock Exchange of Mauritius.

This is further reinforced by Section 87 of the Securities Act inasmuch as Section 87(1) of the Securities Act provides for a transparent manner for reporting by listed Companies such as Air Mauritius. Section 87(1) thus provides for the issue of a press release, where a material change occurs in the affairs of a reporting issuer that is likely to have a significant influence on the value or market price of its securities, unless such disclosure would amount to a criminal offence.

Mr Speaker, Sir, following their appointment, the Administrators have, pursuant to the provisions of the Insolvency Act, taken control of the Company's affairs and they also act

as agents of the Company at all times. The role and powers of an Administrator are laid down in Sub-Part IV of the Insolvency Act. There is no provision in the Act for Government to give any directives to the Administrators.

Consequently, and for the reasons I have already given, the information sought by the two hon. Members cannot be provided.

Mr Speaker: Hon. Ramful!

Mr Ramful: The hon. Prime Minister does not want to answer the questions on assets for reasons that he has given. The Watershed Meeting, Mr Speaker, Sir, was due last year; it has now been postponed to June this year. It has been nearly one year now. Now, as majority shareholder in Air Mauritius, can we have the assurance from Government that this time the Watershed Meeting is not going to be postponed, and once for all, a decision is taken with regard to the future of Air Mauritius?

The Prime Minister: I have replied extensively and I have quoted the law to say that Government has no power to intervene in the administration, into the affairs of the Administrators. So, how can I now go and direct them? The hon. Member is asking me to go and direct the Administrators what to do.

Mr X. L. Duval: Mr Speaker, Sir, I would like to ask the hon. Prime Minister, the last Government Budget had included billions, if I am not wrong, Rs9 billion or more, of Government money to be invested into Air Mauritius to help it become more solvent. Can the hon. Prime Minister tell the House how much of that money has actually been paid to Air Mauritius?

The Prime Minister: I have to find out. This is a question that has to be addressed to the Minister of Finance. The amount of money has been budgeted and voted and how much money has been spent. The hon. Leader of the Opposition can come with a specific question, and I shall answer.

Mr Speaker: Hon. Uteem!

Mr Uteem: The hon. Prime Minister just said that, as a majority shareholder, he does not have any power to dictate to the Administrator. But isn't he aware that under the Insolvency Act, the majority shareholder can apply to Court to have the Administrator removed or directed to do things if the shareholder is not satisfied with the conduct of the

administration? And now that he knows he has this power, will he care to look into the matter and take any actions that he may deem fit against the Administrator?

The Prime Minister: The hon. Member is presuming that Government is not satisfied with the Administrators? The Board of Air Mauritius has appointed them as Administrators, and I do not see any reason why we should go now to Court and apply for an Order to remove them as Administrators. What do we want to do? I mean, Air Mauritius is already down on its knees. Do we want to bury it right now? This is what the hon. Member means?

Mr Speaker: Hon. Ramful!

Mr Ramful: Well, the hon. Prime Minister does not want to disclose the fees that are being charged by the Administrators, but can I invite the hon. Prime Minister to consider Section 2(17) of the Insolvency Act, whereby the Administrator can charge a reasonable fee and that the Government, as majority shareholder, can even go to Court and ask that a reasonable fee be imposed?

The Prime Minister: When the fee is going to be asked, we shall have to see whether it is reasonable or not.

Mr Speaker: Hon. Bodha!

Mr Bodha: Thank you, Mr Speaker, Sir. May I ask the hon. Prime Minister what is going to be the role of the new Air Mauritius in the new tourism industry once we reopen the frontiers?

The Prime Minister: Which new Air Mauritius are we talking about? I have answered, Mr Speaker, Sir, to say that according to this principle and the practice, each Minister, prior to my answering this question, has been answering in the same manner. Hon. Bodha was part of our Government when we had answered questions on Air Mauritius in the same way. He has been part of other Governments also, together, of course, when the same answers have been given. Maybe I should quote, at least, one question that hon. Ganoo, at that time, who was in the Opposition, had asked about hedging exercise, financial situation of Air Mauritius. And this is what the then Prime Minister, on 14 December 2010 stated after referring the hon. Member to previous PQs. I do not want to mention them, but only the relevant part, and I quote -

“I reiterate that Air Mauritius Ltd is a public company listed on the Stock Exchange and it is governed by the Constitution and Articles of Association as well as the Listing Rules of the Stock Exchange.

The nature of the information being asked is considered as privileged information. Such information as requested by the hon. Member can only be released to the Board of the Company.”

We are talking about hedging losses at that time. I do not want to make further comments on that, but this is the stand and *c'est ce principe*, and this stand has systematically been taken by different Ministers, including hon. Xavier-Luc Duval also.

Mr X. L. Duval: I replied to a PNQ.

The Prime Minister: You replied. Okay. Let me refresh your memory then. To PQ No. B/659 that was asked by hon. Jhugroo then with regard to Air Mauritius, hon. X. L. Duval, then Deputy Prime Minister, stated, and I quote -

“Madam Speaker, as already indicated in replies to previous Parliamentary Questions, Air Mauritius Ltd is a Company listed on the Stock Exchange of Mauritius and is governed by the Memorandum and Articles of Association and the Companies Act.

It would, therefore, not be appropriate to provide the information asked for by the hon. Member.”

Mr Speaker: Next question, hon. Quirin!

INTERNATIONAL RACING DAY, DECEMBER 2019 - INQUIRIES

(No. B/379) **Mr F. Quirin (Third Member for Beau Bassin & Petite Rivière)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues, Outer Islands and Territorial Integrity whether, in regard to horse racing, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to if alleged attempts to rig some races during the International Racing Day in December 2019 and the first race meeting of the 2020 season have been reported and, if so, indicate if inquiries have been initiated in relation thereto and the outcome thereof.

The Prime Minister: Mr Speaker, Sir, first and foremost, I would like to express my sincere condolences to the bereaved family of Jockey Nooresh Juglall who passed away in tragic circumstances during the first race meeting of Season 2021 on Saturday 15 May 2021.

I share the expression of sympathy demonstrated by racegoers and all those involved in the horse racing industry who have been afflicted by the sudden demise of Jockey Juglall.

I also convey my best wishes for a speedy recovery to the other Jockeys, namely Benedict Woodworth, Akash Aucharuz and Apprentice Nabeel Sheik Batchameah who sustained injuries during the same race meeting.

Mr Speaker, Sir, in regard to the question, I am informed by the Commissioner of Police that on Wednesday 15 July 2020, one Mr P.K.B., the then Head of Integrity and Compliance of the Gambling Regulatory Authority, contacted one Assistant Superintendent of Police (ASP) from the Anti-Drug Smuggling Unit and communicated to him information regarding alleged attempts to rig horse races in Mauritius.

Mr Speaker, Sir, I am further informed that the concerned ASP prepared a Report dated 17 July 2020 on the matter and submitted same to the Commissioner of Police. Following the receipt of the Report, the Central Crime Investigation Division (CCID) initiated an investigation during which Mr P.K.B., the then Head of Integrity and Compliance of the GRA, was convened on several occasions to the CCID.

I am also informed that, during the course of investigation, the then Head of Integrity and Compliance of the GRA gave two statements to the CCID on 12 and 18 August 2020, wherein he stated that he had information regarding attempts to rig races during the International Jockeys' Week-end held on Saturday 30 November and on Sunday 01 December 2019, and during the first race meeting of the Season 2020 held on Saturday 20 June 2020.

Mr P.K.B. also stated to the Police that, through his intervention, the Mauritius Turf Club had taken necessary measures to halt the attempt to rig races during the International Jockeys' Week-end held on Saturday 30 November and Sunday 01 December 2019.

Mr Speaker, Sir, in regard to the first race meeting of Season 2020 held on Saturday 20 June 2020, Mr P.K.B., in his statement, informed the Police that he had information regarding attempts to rig a few races during that day and he provided certain information to the Police for investigation purposes.

Mr Speaker, Sir, I am further informed that investigation into alleged attempt at Horse Race Fixing is ongoing.

Mr Quirin: M. le président, permettez-moi, avant de poser ma première question supplémentaire, de ce côté de la Chambre, nous présentons nous aussi nos plus vives sympathies à la famille du jockey Juglall, qui est mort tragiquement samedi dernier.

M. le président, j'ai bien écouté la réponse du Premier ministre. Cela fait pratiquement une année qu'une enquête a été enclenchée. Peut-on savoir depuis, s'il y a eu des arrestations; si on peut savoir justement quelles sont ces personnes qui ont été arrêtées par rapport à cette affaire ; est-ce que ces personnes ont été convoquées justement par la police ?

The Prime Minister: M. le président, personne n'a été arrêté, je crois, jusqu'à présent, mais je suis au courant qu'il y a un jockey à qui la *MTC* a demandé de ne pas monter pour cette course, et puis il y a eu une affaire en Cour. Finalement, le jockey n'a pas monté, mais il y a eu une affaire en Cour et le jockey a retiré son affaire par la suite. Donc, l'affaire a été réglée. C'est ce que je peux dire à la Chambre.

Mr Quirin: M. le président, est-ce que l'honorable Premier ministre est au courant que l'une des personnes citée dans cette affaire est un bookmaker, Monsieur A. J., qui, dans le cadre de la *Catamaran Party* en 2017, avec plusieurs jockeys, avait été impliqué dans des tentatives de truquer des courses et, si oui, peut-on savoir pourquoi la *GRA*, la *Gambling Regulatory Authority*, a-t-elle accordé à ce même bookmaker une licence d'opération ?

The Prime Minister: Je peux dire à l'honorable membre que la *GRA* a suspendu la licence de ce bookmaker depuis le 07 août 2020 après qu'une charge provisoire a été logée contre lui en Cour de District de Port Louis depuis le 06 août 2020.

Mr Quirin: M. le président, le Premier ministre peut-il nous dire si des dispositions ont été prises au niveau de la *GRA* afin que toutes les personnes liées avec cette affaire n'aient plus accès aux courses et que le *Personal Management Licence* ne leur soit pas octroyé, que ce soit pour cette année, pour cette saison hippique ou pour les saisons à venir ?

The Prime Minister: M. le président, comme je l'ai dit, il y a une enquête qui est en cours. La *GRA* certainement suit l'affaire de près. Mais si elle doit prendre des mesures ou une sanction quelconque, ça va être à la lumière des faits qui sont avérés et qui sont prouvés. Je n'ai pas les informations concernant si la *GRA* a pris une mesure quelconque ; je parle en termes de principe général. Mais, soit je peux demander des informations à la *GRA* ou si l'honorable membre peut poser une question au ministre concerné, bien sûr, je suis sûr qu'il va répondre.

Mr Speaker: Time is over!

Hon. Members, the Table has been advised that PQ B/397 and B/426 will be replied by the hon. Minister of Finance, Economic Planning and Development. PQ B/432 will be replied by the hon. Minister of Blue Economy, Marine Resources, Fisheries and Shipping. PQs B/420, B/422, B/440, B/452, B/453, B/454 and B/455 have been withdrawn!

Hon. Members, I also have to inform the House that Dr. the hon. Minister of Finance, Economic Planning and Development has informed me that he has to participate in the *Sommet sur le Financement des Économies Africaines* this afternoon, which will be held through video conference.

The hon. Minister has made a request for his questions to be taken out of turn and I have acceded to his request. I invite hon. Members to be brief in their supplementary questions. Moreover, supplementary questions will, as far as possible, be restricted to the mover of the question.

I call hon. Quirin!

HORSE RACING – PERSONAL MANAGEMENT LICENCE

(No. B/398) Mr F. Quirin (Third Member for Beau Bassin & Petite Rivière) asked the Minister of Finance, Economic Planning and Development whether, in regard to horse racing, he will, for the benefit of the House, obtain from the Gambling Regulatory Authority –

- (a) information as to the date of introduction of the Personal Management Licence (PML), indicating –
 - (i) the reasons therefor, and
 - (ii) if Mr N. G., Mr N. G. and Mr R. G. have been issued therewith and, if so, indicate when, and
- (b) the list of the PML holders for the 2020 and 2021 racing seasons, together with the respective address and occupation thereof and table same.

Mr Osman Mahomed: Mr Speaker, Sir, ...

An hon. Member: *Met to mask!*

(Interruptions)

Mr Osman Mahomed: Mr Speaker, Sir, ...

Hon. Members: *Met to mask! Mask!*

An hon. Member: Mr Speaker, Sir, there is a point of order here!

Dr. Padayachy: M. le président,...

An hon. Member: There is a point of order here!

Dr. Padayachy: Avant de répondre à cette *PQ*, je tiens à présenter mes sincères condoléances...

(Interruptions)

An hon. Member: Mr Speaker, Sir, there is a point of order here!

Mr Speaker: A point of order by whom?

Mr Osman Mahomed: By me!

(Interruptions)

Mr Speaker: No, the hon. Member cannot ask a point of order for somebody else! He has to ask his point of order!

(Interruptions)

Mr Speaker: He never stood! We can review the recordings!

Mr Mohamed: He has been asking!

Mr Speaker: You continue!

Mr Osman Mahomed: Mr Speaker, Sir, can I have a point of order?

Mr Speaker, Sir, I received a call from the Whip of Government yesterday, last night, and, again, reiterated by my colleague this morning, hon. Ms Anquetil, to withdraw my question addressed to the hon. Minister of Finance, Economic Planning and Development, which I did, on her request. And now, you just mentioned that the question will be taken out of turn. So, I am a bit confused. Can you please enlighten me?

Mr Speaker: Did you write to withdraw your question?

Mr Osman Mahomed: I did.

Mr Speaker: Okay! So, let us continue!

Mr Osman Mahomed: So, what is your ruling?

Mr Speaker: I will give my ruling later on!

Dr. Padayachy: Avant de répondre à cette *PQ*, je tiens à présenter mes sincères condoléances aux proches du jockey Juglall.

Dans le discours du Budget 2017/2018, il a été annoncé que le gouvernement "introduira la *Personal Management Licence* pour les secteurs des courses hippiques et des jeux d'argent afin de favoriser l'intégrité et de mieux superviser les activités de jeu, comme cela est applicable dans le cadre de la *UK Gambling Commission* et de la *British Horseracing Authority*."

La *Gambling Regulatory Authority Act* a été modifiée en 2017, par la *Finance Act*, afin de prévoir, en vertu de l'article 93B de la *Gambling Regulatory Authority Act*, la délivrance d'une *Personal Management Licence (PML)* aux titulaires de licence dans le secteur des jeux d'argent.

Cela inclut donc toute personne impliquée dans les courses hippiques. La section ci-dessus est entrée en vigueur le 01 août 2018. Je tiens à préciser qu'elle a pour principal objectif de vérifier qu'un individu engagé dans des activités de courses hippiques et d'autres activités, est bien « *fit and proper* ».

Des règlements ont ensuite été adoptés en 2018, 2019 et 2021 pour établir le mécanisme de délivrance d'une *PML* et définir les agents auxquels la licence doit s'appliquer.

En ce qui concerne les courses de chevaux, le terme "agent" comprend les directeurs, les gestionnaires, les propriétaires de chevaux ainsi que les responsables principaux et techniques de l'organisateur de courses de chevaux. Ceux-ci sont énumérés dans les règlements.

La demande de M. R. G. a été reçue le 30 janvier 2021. Cependant, aucune licence n'a été délivrée car le demandeur n'a pas respecté les conditions spécifiées dans les règlements *PML* de 2018 et 2019. En effet, il n'a pas transmis les informations requises par la *GRA* conformément au processus d'application. J'ai en outre été informé par la *GRA* qu'aucune application n'a été reçue pour l'émission d'une telle licence pour Messieurs N.G. et N.G.

M. le président, en ce qui concerne la partie (b) de la Question, je tiens à informer l'Assemblée que les procédures ont été validées au premier trimestre de 2021. La *GRA* a publié les communiqués au cours de la période allant de janvier 2021 à mars 2021, invitant les candidats à la *PML* à se manifester. La date limite de dépôt des candidatures était fixée au 15 mars 2021. Cependant, en raison du confinement annoncé, l'Autorité a fait preuve de

souplesse pour recevoir des demandes pendant la période de confinement afin de répondre aux demandes de *PML* en vue du début imminent de la saison des courses 2021.

La première course s'est déroulée le 15 mai 2021. Actuellement, l'émission de *PML* est en cours. Il s'agit d'un exercice continu en raison des demandes des nouveaux propriétaires de chevaux. Quelque 750 demandes ont été reçues. En ce qui concerne la saison des courses hippiques de 2021, les informations demandées par l'honorable membre sont en cours de compilation. Elles seront remises à l'Assemblée d'ici le 28 mai 2021. Merci.

Mr Quirin : M. le président, peut-on savoir de l'honorable ministre des Finances si R.G. et N.G. sont toujours propriétaires des chevaux Carlton Heights et Shadow Wing, qui d'ailleurs ont couru sur leur nom la saison dernière, et les photos publiées dans la presse en sont les preuves ?

Dr. Padayachy : M. le président, je crois savoir qu'il y a une enquête qui est en cours au niveau de la police et qu'on a saisi les chevaux, mais je dois vérifier les informations ; je n'ai pas toutes les informations en ma possession.

Mr Quirin: L'honorable ministre peut-il nous dire, ou plutôt est-ce qu'il est au courant qu'il y a des personnes qui ne sont pas propriétaires de chevaux et qui ont déjà été inquiétées par la police dans des affaires de blanchiment d'argent et ces personnes ont obtenu leur *PML* pour la présente saison hippique ? A-t-il été informé de cela ?

Dr. Padayachy: Je n'ai pas été informé de cet élément concernant cette question, je vais demander aux autorités compétentes. J'aimerais, M. le président, demander à l'honorable membre s'il a des précisions qu'il puisse me fournir pour que je puisse demander aux autorités régulatrices.

Mr Quirin: Une dernière question, M. le président, est-ce que le personnel de la *GRA*, qui travaille dans le monde hippique, ont besoin aussi d'un *PML* (*Personal Management Licence*) et, si oui, ils sont combien à détenir justement cette licence?

Dr. Padayachy: M. le président, à ma connaissance, ils n'en ont pas besoin mais je dois approfondir encore une fois ; je n'ai pas toutes les connaissances des courses hippiques et de ce qui se passe dans les saisons hippiques. Donc, je dois demander, avoir plus de précisions et je reviendrai à la Chambre pour déposer les demandes de l'honorable membre.

Mr Speaker: Last supplementary!

Mr Bodha: Merci, M. le président. Est-ce que l'honorable ministre peut nous dire si un certificat de moralité est exigé à tout demandeur d'un *Personal Management Licence* ?

Dr. Padayachy: J'ai précisé qu'on demande par rapport au *Fit and Proper*. Donc, cela implique plusieurs critères et je vais vérifier s'il y a un certificat de moralité parmi ces critères.

Mr Speaker: Next question! Hon. Lobine!

MAURITIUS AFRICA FUND - 50-STOREY BUILDING - CÔTE D'OR

(No. B/406) **Mr K. Lobine (First Member for La Caverne & Phoenix)** asked the Minister of Finance, Economic Planning and Development whether, in regard to the proposed construction of a mega 50-storey building by the Mauritius Africa Fund at the earmarked site of the Data Technology Park in Côte d'Or, he will, for the benefit of the House, obtain from Landscape (Mauritius) Ltd., information as to the -

- (a) estimated cost of the project, and
- (b) financing mechanism being envisaged for the construction thereof.

Dr. Padayachy: M. le président, la *Landscape (Mauritius) Ltd* m'a informé qu'elle n'est pas impliquée dans la construction d'un immeuble de 50 étages à Côte d'Or. En tant que propriétaire du terrain, *Landscape (Mauritius) Ltd* est responsable du développement du *Data Technology Park* à Côte d'Or et de la sélection de promoteurs potentiels pour développer des projets au sein des différents clusters du parc.

M. le président, grâce à la conclusion de trois grands accords de libre-échange internationaux rien qu'en 2021, à savoir avec la Chine, l'Inde et l'Afrique, Maurice a un accès préférentiel à 68 % de la population mondiale. Maurice a besoin d'une structure adaptée pour faire de ces opportunités une réalité et accueillir des entreprises internationales qui souhaitent s'implanter à Maurice. L'ambition est d'attirer à Maurice la marque du *World Trade Centre*, et le projet « *Iconic Tower* » à Côte d'Or va dans ce sens.

M. le président, si le projet se concrétise, le *World Trade Centre* dotera Maurice d'un atout économique majeur, soutenu par un réseau de quelque 330 autres *World Trade Centres* dans le monde. Ce projet est un exemple de partenariat public-privé visant à favoriser le développement économique de Maurice, à moderniser nos infrastructures et à renforcer notre intégration régionale.

À l'heure où la pandémie de la COVID-19 a bouleversé le commerce et les investissements mondiaux, le *World Trade Centre* contribuera -

- à élargir l'espace économique de Maurice ;
- à stimuler l'internationalisation des entreprises mauriciennes, ainsi
- qu'à attirer les multinationales et les investissements directs étrangers.

Le projet du *World Trade Centre* proposé est conçu, promu et développé par le *Mauritius Africa Fund*. Pour rappel, le *Mauritius Africa Fund* est une entreprise publique à part entière, créée en 2014, en tant que le fer de lance des affaires du commerce et des investissements pour la région. À cet égard, il est habilité à développer des infrastructures commerciales de classe mondiale à Maurice et sur le continent africain.

M. le président, en ce qui concerne les parties (a) et (b) de la question, j'ai été informé par le *MAF* de l'intention d'adopter un modèle de « Conception-Construction-Financement-Opération-Maintenance » pour exécuter le projet. L'estimation du coût du projet dépendra du plan d'architecture présenté par l'investisseur-développeur potentiel. Il est envisagé que la pleine propriété du bâtiment revienne au *MAF* dans une période de 30 ans maximum selon les pratiques courantes pour ce mode de financement.

Ce modèle est une méthode d'exécution de projet qui permet à un opérateur du secteur privé de concevoir, construire et financer un projet, puis à termes de déléguer à la structure publique l'exploitation et la maintenance des installations dans le cadre d'un accord à long terme.

Ce modèle permet au *MAF* de s'engager dans une coentreprise avec un partenaire possédant l'expertise requise et le financement nécessaire pour le projet. La contribution du *MAF* dans la coentreprise comprendra deux éléments, à savoir -

- i) d'une part, le terrain où sera érigé le bâtiment, qui a été obtenu de *Landscape (Mauritius) Ltd* pour une période locative de 30 ans renouvelable ; et
- ii) d'autre part, la licence du *World Trade Centre*. Je souligne ici que le *MAF* a soumis sa demande officielle.

En parallèle, le *MAF* a lancé un exercice d'expression d'intérêt le 16 avril 2021, invitant les investisseurs potentiels à participer au développement de ce projet, à la condition qu'un accord avec le *World Trade Centre* soit trouvé.

La date de clôture était le 29 avril 2021.

J'ai été informé que l'évaluation est actuellement en cours. Merci.

Mr Lobine: May I know from the hon. Minister how many expressions of interest have been obtained yet, as per the closing date?

Dr. Padayachy: M. le président, j'attends d'avoir plus d'informations avec la *MAF* ; je ne veux pas interférer dans ce processus. À l'heure actuelle, on attend pour avoir plus d'informations. Ça a été clôturé comme je l'ai dit le 29 avril. Donc, j'attends pour avoir plus de précisions dessus.

Mr Lobine: With regard to this...

Dr. Padayachy: Et je tiens à préciser encore une fois que ce projet dépendra principalement de l'acceptation du *World Trade Centre* de venir s'implanter à Maurice.

Mr Lobine: As it is now, hon. Minister, you know how the state of our economy is, as the Minister of Finance, is it a feasible project; is it a priority of this Government within the Mauritius Africa Fund to go with such a mammoth project for Mauritius?

Dr. Padayachy: M. le président, ce serait, je le redis ici, un honneur si jamais le *World Trade Center* décide de venir s'implanter à Maurice, parce que cela va nous permettre de réellement développer notre capacité concernant les différents accords qu'on a signé cette année. Nous n'avons pas actuellement les capacités nécessaires pour développer pleinement les potentialités économiques liées avec les deux *FTA*, principalement le *FTA* signé avec la Chine et l'autre *FTA* signé avec l'Inde. Le fait qu'on est en train de signer un autre *FTA* avec l'Union Africaine va nous permettre de nous développer réellement en *hub* et de travailler avec 68% de la population mondiale. Et pour cela, on a besoin d'une structure qui puisse et qui a l'expérience de travailler à ce niveau-là. C'est pour cela que quand on a eu cet intérêt de la part du *World Trade Center*, on est en train de travailler dessus et bien sûr, c'est un projet immense. Mais il nous faut aussi travailler sur des projets immenses pour notre pays.

Mr Speaker: Hon. Leader of the Opposition!

Mr X. L. Duval: Mr Speaker, Sir, I would like to ask the hon. Minister, given the huge difficulties of setting up PPPs in Mauritius, I think not one, a single one has done yet under the legislation; would it not be much easier and more feasible to simply lease the land to a promoter and get it done? Why go for the PPP when it is actually *un projet immobilier*?

Dr. Padayachy: M. le président, c'est au niveau du *MAF* qui a eu le processus de négociation avec le *World Trade Center*. Donc, pour nous ce qui est intéressant aussi, c'est le fait de, même si cela n'a pas été fait dans le passé, de pouvoir réussir sur un projet, et un projet iconique. Donc oui, comme je l'ai dit, tout dépendra de l'acceptation du *World Trade Center* de venir à Maurice. Et si cela se fait, je tiens à préciser que la contribution du *MAF* va être simple la licence et l'allocation pour les terres. Ce sont les deux seuls éléments que l'État va mettre sur la table. De l'autre côté, le promoteur privé, lui, il va investir, il va construire le bâtiment et au bout d'un temps maximum allant de 30 ans, il va nous remettre les bâtiments. Donc, pour moi, c'est un projet que j'estime par ces temps qui sont difficiles, si jamais on arrive à le faire, ce sera un immense projet pour Maurice.

Mr Speaker: Hon. Uteem!

Mr Uteem: The vocation of the Mauritius Africa Fund is to encourage Mauritian entrepreneurs to invest in Africa. So, is not the hon. Minister of Finance agreeable that instead of trying to go into real estate business, MAF should concentrate on its primary objective of helping Mauritians to go and invest in Africa?

Dr. Padayachy: M. le président, cette question est très pertinente. Mais je tiendrai à informer l'honorable membre qu'il y a eu l'avant-Covid et il y a l'après-Covid. Nous n'avons même plus d'avions qui desservent le continent africain actuellement, comment faire pour que le *MAF* continue à se développer ? Et je tiens à souligner aussi que Maurice fait partie et partie intégrante de l'Afrique et pour cela si on arrive à développer une plateforme d'échange à Maurice entre l'Asie avec le *FTA*, avec L'Inde, et la Chine, et l'Union Africaine, cela permettra aussi le développement des entreprises à Maurice. Et cela va attirer les opérateurs étrangers à Maurice. Comme vous le savez, Maurice possède plusieurs atouts, et je vais en citer que deux, pour attirer les investisseurs étrangers : la stabilité politique, ils le disent dans tous les rapports ; et deuxièmement on est le pays le mieux classé en Afrique au niveau du *ease of doing business*. C'est pour cela que souvent les investisseurs étrangers préfèrent venir à Maurice pour faire du *business* en Afrique. Merci.

Mr Speaker: Hon. Uteem, you have a question standing in your name!

**SME EQUITY FUND LTD – BABUL & SONS FISHING CO. LTD -
INVESTMENT**

(No. B/426) Mr R. Uteem (Second Member for Port Louis South & Port Louis Central) asked the Minister of Industrial Development, SMEs and Cooperatives whether, in

regard to the SME Equity Fund Ltd., he will, for the benefit of the House, obtain information as to the amount of money invested therefrom in Babul and Sons Fishing Company Ltd., and related companies.

The Minister of Finance, Economic Planning and Development (Dr. R. Padayachy): M. le président, Le *SME Equity Fund Ltd* a été créé en mars 2017 suite à la fusion de *SME Partnership Fund Ltd* et *NRF Equity Investment Ltd*.

L'objectif principal de ce Fonds est de fournir des fonds propres et quasi-fonds propres aux entreprises afin d'alléger leur ratio d'endettement, leur permettant ainsi d'obtenir des financements auprès des banques commerciales.

L'investissement du fonds est plafonné à 49% du capital social de l'entreprise bénéficiaire jusqu'à un montant de R 25 millions.

Les actionnaires du *SME Equity Fund Ltd* sont le gouvernement, la SIC, la DBM et onze banques commerciales.

Le conseil d'administration est présidé par un représentant délégué par la *Mauritius Bankers Association*, qui est actuellement M. D. P. de la MCB.

Pour tous les investissements approuvés par le *SME Equity Fund Ltd* et l'ancien *SME Partnership Fund Ltd*, la diligence et l'évaluation appropriées ont été effectuées, suivies de l'approbation finale du conseil d'administration.

M. le président, j'ai été informé que l'anciennement *SME Partnership Fund Ltd* a approuvé un montant de R 2,2 millions pour un investissement dans Babul and Sons Fishing Co Ltd le 01 juillet 2011 et de R 1,7 million le 26 septembre 2013 pour financer la construction de deux bateaux de pêche.

Ces montants ont été entièrement remboursés en mars 2018.

Suite aux remboursements en temps et en heure de *Babul and Sons Fishing Co Ltd*, l'ancien *SME Partnership Fund Ltd* a approuvé un montant supplémentaire de R 3,5 millions le 23 septembre 2016 pour un investissement dans une société liée, à savoir Ocean Blue Fishing Co Ltd, pour le financement de la construction d'un autre navire de pêche.

Le 22 juin 2018, le *SME Equity Fund Ltd* a approuvé un montant de R 7 millions pour un investissement dans Babul and Sons Fishing Co Ltd afin de financer l'acquisition d'un navire de pêche et la mise en place d'une usine de production de glace sèche.

À ce jour, un montant de R 1,4 million a déjà été remboursé.

M. le président, Je souhaite informer la Chambre que toutes les transactions financières entre le *SME Equity Fund Ltd* et *Babul and Sons Fishing Co Ltd* et sa société liée, ont été effectuées par l'intermédiaire de la banque commerciale, à savoir la MCB et l'ancienne Banque Des Mascareignes.

Une enquête de la police est actuellement en cours, suite à des allégations de trafic de drogue par les promoteurs de *Babul and Sons Fishing Ltd*.

Mr Uteem: May I know from the hon. Minister of Finance if he is aware that even before the record seizure of Rs3.7 billion worth of drug from the promoter of Babul and Sons Fishing Company Ltd who is the prime suspect, This family was also arrested in the context of money laundering, before in February of this year?

Dr. Padayachy: M. le président, si c'est en février cette année, tous les éléments qui ont été rapportés jusqu'à présent ont été à priori avant février 2021. Donc, comme je l'ai dit, c'est tout simple, le *SME Equity Fund Ltd* est géré de manière équitable avec les partenaires du privé. On est en train d'entrer dans les capitaux des petites entreprises pour les aider à grossir et pour cela on travaille avec les banques commerciales. Quand on a déjà donné l'autorisation pour entrer dans le capital en 2011 et 2013, les procédures continuent si jamais ce client est considéré comme un bon client parce qu'il est en train de rembourser ses prêts. C'est pour cela que vous allez voir qu'en 2016 et en 2018, on a continué, le *SME Equity Fund* a continué de donner le financement à cette entreprise. Mais à partir de maintenant, donc, à partir de cette année, suite à des problèmes spécifiques concernant les critères d'AML/CFT, et maintenant avec le trafic de drogue, c'est sûr qu'il y a une enquête qui est en cours et au niveau de *SME Equity Fund*, bien sûr qu'on a arrêté tous les financements.

Mr Uteem: My question is very simple. The reason why I said February 2000 is because under the law, whenever a company's finance has been used by another company for money laundering purposes, they have to intervene and disinvest. So, how is it that despite the fact that as far back as February, the beneficial owners of these companies were linked to money laundering? How is it that, up to now, SME Equity has allowed Government public funds to remain in the possession of these people?

Dr. Padayachy: Je reviens là-dessus. Je dois vérifier les informations de l'honorable membre parce que je n'ai pas l'information concernant février premièrement, et deuxièmement, je dois vérifier s'ils n'ont pas déjà retiré les capitaux. Comme je l'ai dit, la

dernière transaction dont je suis au courant avec cette entreprise remonte à 2018. La première transaction dont on est au courant remonte à juillet 2011. Donc, suite à cette transaction, on peut le dire ici, c'est suite à cette première transaction qu'on a les autres transactions par la suite. C'est au moment où on découvre qu'il y a des éléments illégaux, qu'on commence à procéder à une enquête, et c'est là que *SME Equity Fund* a décidé d'arrêter les financements. Maintenant, on parle de février 2021, je tiens à préciser qu'à partir du début mars 2021, on est entré en confinement, je vais demander à mes officiers au niveau du ministère de suivre le dossier pour voir si on est en train de se désengager de cette entreprise. Merci.

Mr Speaker: Hon. Members, I suspend the Sitting for one and a half hours.

At 1.03 p.m., the Sitting was suspended.

On resuming at 2.48 p.m. with Mr Speaker in the Chair.

Mr Speaker: Please be seated!

ANNOUNCEMENTS

PARLIAMENTARY QUESTIONS - SUBMISSION OF NOTICE - MODALITIES

Mr Speaker: Hon. Members, I have a few announcements to make.

My attention has been drawn to a Press article dated 11 May 2021 wherein some hon. Members from both sides of the House expressed their views on the modalities for the submission of notice of Parliamentary Questions for inclusion on the Notice of Questions.

Under my direction, by way of email dated 13 May, the Clerk of the Assembly invited the Whips of both sides of the House to submit concrete suggestions to review the manner in which notice of Parliamentary Questions are to be received/dealt with at the level of the Office of the Clerk, to my Office.

Once I will be in presence of the concrete proposals, same will be examined and appropriate procedural steps will be taken, if need be, for the proposed amendments to the Standing Orders and Rules of the National Assembly to be submitted for consideration by the Standing Orders Committee and presented to the House.

Thank you.

**PARLIAMENTARY SITTING - 04.05.21 - MINISTER OF FINANCIAL
SERVICES AND GOOD GOVERNANCE - INSINUATING WORDS**

Hon. Members, in the course of the proceedings of the Sitting of 04 May 2021, whilst the hon. Minister of Financial Services and Good Governance was speaking on the Supplementary Appropriation (2020-2021) Bill (No. XVI of 2020) -

- hon. Assirvaden raised a point of order and requested that the hon. Minister withdraws the words “Gorah-Issac tragedy” which the hon. Minister used when referring to the words “blood on their hands” earlier used by hon. S. Mohamed and which he subsequently withdrew, and
- hon. Shakeel Mohamed also objected to the reference made to ‘*l’affaire Gorah-Issac*’ by the hon. Minister.

I rule that the words uttered by the hon. Minister of Financial Services and Good Governance is tantamount to an insinuation and invite the hon. Minister to withdraw same accordingly.

Hon. Members, in the course of the debate on the Supplementary Appropriation (2020-2021) Bill (No. XVI of 2020) –

- at the Sitting of 27 April 2021, hon. Ramful, and
- at the Sitting of 04 May 2021, hon. Shakeel Mohamed mentioned the name of Mr Bissoon Mungroo, with regard to the acquisition of “Berlines of Iframac”, with some undertones of alleged impropriety.

In the course of the debate instances, I cautioned –

- Hon. Ramful, as follows -
 - I quote - “Talk on the Estimates”, and
- Hon. Shakeel Mohamed, as follows –
 - I quote - “...don’t use the cloak of parliamentary immunity to just accuse people.”

I have to report to the House that on Friday 07 May 2021, I received a letter from Mr Bissoon Mungroo mentioning the above-mentioned instances, taking objection to same and indicating, with supporting evidence, that, in fact –

- Mungroo & Sons Ltd, of which he is the Managing Director and shareholder, acquired commercial vehicles and not limousines, pursuant to a tender exercise following a notice for the sale thereof in the newspaper.

In the light of the above, by virtue of the ample powers conferred upon the Chair by the rules to deal with such situations and considering that the citing of the name of Mr Mungroo by hon. Ramful and hon. Shakeel Mohamed, respectively, may cause harm to the former in a way which undermines his status and position. I have thought it fit and appropriate to make the present announcement and to report the content of the letter of Mr Bissoon Mungroo.

Moreover, I invite hon. Members to exercise the right of freedom of speech with utmost care and without any prejudice to the rights of other persons, especially those who are not present in the House and, therefore, not in a position to defend themselves on the floor of the House.

HON. S. MOHAMED - UNAUTHENTICATED PHOTOCOPY DOCUMENT

Lastly, during the debate on the Supplementary Appropriation (2020-2021) Bill (No. XVI of 2020), hon. Shakeel Mohamed purported to table a document in relation to a list of all the money that had been recouped only from the sale of shares of a supposed Ponzi Scheme. A perusal of the said document reveals that it is an unauthenticated photocopy document which cannot be tabled. The said document is, therefore, being returned to hon. Shakeel Mohamed.

Thank you.

Hon. Minister Seeruttun already apologised, and withdraw the words.

Mr Seeruttun: Yes, I withdraw.

Mr Speaker: Hon. Nuckcheddy!

Mr Juman: Mr Speaker, Sir, I would like to raise a point of order.

Mr Speaker: Point of order, yes!

Mr Juman: Mr Speaker, Sir, on a point of order. Pursuant to Section 28 of the Standing Orders, I felt duty-bound to give a personal point of explanation following a question raised this morning during the Prime Minister's Question Time, PQ B/376 regarding my presence at the Port on 05 January 2021. I, therefore, seek your...

Mr Speaker: Can I? We already spoke...

(Interruptions)

Please! Don't do the work of the Speaker! You don't have the floor!

Mr Assirvaden: I am listening, Mr Speaker!

Mr Speaker: You don't have the floor!

Mr Assirvaden: I am listening, Mr Speaker!

Mr Speaker: You don't have the floor! Don't set the House on fire!

Hon. Juman, we spoke in the Chamber and you know the position. The point of personal explanation cannot carry controversial issues. You made the point right now that you want to make a point of explanation. I will give my ruling later on during this sitting. Please!

Hon. Minister!

LAVENTURE JUNCTION - NORTH ENTRANCE - TRAFFIC LIGHTS

(No. B/394) **Mr S. Nuckcheddy (Third Member for Flacq & Bon Accueil)** asked the Minister of Land Transport and Light Rail, Minister of Foreign Affairs, Regional Integration and International Trade whether, in regard to the proposed installation of new traffic lights at the northern entrance of Laventure, he will state where matters stand.

Mr Ganoo: Mr Speaker, Sir, I wish to thank the hon. Member for having regularly raised the present issue with me and allowing me now to shed light on same.

Mr Speaker, Sir, I am informed by the Traffic Management and Road Safety Unit that following several fatal accidents which occurred at the north entrance of Laventure junction, it has been proposed that traffic light system be installed thereat. But prior to the installation of the traffic lights, action would have to be initiated for the relocation of a bus lay-by and a bus shelter some 40 meters upstream in the direction of Flacq.

The TMRSU has already initiated procedures for land acquisition at the said locus through the Ministry of Housing and Land Use Planning to enable the full signalisation of the north entrance at Laventure junction.

Mr Speaker, Sir, I am also informed by the TMRSU that the plot of land to be acquired belongs to *Société Malherbe Limitée* and, as at date, the land acquisition is at the owner's notary office. The owner has requested that, in addition to the agreed amount to be paid for the land acquisition of the new bus lay-by at Laventure junction, an outstanding payment should be settled with regard to land acquisition on a previous project carried out by the Road Development Authority in connection with the upgrading of Bellevue Road B22 in

the year 2014. I am informed that actions have already been initiated by the RDA to settle any outstanding amount due since 2014.

Mr Speaker, Sir, I am further informed by the Minister of Housing and Land Use Planning that the deed of sale for the acquisition of the subject site has already been vetted and finalised at the level of the Attorney General's Office and has been submitted to the notary public. Payment will be effected after signature of the deed of sale by both parties, that is, Government and the owner.

Upon transcription of the deed of sale, the land will thereafter be vested in my Ministry. However, pending the land acquisition, the TMRSU has carried out an on-site survey to come up with an alternative solution to signalise the junction. The TMRSU has, therefore, proposed that the following measures be implemented -

- (a) a temporary bus stop with bus shelter be constructed over 65 meters from the junction;
- (b) the existing zebra crossing be converted into a pelican crossing, and
- (c) the fixing a concrete bollards to close the existing bus lay-by for the junction to be fully signalised.

Mr Speaker, Sir, I am equally informed by the TMRSU that the cost of the civil works for the installation of traffic lights and the temporary bus stop with a bus lay-by would be around Rs1.8 m. The works will be undertaken soon. Thank you.

Mr Speaker: Supplementary!

Mr Nuckcheddy: Thank you, Mr Speaker, Sir. I understand from the reply of the hon. Minister that in the project there is a provision for a bus lay-by. May I make a request to the hon. Minister, if another bus lay-by, just opposite, on the other side of the road, as it is the normal practice, to be also added in that project?

Mr Ganoo: I will certainly take the suggestion of the hon. Member on board and liaise with the officers of TMRSU and of the authorities in order to see whether this proposal can be undertaken, Mr Speaker, Sir.

Mr Speaker: Next Question!

FLACQ MARKET – UPGRADING WORKS

(No. B/395) Mr S. Nuckcheddy (Third Member for Flacq & Bon Accueil) asked the Vice-Prime Minister, Minister of Local Government and Disaster Risk Management

whether, in regard to the upgrading works project at the Flacq Market, he will state the work progress thereof.

The Vice-Prime Minister, Minister of Local Government and Disaster Risk Management (Dr. A. Husnoo): Mr Speaker, Sir, I am informed by the District Council of Flacq that the status of the upgrading work at the Central Flacq Market is as follows –

- the damaged electrical network at the Haberdashery section has been repaired;
- new floodlights have been fixed at the Haberdashery section again;
- anti-slippery mat has been placed along the main alley in the food court;
- wastewater system at the food court has been upgraded;
- seven puja shops which were damaged during the fire outbreak in September 2019 in the market, have been reconstructed;
- painting of the fixed vegetable market has been completed, and
- the upgrading of the electrical system at the food court will be completed by the end of this week.

The total cost incurred for the upgrading works amount to Rs2 m.

Mr Speaker: Supplementary!

Mr Nuckcheddy: Mr Speaker, Sir, at the time that the market was under construction, there were concerns that were raised concerning the headroom of the market but no attention was paid to any of these complaints by the then Government and now we are having problem of ventilation. So, may I ask the hon. Minister to please inform the House if in the project they have included anything for the mechanical ventilation?

Dr. Husnoo: Well, I have not been informed about this now, but anyway, I can look into it and certainly inform the hon. Members later on.

Mr Speaker: Next question!

NATIONAL PROPERTY FUND LTD - ASSETS - SALE

(No. B/396) Mr D. Ramful (First Member for Mahebourg & Plaine Magnien) asked the Minister of Financial Services and Good Governance whether, in regard to the National Property Fund Ltd., he will, for the benefit of the House, obtain information as to

the total number of assets thereof, indicating if same are being put for sale and, if so, indicate

—

- (a) the reasons therefor;
- (b) if an evaluation of each of the assets has been carried out and, if so, give details thereof, and
- (c) the process by which these assets will be sold.

Mr Seeruttun: Mr Speaker, Sir, I wish to refer the hon. Member to the replies I made to Parliamentary Questions B/534 and B/542 on 11 August 2020, when I informed the House that the NPFL, that is the National Property Fund Limited, had already started the process of disposing of its immovable assets which had been transferred into its custody by the Special Administrators of the ex-BAI Co. Ltd. These assets were all situated locally.

Mr Speaker, Sir, I am informed that in all, eighteen properties were transferred to the NPFL by the Special Administrators in 2015. Two of the properties have already been sold. For two others, the NPFL has already engaged with two prospective buyers and the sale procedures are being followed. Another two are under consideration for lease, whilst the remaining twelve are being put for sale by public advertisement.

Mr Speaker, Sir, with regard to part (a) of the question, I am informed that the assets of the NPFL are being disposed of in order to assist the NPFL to service partly its debts.

As regards part (b) of the question, I am informed that the assets have, in fact, been evaluated. However, I am advised that the detailed information on the assessed value of these properties cannot be disclosed for commercial reasons as the properties are being put for sale and the NPFL expects to get a competitive and fair value for those properties compared to the evaluation carried out.

Mr Speaker, Sir, with regard to part (c) of the question, I am informed that for the twelve remaining properties, the NPFL has called for Expression of Interest through an advertisement on its website and in the local Press.

Mr Ramful: Can we have an idea from the hon. Minister how much funds is the NPFL expecting to recoup from the sales of those properties, approximately?

Mr Seeruttun: Mr Speaker, Sir, if I base on the value of those assets that have been recently evaluated, the total value expected of all those assets that are under the custody of the NPFL would amount to about a little over Rs1.2 billion.

Mr Ramful: There is currently a debt of about Rs4.3 billion or Rs4.2 billion which involves credit facilities given to NPFL by the BOM. Now, it appears that the money that is going to be recovered will not be sufficient to reimburse that debt which is due in June 2022. Now, what about the rest of the debt, how is it going to be reimbursed?

Mr Seeruttun: Well, the debt due to the Bank of Mauritius will be due some times in 2022. So, for the time being, we are trying to recover whatever we can from those assets and by the time that we get to the repayment for the debt, we will decide how we are going to settle that.

Mr Ramful: Can we have the assurance from the hon. Minister that these assets will be sold at its market price and we will not have a repetition of what has happened in the past, assets being devalued and sold for peanuts?

Mr Seeruttun: Well, I do not know what happened in the past and what the hon. Member is referring to but I can give the assurance to the House that we have invited the public, through Press Advertisement, for people to come forward and make their offers and I can reassure the House that the sale will be made to the highest offer as far as possible.

Mr Uteem: Can I ask the hon. Minister whether NPFL has retained the services of any Advisers to carry out the sale and whether the advertisement for these will be also be published outside Mauritius, for any buyers from outside Mauritius who may be interested to invest in those properties?

Mr Seeruttun: In fact, last year, Mr Speaker, Sir, the NPFL had recourse to a Transaction Advisor which was for a period of one year which expired early this year. So, from now on, there is no kind of contract with that Transaction Advisor. So, that is why probably you have noticed in the Press, the NPFL has put the advertisement for sale, to invite interested parties to come forward for any offers of those properties that are still to be sold.

Mr Speaker: Last supplementary!

Mr Osman Mahomed: Thank you. Property, when they are put for sale and the price that will be obtained depends very much on the state of the property when people go to visit before buying. Can we know from the hon. Minister whether these properties are being maintained and if so, the cost of maintenance as well if he can give any indication to the House?

Mr Seeruttun: What I know, Mr Speaker, Sir, some of those properties form part of a syndic and within that syndic fees that they pay, comprises the element of usual maintenance. Some other properties have recourse to security services to ensure that the properties are not being pilferaged.

Mr Speaker: Hon. Quirin!

STATUS OF ARTISTS BILL - INTRODUCTION

(No. B/399) Mr F. Quirin (Third Member for Beau Bassin & Petite Rivière) asked the Minister of Arts and Cultural Heritage whether, in regard to the proposed Status of Artists Bill, he will state the expected date of introduction thereof in the Assembly.

Mr Teeluck: Mr Speaker, Sir, the proposed Status of Artists Bill is a much awaited piece of legislation by the Artists Community and it comes at an opportune time as during the COVID-19 pandemic. The cultural and creative sector is one of the sectors most adversely affected. Given the complex nature of this Bill, assistance of UNESCO was sought by my Ministry to prepare the draft Bill. With the support of an expert from UNESCO, my Ministry has had several consultations with a number of stakeholders including Ministries, Departments and the Artists Community at large.

Mr Speaker, Sir, following these consultations, a draft report on the provisions and measures for the draft Status of Artists Bill was prepared by UNESCO and submitted to my Ministry. This has already been submitted to the Attorney General's Office with drafting instructions for the elaboration of the Status of Artists Bill. Meetings have also been held with the Attorney General's Office and the provisions of the draft Bill are currently under preparation at the level of my Ministry. Once these are finalised, they will be forwarded to the Attorney General's Office for legal vetting. Once the Bill is finalised at the level of the Attorney General's Office, final consultations will be held with the Artists Community and other stakeholders for their comments and views.

Given the priority nature of this piece of legislation, I am expecting to introduce this landmark legislation in the National Assembly shortly.

Mr Quirin: Merci, M. le président. Comme l'a si bien mentionné l'honorable ministre lui-même, l'industrie créative et culturelle, en particulier le monde musical mauricien, est en très grande difficulté, et cela depuis plus d'une année, et il y a des critiques qui fusent de toutes parts. Le ministre, de ce fait, peut-il nous expliquer brièvement comment ce *Status of Artists Bill* va pouvoir relancer ce secteur?

Mr Teeluck: Mr Speaker, Sir, the gist of the Status of Artists Bill is to categorise and professionalise the status of an artist so that, henceforth, after the Bill becomes an Act of Parliament, an artist will be categorised as a professional worker, akin an atypical worker, thus being entitled to social security benefits, will be recognised under the Workers' Act and so on. So, it is actually professionalising the whole community of artists and also describing and providing for professional artists being registered in Mauritius.

Mr Quirin: M. le président, est-ce que l'honorable ministre peut nous dire justement si *the Status of Artists Bill* prendra en compte la possibilité de mettre en place des plateformes numériques sur lesquelles les artistes pourront exploiter leurs œuvres et générer ainsi des revenus ?

Mr Teeluck: The Status of Artists Bill also establishes the National Body for Professionals in the Arts and part of the mandate of that National Body would be to develop platforms, whether digital or otherwise, so as to create forum and space and create the environment to promote art, creative art and artists as well. So, it will be definitely part of the mandate. One of the mandates of the National Body will be to tap on possibilities to enlarge the environment where they can further boom and further promote.

Mr David: Merci, M. le président. Dans le document d'assistance technique de l'UNESCO mentionné par le ministre, qui a servi, si je comprends bien, de base pour la rédaction de cette loi sur le statut de l'artiste à Maurice, il est préconisé la mise en place d'un *National Body for the Professionals in the Arts*, le *NBPA*. Puis-je demander au ministre de s'assurer, parce que je n'ai pas retrouvé cet élément dans le document, que des artistes puissent siéger sur ce *NBPA*, afin qu'on ne se retrouve pas avec uniquement des *policymakers* et des technocrates déconnectés du monde artistique, car la mission de cette nouvelle autorité sera cruciale pour la formation, la promotion et la protection de nos artistes mauriciens ?

Mr Teeluck: Mr Speaker, Sir, I reassure the hon. Member that there will be a reasonable balance between policymakers and artists on the National Body so that we have a National Body that will be operating in the best interests of artists.

Mr Quirin: M. le président, une dernière question, avec votre permission. L'honorable ministre peut-il nous dire si justement ce projet de loi va aussi prendre en considération les compensations nécessaires à être accordées aux artistes si le pays se retrouve à nouveau en confinement ou que la situation tarde à s'améliorer ?

Mr Teeluck: Mr Speaker, Sir, it will be rather difficult for me to provide any information or clarification on this. I will rather suggest that we wait till we have a proper Bill which will go through a final consultation for comments from the artistic community. So, then only, maybe that can be taken for suggestion if it is not in the final document.

Mr Speaker: The Table is advised that Questions B/414, B/458, B/459 and B/460 have been withdrawn. Next question!

ATHELETE ASSISTANCE SCHEME

(No. B/400) Mr P. Quirin (Third Member for Beau Bassin & Petite Rivière) asked the Minister of Youth Empowerment, Sports and Recreation whether, in regard to the Athlete Assistance Scheme, he will state if same has been implemented and, if so, since when, indicating -

- (a) the eligibility criteria to benefit thereunder;
- (b) the names of the beneficiaries thereof, discipline-wise, and
- (c) if the terms and conditions thereof have been amended since the implementation thereof to date and, if so, give the reasons therefor.

Mr Toussaint: Mr Speaker, Sir, with your permission, I would like to make a combined reply to PQ B/400 and PQ B/403, both of which relate to the allowance to high-level athletes.

For recall, I would like to inform the House that in September 1988, Government introduced a scheme known as the 'Assistance to National Level Sportsmen'. At that time, a monthly stipend of Rs200 was granted to eligible athletes.

I am informed that in April 1989, the Athlete Assistance Programme set up under the National Policy for Elite Athletes made provision for a monthly stipend of Rs3,000 to elite athletes. The High Level Sports Unit was set up in October 1999 and a High-Level Assistance Scheme was introduced in December 2000 whereby the monthly quantum allocated to eligible athletes was as follows -

World and Intercontinental level	: Rs5,000
Continental level	: Rs3,000
Regional level	: Rs2,000

In July 2001, the monthly quantum allocated to high-level athletes was revised as follows -

World level	: Rs10,000
Intercontinental level	: Rs6,000
Continental level	: Rs3,000
Regional level	: Rs2,000

In January 2015, the High-Level Assistance Scheme was reviewed in a spirit of promoting inclusiveness to cater for elite athletes with disability.

When I took office in 2017, I spearheaded the initiative to increase the monthly quantum allocated to elite athletes and sparring partners by Rs3,000 and Rs1,500 respectively.

It was observed that the High-Level Assistance Scheme, in its present form, has several shortcomings. In order to address these shortcomings and in line with one of the recommendations made in the National Sport and Physical Activity Policy, adopted by Government in October 2018, namely, the creation of an amateur to elite sport environment. In July 2020, Government approved my proposal to review the High-Level Assistance Scheme. Same was to be known as the Athlete Assistance Scheme.

The main objective of that scheme was to provide financial support to athletes of both Senior and Youth categories with the aim to inspire Mauritian athletes to pursue excellence on the world stage.

However, the outbreak of the COVID-19 pandemic has, unfortunately, impacted significantly on the organisation of international sporting events in terms of the imposition of sanitary measures and travelling restrictions. A number of major sports competitions had either been postponed or cancelled.

In the absence of regional and international exposure, high-level athletes were not in a position to set targets, making it difficult for my Ministry to assess them as per the criteria outlined in the proposed Athlete Assistance Scheme.

In October 2020, Government therefore decided to put on hold the proposal made in July 2020 until there is clearer visibility in the international sports landscape. In the

meantime, and in order not to penalise athletes, my Ministry has pursued payment of allocation to high-level athletes as per the existing scheme.

Due to the current budgetary constraints, I wish to inform the House that there is a likelihood that the quantum allocated to high-level athletes would be reviewed in the next financial year. Based on the financial resources to be made available to my Ministry for the next financial year, my officers will have meetings with the National Sports Federations concerned in view of finding ways and means to minimise the impacts of any reduction in the allowance of high-level athletes, while keeping them motivated.

Mr Speaker, Sir, with your permission, I am tabling a list of 127 high-level athletes, discipline-wise as at April 2021 in receipt of a monthly allowance from my Ministry.

Thank you.

Mr Quirin: M. le président, je peux comprendre les difficultés financières du moment, et malgré tout, j'aimerais que le ministre nous dise si son ministère a un plan qui sera mis en place afin de maintenir justement le niveau de notre élite, alors que les allocations financières pourraient subir une baisse, comme mentionné dans un courrier datant du 23 avril dernier adressé à toutes les fédérations ?

Mr Toussaint: Oui, effectivement, M. le président, pas très loin de cela, nous avons mis sur pied une autre recommandation du *National Sports and Physical Activity Policy*, c'est-à-dire la création de *Team Mauritius*, qui aura pour tâche de veiller à ce que nos athlètes élités ne manquent de rien, même si éventuellement il se pourrait qu'il y ait une baisse dans leurs allocations, mais de veiller à ce qu'ils ont toutes les facilités nécessaires pour continuer à travailler et à s'entraîner, et par cela je suis en train d'expliquer des facilités de transport, les facilités de physio, l'achat des médicaments et des fortifiants. Donc, toute une batterie de facilités pour continuer à encadrer nos athlètes de haut niveau.

Mr Quirin: M. le président, l'honorable ministre peut-il nous dire si les bénéficiaires de *l'Athlete Assistance Scheme* seront pris en charge par le *High Performance Centre de Côte d'Or* et, si tel n'est pas le cas, pourquoi ?

Mr Toussaint: M. le président, toute l'équipe de *MMIL* est en train de travailler d'arrache-pied afin de mettre sur pied et de démarrer le *HPC* à Côte d'Or, et aussi mon équipe de *Team Mauritius* ainsi que *MMIL* sont en train de travailler sur les modalités de sorte à ce que nos athlètes élités et autres aussi puissent bénéficier de toutes les facilités qui seront mises à leur disposition au *High Performance Centre de Côte d'Or*.

Mr Speaker: Next question!

VALLÉE DES PRÊTRES - SEWER SYSTEM

(No. B/401) Mrs J. Tour (Third Member for Port Louis North & Montagne Longue) asked the Minister of Energy and Public Utilities whether, in regard to the sewer system, he will, for the benefit of the House, obtain from the Wastewater Management Authority, information as to –

- (a) the percentage of households connected to sewerage network as at date in the region of Vallée des Prêtres, and
- (b) if he is aware of cases of illegal connection of rainwater from residential/commercial premises to the sewer system thereat leading to overflow of manholes during heavy rainfall and, if so, indicate the measures taken to address same and the outcome thereof.

Mr Lesjongard: Mr Speaker, Sir, with regard to part (a) of the question, I am informed by the Wastewater Management Authority that around 57.6% of the households in the region of Vallée des Prêtres is connected to the Public Wastewater Network. This represents around 2,000 premises connected to the public sewer.

With regard to part (b) of the question, I am further informed by the Wastewater Management Authority, that following complaints of overflow in the region of Vallée des Prêtres during heavy rainfall, the Wastewater Management Authority had initiated a survey in October 2020 to identify illegal rain water discharge into the wastewater system from household premises along Bernardin de Saint-Pierre Street, Vallée des Prêtres. The survey was completed in March 2021. A total of 762 houses were inspected by the Wastewater Management Authority, out of which 95 houses were found to be illegally connected to the sewer network.

Mr Speaker, Sir, with regard to measures taken, the Wastewater Management Authority has informed that a Notice, under Section 39 of the Wastewater Management Authority Act, was issued to each occupier of these 95 houses for them to disconnect their rainwater pipe from the sewer network in order to prevent rain water ingress into the wastewater system. Following issue of Notices, the Wastewater Management Authority has carried out a monitoring exercise to check compliance with the Notices served. It was found that occupiers of 70 houses had complied with the Notice. With regard to the remaining 25 Notices, the compliance exercise has resumed after the lockdown period and is still ongoing.

Mrs Tour: Can the hon. Minister advise whether the actual sewage network is sufficient to sustain the number of households currently connected to the network?

Mr Lesjongard: Mr Speaker, Sir, I am aware that regularly there are complaints from the inhabitants of the region of Vallée des Prêtres and that for the past few years, with regard to overflowing of the sewer network, especially along Bernardin de Saint-Pierre Street. Mr Speaker, Sir, whether the network is sufficient or not to sustain the number of households, that can only be set through a study. It is for this reason that the Wastewater Management Authority has initiated action to enlist the services of a Consultant to carry out an in-depth study for a long-term solution. But I believe the hon. Member is aware that the sewer network in that area was done on a piecemeal basis. It is for this reason that we are going forward with a study, and then, embark on a holistic solution for the whole area.

There are several projects which are going to start in that region, but that survey or that study will give us an indication whether the network is sufficient or not. The hon. Member must also be aware that, that region, specifically the areas of Caro Lalo, Bernardin de Saint-Pierre and Cité Vallée des Prêtres, they are close to Rivière Latanier and to the mountain, and this adds to the increase of water flow whenever we have heavy rainfall in that region.

Mr Speaker: Next question!

CHITRAKOOT - LANDSLIDE MANAGEMENT PLANS

(No. B/402) Mrs J. Tour (Third Member for Port Louis North & Montagne Longue) asked the Vice-Prime Minister, Minister of Local Government and Disaster Risk Management whether, in regard to the landslide problem in Chitrakoot, he will, for the benefit of the House, obtain from the Geotechnical Unit, information as to where matters stand as to the recommendation for the implementation of –

- (a) landslide management plans in the Japan International Cooperation Agency Report 2015, and
- (b) residents' awareness exercises and relocation, indicating if a survey has recently been carried out to monitor the evolution thereof.

The Vice-Prime Minister, Minister of Local Government and Disaster Risk Management (Dr. A. Husnoo): Mr Speaker, Sir, with regard to part (a) of the question, I am informed by the Ministry of National Infrastructure and Community Development that, as

part of a pilot project, the Japan International Cooperation Agency (JICA) had extended its assistance to that Ministry in the year 2012 for the design and implementation of countermeasure works at Chitrakoot, Vallée des Prêtres. The countermeasure works were proposed to stabilise the soil in that region to lower the ground water level with a view to increasing the safety factor against occurrence of landslides and other slope related disasters. The pilot project was to be undertaken in two phases.

Phase I of the project comprised the construction of cut-off drains and upgrading of the existing rivulets to collect surface water, horizontal drainage systems to remove sub-surface water and construction of vehicular and pedestrian bridges. This project was financed by JICA and completed in December 2014.

The Phase II of the project comprised construction of retaining walls, open type and French drains, other horizontal drainage systems and a bridge. The project was implemented by the Ministry of National Infrastructure and Community Development and completed in October 2018.

Mr Speaker, Sir, I am also informed by the Ministry of National Infrastructure and Community Development that a plan was devised to maintain the structures built at both Phases I and II. The plan comprises the following measures -

- (i) periodical cleaning of the ditches, channels, bridges and horizontal drainages constructed to ensure the smooth water flows in the drainage system;
- (ii) regular inspection of the state of fencing, in case there are damages by rock fall and debris flow and necessary repairs be effected where required;
- (iii) fixing of sign boards to prevent any trespassing in that area, and
- (iv) sensitisation of the inhabitants of that region, including children, on disaster prevention.

Mr Speaker, Sir, with regard to part (b) of the question, I am informed by the National Disaster Risk Reduction and Management Centre that awareness campaigns have been conducted with the inhabitants by the Geotechnical Unit of the Ministry of National Infrastructure and Community Development, in collaboration with the JICA, National Disaster Risk Reduction and Management Centre and the Municipal City Council of Port Louis. Simulation exercises are regularly planned and conducted for the landslide prone areas of Chitrakoot so as to maintain community preparedness.

In December 2018, a survey was carried out by the Ministry of National Infrastructure and Community Development, whereby 11 additional houses situated within the landslide prone areas at Chitrakoot were identified. Out of the 11 houses, 10 are occupied and one was used as a community centre.

In addition, the Government has set up an inter-ministerial committee under my chair to look into the relocation of the inhabitants of Chitrakoot, Vallée Pitot, Batelage and Rivière des Créoles, amongst others, due to the risk of landslide in these localities. The committee will submit proposals to the Government after consultations with the different stakeholders.

Mrs Tour: There are currently 14 houses that have been vacated in Chitrakoot and the residents relocated elsewhere. Can the hon. Minister inform the House on what will happen to these vacant houses?

Dr. Husnoo: There is a major problem there, as just mentioned by the hon. Member. The first 14 owners were transferred to different places but, unfortunately, I think that five are still staying there. What is happening is that some of them are renting those damaged houses to other people and that is causing quite a bit of problem. So, we are looking into it because as I said earlier, I am chairing a committee, we are going to look into it and with the help of the Municipal Council of Port Louis and the Ministry of National Infrastructure and Community Development, we are going to see whether we can demolish those houses because it is a danger to the people staying there and we have to find alternative accommodations.

Mr Speaker: Next question! Do you have more questions?

Mr Uteem: May I know from the hon. Vice-Prime Minister what is the time frame for this committee to submit its proposal? Because these people have been living in these high-risk houses for years now.

Dr. Husnoo: As I just mentioned, this has been going on for a long time, but I have been given the brief to manage that committee about a month ago. We have had two technical committees so far and it is a very complex problem as we realise so many people do not have a place to go, and we have to find a solution. So, it is going to take a bit of time and we are working on it.

Mr Speaker: Next question!

HIGH-LEVEL ATHLETES - ALLOWANCE

(No. B/403) Mrs S. Tour (Third Member for Port Louis North & Montagne Longue) asked the Minister of Youth Empowerment, Sports and Recreation whether, in regard to the High-level Athletes, he will table the list thereof in receipt of an allowance from his Ministry.

(Vide Reply to PQ B/400)

LA CAVERNE, VACOAS - MORCELLEMENT BER - LATANIERS AVENUE & WATSONIA LANE - DRAINS

(No. B/404) Mr K. Lobine (First Member for La Caverne & Phoenix) asked the Vice-Prime Minister, Minister of Local Government and Disaster Risk Management whether, in regard to Constituency No. 15, La Caverne and Phoenix, he will, for the benefit of the House, obtain from the Municipal Council of Vacoas and Phoenix, information as to where matters stand as to the requests made by the inhabitants thereof for the construction of drains along Lataniers Avenue and Watsonia Lane at *Morcellement Ber* and in the vicinity of La Caverne, Vacoas.

The Vice-Prime Minister, Minister of Local Government and Disaster Risk Management (Dr. A. Husnoo): Mr Speaker, Sir, I am informed by the Municipal Council of Vacoas/Phoenix that following requests from inhabitants of Watsonia Lane and Avenue des Lataniers at *Morcellement Ber*, La Caverne, Vacoas for the construction of drains thereat, the Public Infrastructure Committee had, approved the construction of an absorption drain over a length of 50m at both Watsonia Lane and Avenue des Lataniers at an estimated cost of about Rs500,000.

However, since the Land Drainage Authority had recommended that the construction of absorption drains is not appropriate to resolve the problem of flooding, the Council did not proceed with the implementation of same.

Consequently, a survey was conducted to identify the existence of any outlet in the nearby region so that consideration could be given to construct a covered drain. However, no such outlet was found.

In view of the situation, as a short-term solution the Municipal Council of Vacoas/Phoenix, is now proposing to proceed with the construction of the absorption drain in the financial year 2021/2022, pending further consultation which would be held with the

Land Drainage Authority so as to come up with a more durable solution to this particular problem.

Mr Lobine: Is the hon. Minister aware that it was since 24 September 2018 that there was a petition sent to the Municipal Council of Vacoas/Phoenix and since then, nothing has been done?

Dr. Husnoo: As I have mentioned before, the Municipal Council was going to do an absorption drain, but, then, eventually we were told not to carry on with the absorption drain because it is only a temporary measure. That is why I have again explained if you want to have a drain, you must have an outlet where to get the water. But, unfortunately, they could not identify an outlet. So, we are back to square one. But, in the meantime, we are going to do this absorption drain temporarily, as I mentioned, and eventually we will have to find, after discussion with the LDA, a permanent solution for it.

Mr Speaker: Next question!

SOLFERINO - RHUGOO, AUGUM & BHUTOO LANES - ONE-WAY ROADS

(No. B/405) **Mr K. Lobine (First Member for La Caverne & Phoenix)** asked the Vice-Prime Minister, Minister of Local Government and Disaster Risk Management whether, in regard to Paillotte, in Vacoas, including Rhugoo, Augum and Bhutoo lanes, respectively, he will, for the benefit of the House, obtain from the Municipal Council of Vacoas and Phoenix, information as to where matters stand as to the requests made by the inhabitants thereof for the conversion into one-way schemes of several roads thereat.

The Vice-Prime Minister, Minister of Local Government and Disaster Risk Management (Dr. A. Husnoo): Mr Speaker, Sir, I am informed by the Municipal Council of Vacoas/Phoenix that several requests were received from the inhabitants of Rhugoo, Augum and Bhutoo lanes in Solferino for the conversion of these roads into one-way roads as they are too narrow and caused much inconveniences to the vehicle users.

The prerogative for the implementation of one-way schemes through a proper mix of traffic signs and road markings is vested with the Permanent Secretary of the Ministry of Land Transport and Light Rail under Section 184 of the Road Traffic Act. In this context, meetings and site visits were coordinated with the TMRSU.

On 22 January 2021, a preliminary site visit was effected by hon. Bablee, PPS, and Mr Ramburn, the Mayor of the Municipal Council and officers of the Municipal Council of Vacoas/Phoenix and the TMRSU.

In February 2021, the TMRSU conducted several detailed site visits and surveys to determine the feasibility of the requests.

On 05 March 2021, the Ministry of Land Transport and Light Rail requested the Municipal Council of Vacoas/Phoenix to carry out a public relations exercise and the acceptability survey with local inhabitants based on the draft one-way scheme design by the TMRSU, which has concluded that the three roads namely, Rhugoo, Augum and Bhutoo lanes are of average widths of 3m to 3.5m with no segregation of pedestrians from vehicular traffic, and the implementation of one-way schemes onto these three lanes were deemed feasible owing to the availability of interconnectedness with adjoining roads such as Kalimaye Road, Verna Lane and Candos/Vacoas (B3) road.

Mr Speaker, Sir, I am further informed by the Municipal Council of Vacoas/Phoenix that, in view of the lockdown, the meeting which was planned in March 2021 had been rescheduled for Thursday 20 May 2021 with the councillors of Ward 3 of the town and the inhabitants of the locality for a presentation of the proposed one-way scheme. In the event the inhabitants are agreeable with this design, the Minister of Land Transport and Light Rail will be informed accordingly.

Mr Speaker: Next question!

COVID-19 PANDEMIC VIRUS VARIANTS - TESTS

(No. B/407) Dr. F. Aumeer (Third Member for Port Louis South & Port Louis Central) asked the Minister of Health and Wellness whether, in regard to the Covid-19 pandemic virus variants, he will state since when his Ministry has been conducting tests to ascertain the presence thereof in Mauritius and, if so -

- (a) indicate the number of tests carried out and the laboratories that have been processing same, and
- (b) table copies of all tests results carried out.

Dr. Jagutpal: Mr Speaker, Sir, since the first variant of concern detected in UK in December 2020, my Ministry solicited the assistance of the National Institute for Communicable Diseases (NICD) South Africa and the Francis Crick Institute, UK for regular

monitoring of viral mutations and variants in Mauritius through COVID-19 sequencing tests conducted on positive RT-PCR stored samples referred to them. Both these institutions are World Health Organisation collaborating centres.

In reply to part (a) of the question, I am informed that on 09 January 2021, a first batch of 20 samples were sent to Francis Crick Institute, London, UK from incoming passengers, of which 3 samples failed sequencing and in 17 samples sequenced, presence of South African variant was revealed in 3 cases. The other 14 samples were of lineage of no concern.

Mr Speaker, Sir, I am also informed that a second batch of 20 samples were sent to National Institute of Communicable Diseases (NICD) South Africa on 04 February 2021, of which 17 from incoming passengers and 3 from local cases. The report indicated that 1 sample failed sequencing and the remaining 19 were sequenced. These revealed 1 UK variant and 3 South African variant, all in incoming passengers. The other 15 samples consist of lineages of no concern.

Moreover, a third batch of 40 samples was sent on 13 March 2021 to NICD South Africa, of which, 7 from incoming passengers and 33 from local cases. 1 failed sequencing and 39 samples were sequenced. These revealed 1 UK variant and 1 South African variant in incoming passengers. 33 local cases revealed lineage B1.1.318. This lineage is classified as a variant of interest and presently reported in 32 countries. The 4 other samples consist of other lineages of no concern.

Additionally, a fourth batch of 160 samples was sent to NICD South Africa on 28 March 2021, of which 61 from incoming passengers and 99 from local cases. So far, 91 have been sequenced and 3 failed sequencing. Of those sequenced, 2 reveal South African variant on incoming passengers and 89 from local transmission cases again, reveal the presence of lineage B1.1.318. The remaining results are still awaited.

I am informed that a fifth batch of 210 samples has been sent to NICD South Africa on 09 May 2021 and results are awaited.

I am also informed that a batch of 40 samples has been shipped to Francis Crick Institute, London, UK on 17 May 2021 and results are awaited.

Mr Speaker, Sir, I am further informed that another batch of 40 samples will be sent to Reunion Island for sequencing in the coming days.

Thus, so far, a total of 450 samples have been sent for sequencing, of which 120 are imported and 330 are local cases.

Overall sequencing has been successfully done on 166 samples with the following results –

UK variant (B.1.1.7) = 2 (imported cases)

South African variant (B.1.351) = 9 (imported cases)

Indian variant = Nil so far (awaiting further sequencing results)

Variant of interest detected on majority of cases concerning local outbreak during second wave in 2021 –

B.1.1.318 = 122 out of 135 samples.

Number of tests which failed sequencing is 8.

The other 33 samples were other lineages not of concern.

Mr Speaker, Sir, in reply to part (b) of the question, I am informed that individual test results are not submitted to the Central Health Laboratory. However, I am tabling a list of 160 anonymised test results submitted by the Francis Crick Institute, UK, and the National Institute of Communicable Diseases, South Africa.

Dr. Aumeer: Thank you, hon. Minister. As you mentioned rightly, there is a number of variants of COVID-19 ranging from B.1.1.7 to B.1.359 since its first identification in September in the United Kingdom.

Can I ask the hon. Minister whether he can seek information as to whether all the dialysis patients who, unfortunately, passed away, were infected with the same variant or a different variant from which patient R., who came back from India in January, and, unfortunately, passed away?

Dr. Jagutpal: Yes, Mr Speaker, Sir, the samples of all those patients who have passed away are stored and all have been sent for sequencing. We are waiting for the results.

Dr. Aumeer: Thank you. Will his Ministry consider the setting up of a genomic surveillance system because of the emergence of new variants, be it alone COVID-19, but any other virus that may come up on the market, knowing quite well that virus does undergo mutation during long-term and since we are faced with a long-term dilemma, probably about the pandemic, and that would be a major step to protect the country?

Dr. Jagutpal: Mr Speaker, Sir, the hon. Member is right. The Ministry will stand guided by the advice of the Virology Department and that genomic lineage will be conducted on that line.

Mr Speaker: Hon. Doolub!

Mr Doolub: Thank you, Mr Speaker, Sir. From his reply, the Minister mentioned that samples were being sent to UK, South Africa and Reunion Island. Can the Minister inform the House whether his Ministry will consider carrying out sequencing locally?

Dr. Jagutpal: Yes, Mr Speaker, Sir. In fact, the Central Health Laboratory has already procured the equipment to do the sequencing in Mauritius and the reagents have been procured too. At this stage, the Laboratory is proceeding with an ongoing training which will be followed by the validation of the results with the laboratories I have mentioned and, hopefully, in the beginning of July, we will start doing our sequencing on our own.

Mr Speaker: Last supplementary!

Dr. Aumeer: Will the hon. Minister, with regard to the emergence of new variants and many, much more probably to come in the future, and depending on the pharmaceutical industries' approach to set up and formulate new vaccines, whether his Ministry will be proactive to secure vaccines that will have a better protection against variants should they come on the market? Thank you.

Dr. Jagutpal: Mr Speaker, Sir, the Ministry will stand guided by the different institutions producing the vaccines and whatever will be the result of the studies, the Ministry will act accordingly.

Mr Speaker: Members are informed that PQs B/423 and B/424 have been withdrawn. Next question!

HYBRID & ELECTRIC VEHICLES

(No. B/408) Dr. F. Aumeer (Third Member for Port Louis South & Port Louis Central) asked the Minister of Land Transport and Light Rail, Minister of Foreign Affairs, Regional Integration and International Trade whether, in regard to plug-in hybrid/electric vehicles, he will state the number thereof in Mauritius over the past five years, indicating the

—

(a) number thereof that have been acquired by the Government of Mauritius,

- (b) facilities available for the charging thereof island-wide, and
- (c) plan being envisaged, if any, to improve access to electric charging on a paying basis.

Mr Ganoo: Mr Speaker, Sir, I am informed by the National Land Transport Authority that there are 17,317 hybrid and 304 electric vehicles registered with the NLTA for the period 2016 to date. These include 3 electric vehicles acquired by the Government of Mauritius.

With regard to part (b) of the question, I am informed by the Ministry of Energy and Public Utilities that the consultancy study was commissioned by the latter in March 2019 to develop a 10-year electric vehicle integration roadmap report, for Mauritius will focus on electric cars.

In this context, the Consultant, EV Consultant of the Netherlands, identified 2 public fast-charging stations near the Total Filling Stations located at Belle Vue and Tamarin.

Furthermore, the Ministry of National Infrastructure and Community Development confirmed that charging facilities are currently available at these 2 filling stations.

Additionally, it is understood that owners of electric vehicles are making their own arrangements, including charges fitted at their place of residence or company premises for instance, the Rose Hill Transport Ltd., which is actually operating 2 electric buses at its own charging facilities in the compound of the company.

Mr Speaker, Sir, as regards part (c) of this question, I am further informed by the Ministry of Energy and Public Utilities that on the basis of assumptions made by the EVConsult of the Netherlands, with 400 electric vehicles in base, year 2019, it is estimated that the number of electric vehicles would increase to 8,400 by 2025 and same is expected to reach 26,000 by 2030.

With a view to promoting the use of these vehicles, the Consultant has recommended the installation of 2,000, both public and semi-public, fast-chargers in 2025. These charges would accordingly be placed at strategic locations, including private properties like parking slots located at workplaces or hotels but available to the public. I am made to understand that consultations with relevant stakeholders are underway by the Ministry of Energy and Public Utilities.

The following main institutions will be involved in this new developing market to cause the progressive rollout of the charging infrastructures over the coming years –

- Ministry of Housing and Land Use Planning;
- Ministry of Local Government and Disaster Risk Management;
- Ministry of Land, Transport and Light Rail;
- Ministry of Finance, Economic Planning and Development, and
- Ministry of Environment, Solid Waste Management and Climate Change.

Dr. Aumeer: Thank you, hon. Minister. Will the Minister inform the House of further incentives beside Import Duty Relief his Ministry can offer to make these electric and hybrid vehicles more attractive to consumers in our attempt to decrease carbon dioxide emissions and fuel economy?

Mr Ganoo: Mr Speaker, Sir, this is a good question. In fact, it is in line with Government Policy to shift towards cleaner energy and reduce carbon emissions. That provision was made in the 2019-2020 Budget for a study on the development of a 10-year electric vehicle integration roadmap up to year 2030 and this is why, therefore, my Ministry approached, I mean, the Government approached EV Consult of Netherlands in March 2019.

In the report, Mr Speaker, Sir, the following main assumptions were made in the study; that a total of 14,244 tonnes of CO² reduction is estimated over the period 2019 to 2030 if we make Mauritius amenable to a greater penetration of electric vehicles and we succeed in implementing our plan.

The Consultant has proposed a detailed action plan, as I just mentioned, for the period 2021 to 2026, in which several recommendations were made; I will not go through these recommendations. But to answer the question of the hon. Member, Mr Speaker, Sir, the Ministry of my abled friend, the Minister of Public Utilities, has proposed that an Implementation Committee be set up, in fact, to monitor the implementation of this Action Plan. This Implementation Committee is composed of different Ministries, agencies and stakeholders, including the private sector, and I suppose it is this Implementation Committee that will address the important issue which my hon. friend has raised.

Mr Osman Mahomed: Thank you. Picking up from the point raised by my colleague, about CO² emission and environment protection, is the hon. Minister aware that at this moment in time, electric vehicles, when charged with CEB sources of electricity, are

more polluting than conventional cars? There is a report attesting to that effect from *Agence française de développement* in 2009. So, picking up again from his question of incentives, can I ask the hon. Minister, whether incentives will also cover facilities like solar photovoltaic installation which will be meaningful in the sense that, at that point in time, there will be no dependency on the grid of the CEB?

Mr Ganoo: Yes, Mr Speaker, Sir, we are talking of a new and very complex issue and this is why I think the hon. Minister of Public Utilities was very wise in setting up this Implementation Committee which shall look at all these different and complex issues, including the point raised by the hon. Member, which I am quite aware. Let us leave it to the Implementation Committee to address all these pertinent, complex and interesting issues. Thank you.

Dr. Aumeer: Thank you, Mr Speaker, Sir. Since we are talking of a very important issue, one of the major drawbacks of electric vehicles is the disposal of its batteries when the time comes - it is not now, it may be in five years or ten years; it contains hazardous items which have a high impact on environment. Can I ask the hon. Minister if the Implementation Committee has started to work on this issue so that when the time comes, we are already prepared how to dispose of these batteries?

Mr Ganoo: This is an interesting point also, Mr Speaker, Sir. In fact, the report is already on the website of the Ministry of Public Utilities. All Members interested with this issue should have a look at this report. The Consultant, as I just said, has proposed a detailed Action Plan for the years 2021 to 2026. He made certain recommendations and one of them was precisely a National Battery Plan.

So, you are right, a National Battery Plan should be developed and electric car importers should be required to guarantee battery for a minimum of eight years for hundred and fifty thousand kilometres for new vehicles and take back the battery for second life use or recycling. This tantamount to the answer raised by my hon. friend but, as I said, Mr Speaker, Sir, the Implementation Committee will be sitting and, of course, we will delve further in all these problems raised by all Members in the House today.

Mr Speaker: The Table has been advised that the following PQs are being withdrawn: B/431, B/432, B/433, B/434, B/435, B/436. Next question!

**PUBLIC HEALTH INSTITUTIONS - PCR RT TEST & RAPID ANTIGEN
TEST - MARCH 2020 TO 30.04.2021**

(No. B/409) Dr. F. Aumeer (Third Member for Port Louis South & Port Louis Central) asked the Minister of Health and Wellness whether, in regard to the COVID-19 pandemic, he will state -

- (a) the number of persons having undergone the PCR RT test and Rapid Antigen test, respectively, in public health institutions since March 2020 to 31 April 2021, on a monthly basis, and
- (b) if any laboratory has been subcontracted for quality assurance of the tests carried out at the Central laboratory in the Queen Victoria Hospital.

Dr. Jagutpal: Mr Speaker, Sir, in reply to part (a) of the question, with your permission, I am tabling the information in respect of the number of persons having undergone the PCR RT test and the Rapid Antigen test, respectively in the public health institutions since March 2020 to 30 April 2021, on a monthly basis.

As regards part (b) of the question, I am informed that -

- (i) The Central Health Laboratory participated in inter laboratory comparison with National Institute of Communicable Diseases, South Africa. The Central Health Laboratory also participates in WHO External Quality Assessment (EQA) Program for detection of SARS-CoV-2 RT PCR through Public Health Laboratory Services, Hong Kong. So far, our results have been 100% concordant.
- (ii) As regards the other 3 laboratories, namely Airport Health Lab., Wellkin and Novalab, arrangements have been made by Central Health Laboratory to enrol these laboratories on an External Quality Assessment organised by Africa Centre for Disease Control, free of charge. The first consignment of External Quality Assessment samples has reached Mauritius and has been distributed to the laboratories.
- (iii) Besides International External Quality Assessment scheme, these laboratories participate in inter-laboratory comparisons exercises organised by the Central Health Laboratory.

- (iv) Moreover, all samples detected positive by them are systematically referred to the Central Health Laboratory for confirmation.
- (v) All these laboratories have been assessed by local audit inspectors, pending foreign team formal assessment in view of World Health Organisation accreditation, using World Health Organisation Laboratory Assessment Tool (LAT). Thank you.

Dr. Aumeer: Thank you, hon. Minister. Unfortunately, I could not get the figure because you were tabling the result, which I will consult later. My understanding is that our percentage of mass testing for COVID-19 in the country ranges approximately between 24 to 28 %, which is still not the level which we would have expected to cover the whole population.

Mr Speaker: Is there any question you want to put?

Dr. Aumeer: Yes. Would the Minister consider having a greater number of COVID-19 testing facilities to encourage the population to get tested and not only when there is a red zone and when a red zone is being declared, and then, there is panic testing in that particular area?

Dr. Jagutpal: Mr Speaker, Sir, this question relates to the number of tests done. We should not forget that transmission of COVID-19 is through contact and what is more important other than testing is the sanitary precaution. Even if we get everybody tested at this point in time, there is no guarantee that the result will not be positive at a later stage, given that the incubation period is 14 days.

So, it is more important to put emphasis on precautions than doing testing. Obviously, the Ministry has already set up different COVID testing centres and devised a protocol for all those with fever, for all those having symptoms to do the test. And through this, I can tell you that since last year we have done, in Government institutions, 236,379 tests. I am going to table the list.

Mr Speaker: Hon. Doolub!

Mr Doolub: Thank you, Mr Speaker, Sir. Can the Minister inform the House about the cost implication for carrying out a PCR test in the public health institution?

Dr. Jagutpal: The cost of a PCR test in the Central Health Laboratory is Rs2,015. It is the same price that has been quoted since last year.

Mr Speaker: Hon. Juman!

Mr Juman: Thank you, Mr Speaker, Sir. Can we know the stock situation of PCR test kits, so far?

Dr. Jagutpal: Yes. As at today, 18 May, the stock available at the Central Health Laboratory is 141,790 tests.

Mr Speaker: Last supplementary!

Dr. Aumeer: Can the Minister inform the House whether criteria, other than the number of positive tests or cases that we get on a daily basis from the National Communications Centre, are being used to consider whether the situation of pandemic in the country is under control or getting any worse, by which I mean either the 'R' value or the cycle threshold?

Dr. Jagutpal: Mr Speaker, Sir, this question about the positive test, I believe we all know the number of cases recorded and the public is being informed about the cases daily. So far, the number of cases we had at the beginning has gone down. When we have new clusters, the number of cases go up, and with measures that we have been taking, such as quarantine measures, and testing that have been done, all the positive cases have gone down. So, in this situation, we will have to keep on doing tests, and if the population at large and the public follow all the sanitary measures, definitely we will be able to control the situation better.

Mr Speaker: Next question!

HAJJ 2021 - ORGANISATION

(No. B/410) Dr. F. Aumeer (Third Member for Port Louis South & Port Louis Central) asked the Minister of Arts and Cultural Heritage whether, in regard to the Hajj 2021, he will –

- (a) state if –
 - (i) his Ministry is in presence of any official correspondence from the Kingdom of Saudi Arabia as to the organisation thereof, and
 - (ii) Government is proposing to impose specific conditions pertaining thereto, and

- (b) for the benefit of the House, obtain from the Islamic Cultural Centre, information as to the state of preparedness thereof in the event Mauritius is allocated a fixed number of visas therefor.

Mr Teeluck: Mr Speaker, Sir, with regard to the first limb of part (a) of the question, I wish to inform the House that my Ministry is not in the presence of any official correspondence from the Kingdom of Saudi Arabia as to the organisation of Hajj 2021.

In fact, on several occasions, namely 04 March, 25 March, 21 April, 10 May and 13 May 2021, my Ministry had liaised with the Embassy of the Republic of Mauritius in the Kingdom of Saudi Arabia, as well as the Consulate General of the Kingdom of Saudi Arabia in Mauritius, to obtain any latest developments, and my Ministry will continue to monitor the situation, and await any official correspondence from the Saudi authorities.

With regard to the second limb of part (a) of the question, as I have related before, in view of the fact that we do not have any official correspondence from the Saudi authorities, it will not be advisable for the Government to impose any specific conditions yet.

Mr Speaker, Sir, with regard to part (b) of the question, same is a hypothetical question, and the hon. Member is pre-empting issues. As per Standing Order 22 - Contents of Questions - a question shall not contain hypothetical cases. However, I can reassure the House that my Ministry will continue to closely monitor the situation and should any decision be taken by the Saudi authorities, the Islamic Cultural Centre would be requested to act accordingly.

Dr. Aumeer: Thank you, hon. Minister. Preparedness is an art. The Hajj grant is being allocated every year to the Islamic Cultural Centre to the amount of Rs1.2 m. to Rs1.4 m., which was not disbursed last year. And as you said hypothetically, maybe this year it will not happen again. Can the Minister give us an insight of how this money will be used for the future by the Islamic Cultural Centre?

Mr Teeluck: I am sorry, Mr Speaker, Sir. What money is the hon. Member referring to?

Dr. Aumeer: Hajj grant.

Mr Teeluck: Hajj grant?

Dr. Aumeer: Yes, it was not used last year because there was no Hajj and this year probably again; this money has to be used by the ICC. It is earmarked for their funds.

Mr Teeluck: I am sorry, Mr Speaker, Sir, I ...

(Interruptions)

Dr. Aumeer: I know exactly what I am talking about!

Mr Teeluck: I might as well! Mr Speaker Sir, I do not have this information right now. So, I will come back to you if need be.

Mr Speaker: Last supplementary!

Mr Uteem: Thank you. Being given there is only two and a half months left before the beginning of Hajj, and the ICC is statutorily mandated by law to organise Hajj, does not the hon. Minister think that it is for the ICC itself to take the initiative, through the Ministry concerned, and contact the Saudi Authorities to find out whether the Hajj would be organised? Because it will be organised. This is the agency that has the statutory duty to ensure that it is organised properly with Mauritius, instead of waiting for the Saudi Authorities to get back to us.

Mr Teeluck: Mr Speaker, Sir, the ICC is in contact with the Saudi Authorities as well as the Ministry. So, as I said, we do not have any official correspondence at this stage, but there is a close monitoring being done to ensure that as soon as we have any communication from the Saudi Authorities, things are done in the manner it has to.

Mr Speaker: Next question!

ISRAEL ATTACKS AGAINST PALESTINE – DIPLOMATIC TIES

(No. B/411) Mr Osman Mahomed (First Member for Port Louis South & Port Louis Central) asked the Minister of Land Transport and Light Rail, Minister of Foreign Affairs, Regional Integration and International Trade whether, in regard to Israel, he will state if, following the recent attacks by the forces thereof against the Palestinians at the Al Aqsa Mosque, he will consider the termination of the appointment of the Consul General thereof and to recommend to Government to sever all diplomatic ties therewith.

Mr Ganoo: Mr Speaker, Sir, I wish to recall that tension between Israel and Palestine had escalated during the last weeks. Palestinians had, over the past weeks, staged a series of sit-ins in the area of East Jerusalem to denounce Israel's attempt to forcefully expel residents of the Sheikh Jarrah neighbourhood to make way for Jewish settlement.

After the breaking of the daily Ramadan fast on 07 May, thousands of young Palestinians protested near the hill top surrounding Al-Aqsa Mosque compound. Israel police fired rubber bullets and stun grenades to disperse the crowds. Militant groups in Gaza then fired rockets into Israel and the latter retaliated through airstrikes against supposedly “military targets”. More than 300 Palestinians were injured and the death toll amounted to at least 212.

Mr Speaker, Sir, my Ministry has, on 12 May 2021, issued a Press release calling on all parties to exercise maximum restraint and to urgently put an end to the violence and civilian casualties. We have also expressed our deepest sympathy with all the victims of the violence, as well as our concern on the bombardments. Moreover, we have reiterated that Mauritius supports the two-state solution with Israel and Palestine existing side by side and we have called for renewed international efforts to find a just and lasting solution to the long-standing conflict in accordance with the relevant United Nations resolutions. The International Community has expressed concern and is working towards ending the carnage.

Mr Speaker, Sir, the Secretary General of the UN has described the hostilities as utterly appalling, and called for a return to negotiations, with the goal of a two-state solution with Jerusalem as capital of both States based on UN resolutions International Law and prior agreements. China, as Chair of the month, of the UN Security Council, has called for a ceasefire as a priority, and reiterated its support for a two-state solution. I wish also to inform the House that while the tone and contents of official reactions of some of the Middle East and other Arab countries may have been strong. None of those who have established diplomatic relations with Israel have called for or announced the severing of these relations. In fact, the diplomatic channels are being used for mediation.

My Ministry is following the situation closely and is focusing on the most important aspect, that is, the need to stop the spiral of deadly violence. Emotional declarations and actions can only add to confrontational and destructive mindset. This is a time for diplomatic action at both multilateral and bilateral levels. Mauritius maintains diplomatic relations with both the State of Israel and the State of Palestine and both States have accredited Ambassadors to Mauritius. We support the mediation efforts to end the violence. All parties must be encouraged to calm down and use self-restraint. Nothing should be done to encourage violence in this unfortunate longstanding issue.

With respect to the second part of the question, Mr Speaker, Sir, as I mentioned earlier, we are monitoring the situation, and, at this stage, we do not propose to take any action to terminate the appointment of the Honorary Consul of Israel. I should further remind that the function of an Honorary Consul is not of a political nature. At a time where communications are especially difficult because of the COVID-19 pandemic, Honorary Consuls are particularly valuable in the discharge of our responsibility to assist both our nationals and nationals of other countries. Mr Speaker, Sir, the position of Mauritius has been constant with regard to the Palestinian issue at the multilateral levels, both at the UN and the EU.

I seize this opportunity to reiterate and express, once again, our solidarity with the Palestinian people in their legitimate aspiration to live in an independent, sovereign and viable Palestinian State as we support a two-State solution with Israel and Palestine existing side-by-side.

Mr Osman Mahomed: Yes, I think the hon. Minister is ill-informed because he has said that non-Arab countries have taken sanctions against Israel, but, in fact, the Emir of Qatar has already expelled the Israeli Ambassador to his country. So, I wish to put him on record, maybe he can go and check with his Officers later. The fact that Mauritius will not terminate the appointment of the Consul General of Israel, and not to cut any diplomatic ties with Israel, can I ask the hon. Minister whether it has to do with the deals the Government has negotiated with ECI Telecom of Israel which has benefited a Rs200 m. contract from CEB FiberNET to enhance the Government's capability to control the Internet which Israelis are real masters at doing?

Mr Ganoo: This has nothing to do with the statement made by the hon. Member, Mr Speaker, Sir. I just said that in spite of the strong tones and official reactions of many countries of the Middle East and many other Arab countries, none of them who has established relations with Israel, has announced the severing of these relations. So, we are doing the same.

Mr Osman Mahomed: The Press release that the hon. Minister has referred to, issued last week, does not address the issue of attacks on the Al-Aqsa Mosque at all, which is in the question. Notwithstanding the several UN resolutions to which Mauritius is signatory of, that protects the sanctity of places of worship – and, in fact, the mosque is located in that area - can I ask the hon. Minister whether he has vetted this communiqué or was it left to the

care of the Officers of the Ministry because when one reads through this communiqué, one gets the impression that the Palestinians are also to be blamed for protesting against the injustice that they are being subjected to?

Mr Ganoo: Mr Speaker, Sir, in my statement today, I have made mention of the young Palestinians protesting and the attacks which have been suffered on the mosque today. In my statement, it is clear.

Mr Speaker: The Table has been advised that PQ B/437 has been withdrawn. Next question!

Mr Osman Mahomed: Can I have one more question, Mr Speaker, Sir?

Mr Speaker: Next question!

DOMAINE LE HOCHET HOUSING DEVELOPMENT PROJECT, TERRE ROUGE – HOUSING UNITS

(No. B/412) **Mr Osman Mahomed (First Member for Port Louis South & Port Louis Central)** asked the Minister of Finance, Economic Planning and Development whether, in regard to the Domaine Le Hochet Housing Development Project at Terre Rouge, he will, for the benefit of the House, obtain from the Mauritius Housing Co. Ltd., information as to the –

- (a) start and completion dates thereof;
- (b) value of the capital investment made;
- (c) number of housing units thereof sold and unsold, if any, respectively, and
- (d) selling price of the housing units.

(Withdrawn)

COVID-19 PANDEMIC VIRUS - INDIAN & SOUTH AFRICAN VARIANTS

(No. B/413) **Mr Osman Mahomed (First Member for Port Louis South & Port Louis Central)** asked the Minister of Health and Wellness whether, in regard to the Indian and South African variants of the Covid-19 pandemic virus, he will give details on the state of preparedness of the Republic of Mauritius in relation thereto.

Dr. Jagutpal: Mr Speaker, Sir, the South-African and the Indian variants are the 2 variants among the 4.000 plus known variants of the SARS-CoV 2 virus.

The World Health Organisation has classified these two respective variants as variants of concern. WHO classifies variants as variants of concern whenever the transmissibility and/or severity, and/or risk of reinfection, and/or the response of the new variants to antibodies is compromised. In fact, these 2 variants have mutation on the spike protein. The spike protein being –

- the protein that allows the virus to attach itself to the human cell, a mutation which facilitates the virus to enter the human cell.
- the protein through which the major neutralising antibodies react to combat the virus.

Mr Speaker, Sir, with regard to the South-African variant, available data from several studies carried out have often given contradictory results.

However, although it seems certain that the South-African variant is more contagious, the figures relating to the contagiousness however differ from study to study. The South-African variant, once more, according to available studies, does not seem to cause more severe forms of infection. Regarding possible reinfections after an initial infection from the historical strain of the virus, various studies have shown that this remains possible.

Mr Speaker, Sir, regarding the Indian variant, available data are much more scarce. The combination of 2 already known mutations, which are, however, not associated as at now (this is why the variant has been inappropriately referred to as double variant), might confer to the B.1.617 variant an enhanced transmissibility, but this has yet to be proven on the epidemiological level. WHO believes that the available data should be interpreted with caution as only some 0.1% of positive samples in India have been registered and sequenced on the GISAID platform (Global Initiative on Sharing All Influenza Data).

The South-African and the Indian variants are detected through the RT-PCR tests in Mauritius; the quarantine period of 14 days is imposed on every incoming passenger. They undergo three PCR tests on day 0, day 7 and day 14 respectively in their quarantine period. Subject to a negative PCR test, the person is allowed to leave for his/her place of residence and to self-isolate for a period of 7 days following which the PCR test is carried out.

Mr Speaker, Sir, finally, as at date, the period of incubation of both the South-African and Indian variants, correspond to that applied to the other forms of the virus. The preparedness plan does not contain any particular sub-chapter on those variants because as

explained earlier, infection from these variants do not necessitate a quarantine period which is different from infections with the historical strain of the virus. The clinical management and treatment are also identical.

Mr Speaker, Sir, it can, therefore, be concluded that all the measures listed under the preparedness plan are adequate and meet the set objectives of containing the disease.

Mr Osman Mahomed: Thank you. As a matter of fact, basing myself on reply given earlier in PQ B/407, I could ascertain that South-African variants have been detected, but insofar as Indian variants, the Minister has said nil and that he was awaiting for further sequential results. Can I ask from him when do we expect to receive the results from these sequential testing?

Dr. Jagutpal: Mr Speaker, Sir, earlier I stated that the tests are being sent to South Africa and UK and we are obviously waiting for the results. Now, once the results will be made available, the Ministry is going to communicate the details of the results.

Mr Osman Mahomed: Insofar as the next generation sequencing equipment acquired to the tune of Rs6.5 m. and all the reagents, as well as the online training that is being provided to the staff of the Ministry and to which full commissioning will occur in July this year, can I ask the hon. Minister whether this set-up will enable officers of his Ministry to detect the variants raised in my question?

Dr. Jagutpal: Mr Speaker, Sir, in fact, this is the reason why we have purchased the equipment for sequencing, we are doing the trainingg and purchasing the reagents also. It's only to detect the variants, to do the sequencing of the local cases and come up with the type of variants present in the local cases.

Mr Speaker: Hon Juman!

Mr Juman: Hon. Minister, can you inform the House by when we can expect the result of the Indian variant?

Dr. Jagutpal: Mr Speaker, Sir, we have sent the samples. We can't say that this is an Indian variant or South African variant, but once the results will be available, it will be available to the Ministry, we will communicate the sequencing results.

Mr Speaker: Hon. Dr. Gungapersad!

CUREPIPE – STREET LIGHTING

(No. B/414) Mr M. Yeung Sik Yuen (Second Member for Curepipe & Midlands) asked the Vice-Prime Minister, Minister of Local Government and Disaster Risk Management whether, in regard to street lighting in Curepipe, he will, for the benefit of the House, obtain from the Municipal Council of Curepipe, information as to why the damaged lamps on the poles thereat are not being replaced since the past two months.

(Withdrawn)

SC & HSC EXAMINATIONS - GRADES

(No. B/415) Dr. M. Gungapersad (Second Member for Grand’Baie & Poudre d’Or) asked the Vice-Prime Minister, Minister of Education, Tertiary Education, Science and Technology whether, in regard to the cancellation of the examinations of the School Certificate and Higher School Certificate scheduled to be held on 28 April 2021, she will, for the benefit of the House, obtain from the Mauritius Examination Syndicate, information as to how special consideration will be applied in the calculation of the final grades in respect of each of the subjects concerned therewith.

The Vice-Prime Minister, Minister of Education, Tertiary Education, Science and Technology (Mrs L. D. Dookun-Luchoomun): Mr Speaker, Sir, according to established protocol, all educational institutions remain closed whenever the issue of a torrential rain warning by the Mauritius Meteorological Services is issued.

In this regard, when the torrential rain alert was issued on 27 April 2021 at 16.30 hours with flooding and water accumulation are expected across the island and the suspension of the public transportation on 28 April 2021, it was announced that the SC and HSC Examinations scheduled for that day would not be held. Cambridge Assessment International Examinations was immediately informed of the prevailing situation whereby candidates would not be able to sit for the papers scheduled on 28 April 2021.

The papers scheduled on that day were English Language, German and Arabic for the School Certificate Examination and Design and Textiles, Design and Technology, Hindi, Hindi Literature, Urdu, Marathi Tamil and Telugu and Chinese for the Higher School Certificate. Cambridge Assessment International Examinations informed the MES that it has an established mechanism whereby special considerations apply in some exceptional and adverse circumstances.

Mr Speaker, Sir, the special consideration is a post-exam adjustment which Cambridge International Examinations makes to a candidate's mark if the candidate misses one or more papers in a given subject, provided he has taken at least one paper in that subject. The reasons for this special consideration can be varied –

- illness;
- temporary injury;
- disruption of an examination as a result of a pandemic;
- cyclonic weather;
- earthquakes etc.

In case a candidate is absent from a paper, Cambridge International Examinations will calculate and give an assessed mark for the missing paper, based on the candidates performance in the remaining papers in that subject and on the performance of all other CIE candidates worldwide in the same papers.

For example, for the case of English Language whereby there are two Papers, given that all candidates of Mauritius have missed Paper One on 28 April, the performance of the candidates in the subject would be based on the marks scored in Paper Two and the performance of all candidates worldwide in these same papers.

It is worth pointing out that the special considerations could not be applied for the Hindi Literature paper, advanced subsidiary level, as it is the only paper for that subject. The paper was rescheduled for 14 May 2021.

For the Design and Technology paper, IY, which is a carried forward option, Cambridge International has informed the MES that, as per their regulations, a calculated assessment cannot be effected, based on course works submitted by candidates in another exam series, that is, in October/November 2019. The paper was rescheduled on 12 May 2021 and all the candidates took the paper.

Mr Speaker, Sir, Cambridge International has reassured the MES that candidates will be treated in all fairness as per their established procedures.

Dr. Gungapersad: Thank you, hon. Minister. In the past, whenever a student is not happy with his/her SC or HSC results, they normally go for remarking etc. What will happen in this case now?

Mrs Dookun-Luchoomun: Mr Speaker, Sir, whenever a student feels that he is not satisfied with his marks, he has always the possibility of asking for a remarking.

SCHOOL CALENDAR – REVERT TO ORIGINAL CALENDER

(No. B/416) Dr. M. Gungapersad (Second Member for Grand’Baie and Poudre d’Or) asked the Vice-Prime Minister, Minister of Education, Tertiary Education, Science and Technology whether, in regard to the school calendar, she will state if consideration is being given to revert to the original one as against the one adopted in June 2020 amid the Covid-19 pandemic.

The Vice-Prime Minister, Minister of Education, Tertiary Education, Science and Technology (Mrs L. D. Dookun-Luchoomun): Mr Speaker, Sir, with your permission, I will reply to both PQs B/416 and B/450 together as they relate to the same subject.

Mr Speaker, Sir, as a result of the COVID-19 pandemic all schools were closed last year for a period of nearly three months from mid-March to the end of June 2020. While we did successfully switch to an alternative remote mode of learning, it was inevitable that the suspension of the face-to-face instruction in schools during that period would have consequences on the teaching and learning process. It also led to an uneven coverage of the curriculum in our various schools.

Furthermore, it could not be assumed that students would immediately begin to recover missed learning. We, therefore, needed to make sure that at the time of the reopening of the schools in July 2020, all students be given time to reconnect with their studies. We also needed to ensure that the whole syllabus was covered for all students in all grades, particularly for those sitting for the international examinations. In the light of all these considerations, the school calendar was revised and extended by three months to make up for the learning loss.

In parallel, National Assessments and International Examinations were also rescheduled. Accordingly, the resumption of studies was scheduled in June 2021. Briefing sessions were held with all stakeholders at that point in time, namely in June 2020.

Mr Speaker, Sir, allow me to reiterate that the change in school calendar was brought about in an exceptional, unforeseeable and unprecedented, circumstance of prolonged school closure due to the COVID-19 pandemic. The hon. Member will recognise that any change in school calendar is always a difficult undertaking. And reverting to the previous one would be

fraught with a number of implications, ranging from prolonged grade retention, subsequent delayed entry in the higher studies and rescheduling of international examinations.

Mr Speaker, Sir, with this in mind and specially in the best interests of learners, it is not envisaged at this stage to revert to the original school calendar as it will entail accumulative stretch of school time by almost one year considering that the academic year was already stretched earlier.

Dr. Gungapersad: Will the hon. Minister receive stakeholders who are willing to help you, your Ministry to revert back to the initial school calendar because they have proposals which are very insightful and can be helpful for the future change of the school calendar?

Mrs Dookun-Luchoomun: *Mr Speaker, Sir*, je dois vous dire que ce n'est pas de gaieté de cœur qu'on a changé le calendrier scolaire. Ça a été fait dans l'intérêt primaire des jeunes. Il faut se rendre compte que les enfants ont été à l'école pendant une durée de 18 mois et que repousser les examens pour novembre/décembre de l'année prochaine, ce sera vraiment pénible pour eux, et demander aux élèves qui sont en *Lower VI* cette année-ci de prendre les examens à la fin de cette année en novembre serait aussi pénible. Alors, pour nous, c'est clair que la décision qui a été prise a été dans l'intérêt primaire des enfants. Nous allons, bien sûr, nous assurer que les enfants ne soient pas pénalisés en aucune façon. Bien sûr, que les *stakeholders* sont toujours libres à venir vers nous avec des propositions. Mais les décisions que nous avons prises ont été dans l'intérêt des élèves parce que vous réalisez aujourd'hui, M. le président, que les élèves ont été dans le même grade, dans la même classe pendant 18 mois. Et si nous voulons les aider, c'est de s'assurer qu'ils puissent faire l'évaluation, prendre les examens le plus tôt possible. Repousser vers novembre de l'année prochaine voudrait dire ajouter six mois de plus sur leur année scolaire. De toutes les façons, demander à ces élèves de prendre les examens aussi à la fin de cette année-ci voudrait dire leur demander d'aller prendre les examens sans avoir complété le curriculum, le syllabus.

M. le président, les *stakeholders* sont toujours *welcome* à venir vers nous avec des idées, mais nous avons pris les décisions en gardant au centre de notre action l'intérêt primaire des étudiants.

Merci, M. le président.

Dr. Gungapersad: The solutions proposed by stakeholders are not for this year; they are short-term solutions. They may take a few years; that is what they have been suggesting.

Mrs Dookun-Luchoomun: Mr Speaker, Sir, this is what I said earlier; that, at this stage, we do not plan any reverting, but we are going to ensure that all students are properly treated and that no one is adversely affected by decisions taken by the Ministry. So, we are going to help and, in due time, we are going to see whether it is possible or not to revert back.

Mr Speaker: Time over!

MOTION

SUSPENSION OF S.O. 10(2)

The Prime Minister: Mr Speaker, Sir, I beg to move that all the business on today's Order Paper be exempted from the provisions of paragraph (2) of Standing Order 10.

The Vice-Prime Minister, Minister of Education, Tertiary Education, Science and Technology (Mrs L. D. Dookun-Luchoomun) seconded.

Question put and agreed to

(4.32 p.m.)

STATEMENT BY MINISTER

LA TOUR KOENIG – ANDREANUM STREET – ATMOSPHERIC POLLUTION

The Minister of Environment, Solid Waste Management and Climate Change (Mr K. Ramano): Mr Speaker, Sir, with your permission, I wish to make the following Statement.

At the Sitting of the Assembly on 11 May 2021, the hon. David, First Member of GRNW & Port Louis West, raised an issue regarding alleged atmospheric pollution in the region of La Tour Koenig, particularly in the vicinity of the Michael Leal Community Dispensary, Andreanum Street.

I am informed that regular ambient air monitoring exercise is being carried out by the National Environmental Laboratory (NEL) of my Ministry since 2009 in the region of La Tour Koenig.

I am further informed that, last year, two ambient air monitoring exercises were carried out in the region of Pointe aux Sables at *Morcellement* La Tourelle during the period of 11 June to 02 July 2020 and at *Morcellement* Rey during the period of 24 September to 15 October 2020. Moreover, from 10 February to 03 March 2021, another follow-up ambient air

monitoring exercise was conducted at the University of Technology at La Tour Koenig, which is located about three hundred meters from the Michael Leal Health Dispensary.

As per the International Standards as well as the Environment Protection Act 2002, the ambient air parameters that are mentioned and monitored comprise Particulate Matter, Sulphur Dioxide, Nitrogen Dioxide and Carbon Monoxide. The parameters that were monitored for the above regions were Dust, known as Particulate Matter of size less of or equal to 10 microns, Nitrogen Dioxide, Sulphur Dioxide and Carbon Monoxide. Most of the time, the predominant contaminants in the region were Particulate Matter and Sulphur Dioxide. The presence of these contaminants arises mainly from industrial activities in the region and the concentrations of these pollutants, in fact, at times did exceed limits prescribed in the Air Standards under the Environment Protection Act 2002.

However, I am informed that the last ambient air quality monitoring exercise carried out from 10 February to 03 March 2021 in the regions of La Tour Koenig and Pointe aux Sables revealed that the 24-hour average values for Nitrogen Dioxide ranged from 2.39 $\mu\text{g}/\text{m}^3$ to 19.56 $\mu\text{g}/\text{m}^3$, that is, well below the prescribed limit of 200 $\mu\text{g}/\text{m}^3$ as per Mauritian Standards for Ambient Air Quality under the Environment Protection Act.

Based on the survey results, actions have been taken by my Ministry against potential industries that are causing air pollution in the region. According to records, eight factories equipped with fixed combustion have been granted either an EIA Licence or a Preliminary Environment Report (PER) Approval in the region of Pointe aux Sables and La Tour Koenig. Four out of the eight industries are required, under their EIA Licence/PER Approval, to undertake stack monitoring of their chimney and to submit results to my Ministry. In addition to the EIA/PER mechanism, listed industrial activities are required to carry out industrial waste audit and submit an Environment Management Plan in line with the Environment Protection (Industrial Waste Audit) Regulations 2008. The Environment Management Plan also includes measures for monitoring and abatement of air emissions. Accordingly, the concerned industries are required to submit relevant progress reports to the Ministry at the prescribed intervals for review. The latest stack monitoring results submitted by the concerned industries demonstrated compliance with the Environment Protection (Standards for air) Regulations 1998.

I wish to inform that following complaints received, officers of my Ministry have also undertaken a site monitoring adjoining Michael Leal Health Centre on 13 May 2021,

particularly at the Royal Road, and at Andreanum, Hibiscus and Montagne Jacquot Streets. No environmental nuisance or air pollutants such as Sulphur Dioxide, Nitrogen Dioxide, Nitrogen Oxide, Carbon Monoxide and Volatile Organic Compounds (Benzene and Toluene) were detected through the portable gas analyser. An additional site monitoring was undertaken in the region of La Tour Koenig on 17 May 2021 and no environmental nuisance in terms of emissions of black smoke or odour was reported.

Nevertheless, my Ministry will maintain monitoring of industries in the region of La Tour Koenig and Pointe aux Sables. Regular ambient air monitoring and site inspections will be conducted and more frequent stack monitoring results will be sought from industries. This will ensure that any deviation from standards are promptly identified and that necessary enforcement actions are initiated in line with provisions laid down in the Environment Protection Act.

I thank you, Mr Speaker, Sir.

PUBLIC BILLS

First Reading

THE MAURITIUS EMERGING TECHNOLOGIES COUNCIL BILL

(NO. VIII OF 2021)

On motion made and seconded, the Mauritius Emerging Technologies Council Bill (No. VIII of 2021) was read a first time.

Second Reading

THE LOCAL GOVERNMENT (AMENDMENT) BILL

(NO. VII OF 2021)

Order for Second Reading read.

(4.39 p.m.)

The Vice-Prime Minister, Minister of Local Government and Disaster Risk Management (Dr. A. Husnoo): Mr Speaker, Sir, I move that the Local Government (Amendment) Bill (No. VII of 2021) be read a second time.

The purpose of introducing the Local Government (Amendment) Bill (No. VII of 2021) is to amend the principal Act to provide for the life of 6 years of the entire Municipal City Council and the Municipal Town Council, or the entire Village Councils, to be extended from time to

time by not more than one year at a time, provided that the life of the Councils shall not be extended for more than 2 years when –

- there is, or there is likely to be, an epidemic of a communicable disease in Mauritius, and
- a quarantine period is in force in Mauritius.

The Bill also provides that, in such circumstances where the life of the Council is extended, to consequentially extend the term of the Office of –

- (i) every Councillor, including District Councillor, until the day preceding the nomination day of the local election;
- (ii) every member of the Executive Committee of the Council until the day preceding the nomination day of the local election;
- (iii) the Lord Mayor and Deputy Lord Mayor, the Mayor and Deputy Mayor, Chairpersons and Vice Chairpersons of District Councils and Village Councils of all the Municipal Councils, District Councils and Village Councils until their successors are elected after the next local election.

The Bill also provides for fixing of a period for the issue of writs for the general election.

Mr Speaker, Sir, before proceeding any further, I wish to make an amendment at Clause 6 in the proposed Section 12 (A) as circulated and which I am going to move at Committee Stage.

Accordingly, a period of emergency will not be a situation which would trigger the extension of the life of Councils. Why, Mr Speaker, Sir? This is more indicative of the genuine intention of Government, as well as meant to give further reassurance to the House as to the primary objectives of this Bill. Now the amendments will be only limited to situations of an epidemic or when a quarantine is in force in the Republic of Mauritius.

Initially, it was thought appropriate to include a period of emergency in the proposals so as to circumscribe all possible circumstances in which the holding of the local elections would have to be postponed. However, the definition of an emergency situation is broader. Our main purpose today is to address a particular state of affairs, that is, the pandemic and for which we have to muster all our efforts to combat collectively. Therefore, the Bill which is before the House today is focused and straightforward as to its intent and purpose.

Mr Speaker, Sir, the existing Section 12A of the Local Government Act which concerns the “Transitional provisions until next general election of Village Councils to be held in 2020” was introduced in 2018 to provide for general election of the Village Councils

to be held in 2020 as well as consequential provisions for the proper running of the Village and District the Councils. As we are all aware, the general elections of Village Councils were effectively held within the framework of the Act in November 2020 and, therefore, it has already served its purpose and the transitional provision at Section 12A is now being repealed.

Mr Speaker, Sir, for Village Council Elections, at the material time last year, the country was not in a situation of partial confinement and nor was there any case of COVID-19 in the local community and Mauritius was then considered to be COVID safe. The then prevailing sanitary conditions were deemed to be suitable for the holding of the general election of the Village Councils. Thus, Government upheld the organisation of polls despite criticisms from various quarters. We are all aware that, holding of regular free and fair elections is an essential feature of democratic practices which is deeply entrenched in our Constitution. We did firmly demonstrate our strong commitment, as a reliable Government to respect the democratic process.

This Government has and will always uphold the underlying principle of the Rule of Law, which is one of the fundamental tenets of the Constitution of Mauritius. It safeguards the civil and political rights of its citizens, including free and fair elections. This has, over the years, contributed significantly to the political stability and economic growth of our country. We are not going to depart from this principle. On behalf of the Government, I can assure our fellow citizens that we will never attempt to restrict their rights nor limit their freedom. We should, however, bear in mind that our objective is also to preserve the wellbeing and safety of our population, especially during these challenging and tough times and we will not, in any circumstances, flout our responsibilities.

Mr Speaker, Sir, Professor Stanley De Smith, the father of our Constitution, dedicated much effort in the preparation of our Constitution to ensure the stability of our nation. Nevertheless, he also enshrined exceptions in certain circumstances which are, *inter alia*, “public health and public safety” to protect the community at large. However, these powers are not being used abusively or in an anti-democratic way by this Government.

Mr Speaker, Sir, it is within this perspective that Government is coming forward with this Bill. We are not the only country which has taken such a decision. According to the International Institute for Democracy and Electoral Assistance (IDEA), from 21 February 2020 until 09 May 2021, around 78 countries and territories across the world have postponed national and subnational elections due to COVID-19. So, what we are doing now in Mauritius is not an exception.

The general elections for the Municipal City Council and Municipal Town Councils were last held in May 2015 and in accordance with Section 11 of the Local Government Act, they are due this year.

However, the COVID-19 situation is not the same as October and November last year. We are now facing a situation of partial confinement whereby there is a restriction on public gatherings (not more than 10 persons at a time).

As a responsible Government, we are doing our utmost to avoid a resurgence of COVID-19 in the community. We have seen how some countries are facing dramatic situations in dealing with the second and third wave of this pandemic. Some of them are even facing catastrophic crises with their health services being stretched beyond capacity and their socio-economic structures devastated.

Therefore, Mr Speaker, Sir, bearing in mind the prevailing situation in various countries of the world, this Government is not prepared to put this country and our population at risk with a Super spreader event when our economy has already been severely shaken by the consequences of this pandemic.

Mr Speaker, Sir, we have no other alternative than to take bold measures in the best interests of the nation at large. The Bill makes new provision for the extension of the life of the Councils solely in situations of an epidemic of a communicable disease or a quarantine period is in force in the country. In this respect -

- “communicable disease” has the same meaning as in the Quarantine Act 2020,
and
- “quarantine period” has the same meaning as in the Quarantine Act 2020.

The aim of the Government is not to delay the holding of the polls indefinitely, not at all, Mr Speaker, Sir. The proposals are for bringing specific extensions to the life of the Councils for short periods of time, not for more than one year at a time and for a maximum of two years. This maximum period of two years is considered reasonable as, at this juncture, even experts in the field do not have any visibility as to when we will manage to control this unprecedented pandemic and we will return to normalcy.

Mr Speaker, Sir, although the Bill makes provision for a maximum period of extension of two years, this Government, to repeat myself, always adheres to the fundamental principle of good governance and respect of our values and traditions and undertakes to hold this election within a shorter period as soon as the conditions allow.

In the Bill, a new provision is now being made at Section 10A to re-establish the life of the Councils to six years, unless sooner dissolved and in case of an extension for the

Councils to continue for the period of the extension and then stand dissolved, unless sooner dissolved.

Mr Speaker, Sir, the Local Government Act currently does not prescribe a time limit for the President to issue writs of election after the dissolution of the entire Municipal City Council, Municipal Town Councils or the entire Village Councils.

Accordingly, the present Bill is addressing this issue by amending Sections 11 and 12 so as to provide for writs of election to be issued by the President, for the general elections of Councillors to the entire Municipal City Council, the Municipal Town Councils and the Village Councils, within 60 days of the date of any dissolution of the former Municipal City Council, Municipal Town Councils and the Village Councils. This section is being aligned with the corresponding sections of the Representation of the People Act with regard to the issue of writs of elections.

Mr Speaker, Sir, a new section 12A is being introduced and it makes provision for the extension of the time for holding of the general election in this exceptional circumstance. The Bill thus provides for the extension of the life of 6 years of the entire Municipal City Council and the Municipal Town Council and the entire Village Council.

Consequently, the term of office of the councillors are being extended as follows –

- (a) every member of the council, including a District Councillor, other than the Lord Mayor and Deputy Lord Mayor, Mayors and Deputy Mayors, the Chairpersons and Vice-chairpersons of District Councils and Village Councils, shall continue to serve as such until the day preceding nomination day at the next general election of the entire Councils;
- (b) the Lord Mayor and Deputy Lord Mayor, Mayors and Deputy Mayors, and Chairpersons and Deputy Chairpersons of District Councils and Village Councils, shall continue to serve as such until their successors are elected after the next general election of the entire Councils; and
- (c) every member of the Executive Committee of a Municipal City Council, Municipal Town Council and District Council shall continue to serve as such until the day preceding the nomination day at the next general election of the entire Councils.

Further amendments which are incidental to the Local Government Act has also to be made in regard to –

- 1) firstly, filling in the vacant seat where a vacancy arises in accordance with the existing provision under section 42 and for that person to also hold office until the day preceding the nomination day at the next general election of that entire Municipal City Councils, Municipal Town Councils and the entire Village Councils, as the case may be;
- 2) secondly, filling a vacancy in the office of a District Councillor, by an election, which shall be held within 15 days of the occurrence of the vacancy by the Village Council concerned and conducted in the manner provided in section 13 and for that person to hold office until the day preceding nomination day at the next general election of the entire Village Councils;
- 3) thirdly, filling a vacancy in the office of the Lord Mayor and Deputy Lord Mayor, the Mayors and Deputy Mayors, the Chairperson and Vice-chairperson of District Councils and Village Councils by an election to be held within 15 days of the occurrence of the vacancy and conducted in the manner provided in section 34 and for the person to hold office until his successor is elected after the next general election of the entire Municipal City Council, Municipal Town Councils and the entire Village Councils, as the case may be.

Mr Speaker, Sir, an amendment is further being made to section 48 of the principal Act by adding the following new subsection for the Executive Committee of a Municipal City Council, Municipal Town Council and District Council to serve as such until the day preceding the nomination day at the next general election of the entire Council and the Municipal Town Councils, and the entire Village Councils, as the case may be.

The Section 115(4) of the principle Act is also a consequential one inserting, after the word “sections”, the words “12A(2)(a)”, so as to allow business continuity at the level of the Councils, particularly with respect to the consideration of applications for Building and Land Use Permits.

Mr Speaker, Sir, the final amendment concerns section 117 subsection (11) of the principal Act, so as to include the new provisions with a view to eliminating the risks of ‘silent agreement’ for cases of application of Building and Land Use Permits.

This will arise when the deadline for any application falls on or after the date on which a new Permits and Business Monitoring Committee is constituted after the general

election of an entire Municipal City Council and Municipal Town Councils, and the entire Village Councils, as the case may be.

A new 14-day period for general application or a 3-day period specifically for Micro and Small Enterprises would commence on the day the new Permits and Business Monitoring Committee is constituted.

I wish to reassure the House and the population at large, that this major initiative of the Government to bring about amendments to these specific provisions of the Local Government Act has not been prompted by any political motive whatsoever and there is no hidden agenda attached thereto. It is only the prevailing unprecedented sanitary conditions that have dictated our action.

Mr Speaker, Sir, I once again reassure the House that the decision of the Government to amend the Local Amendment Act is purely and exclusively motivated to safeguard the health, welfare and safety of the population.

With these words, Mr Speaker, Sir, I commend the Local Government (Amendment) Bill (No. VII of 2021) to the House.

Mr Speaker: Is that seconded?

The Deputy Prime Minister seconded.

Mr Speaker: So, at this stage, I will suspend the Sitting for 45 minutes.

At 4.57 p.m., the Sitting was suspended.

On resuming at 5.48 p.m. with Mr Speaker in the Chair.

(Interruptions)

Mr Speaker: I was so surprised.

ANNOUNCEMENT

THE LOCAL GOVERNMENT (AMENDMENT) BILL (NO. VII OF 2021) – DEBATES RESTRICTED TO AMENDMENTS

Mr Speaker: Hon. Members, some housekeeping announcement. I wish to draw the attention of hon. Members that this Bill is an amendment Bill and according to the Rule of debate on relevancy - debate must be restricted to the amendments only.

Hon. Members may be oblivious to that fact when they open the debate on the provisions of the main Act, they are in fact opening the debate and subjecting the Act of Parliament, which is not before the House and which has already been the subject of debate.

I make an appeal to hon. Members to kindly restrict their observations to the provisions which are the subject matter of the debate before the House.

Thank you.

Mr Speaker: Hon. Mr X. L. Duval!

(5.49 p.m.)

The hon. Leader of the Opposition (Mr X. L. Duval): Mr Speaker, Sir, I have listened quite attentively to what the Minister had to say. I have, myself, several important things I want to say. I will stick, of course, to the Amendment Bill.

Now, it is a fact, Mr Speaker, Sir, that on this side of the House, we all earnestly and dearly want to have these municipal elections, as quickly as possible. That is an undeniable fact, at least, on this side of the House. But, I think we accept here, that there is a health emergency, that Mauritius is not COVID-free and neither is it COVID-safe, as once was bragged around.

Now, on the second wave of the COVID-19 this year, there have been 670 positive cases in the last 18 days that is, in May itself, there have been 76 positive cases, all these cases are local cases. So, it is undeniable, Mr Speaker, Sir, that we are in the throes of a second wave.

Now, whilst we are true democrats, whilst, on this side of the House, as I say, we believe strongly in local democracy, whilst we understand that democracy has little meaning, if the period of elections are excessively long, 6 years, 8 years, it makes a mockery of elections. And, Mr Speaker, Sir, we fully understand the importance of properly functioning local authorities. Important activities that the local authorities do and which go a long way or not, or otherwise can be also a poison for the quality of life but, ideally local authorities should be there and are an important vector for improving the quality of life of citizens, improving the local environment, take care of the drainage, when God knows that there are

huge issues with drainage all around the country, not just in the towns, with these heavy rains, deliver promptly permits, etc. and create generally a pleasant living environment for everyone. So, we fully understand this and the importance also, Mr Speaker, Sir, that for these local authorities to be able to function properly, there should be electoral oversight. There should be elections and there should be frequent elections, which will allow people to exercise a choice and also for Municipal Counselors to know that they are not staying there forever.

So, we understand the need for a proper local authority functioning properly. As I said before, Mr Speaker, Sir, there is an alarming number of cases of COVID-19 around in the country. I think the paper put it last week, one case every four hours. And if we want to have a proper election campaign, we will need to organise *réunions nocturnes*, we need to go door-to-door, we need to talk to people and it is not advisable to do so and it will give the wrong message, give the wrong example to the population. So, Mr Speaker, Sir, we agree on the need to postpone the Municipal Elections.

The question, therefore, is not whether there is a need to postpone Municipal Elections, the question is rather: when should the Municipal Elections be held? That is where the problem lies, Mr Speaker, Sir, because as we saw, the Village Elections were held during the quarantine period itself. The borders were closed except for people who wanted to come and stay the two weeks in quarantine, but we were, therefore, in a quarantine period. So, this amendment that is being brought today, Mr Speaker, Sir, has one substantial lacuna for which I am going to propose, at Committee Stage, an amendment, for which, Mr Speaker, Sir, I have circulated an amendment. The question, therefore, is not whether or not to postpone, the question is: when should the Municipal Elections be held?

Now, I am, like the previous orator, unable to say when it will be possible, sanitary-wise to hold elections. I can't say whether it will be in a month's time, in two months' time, three months' time whatever. But we obviously hope that there will be some success in the campaign of Government to hold back COVID-19 and fight COVID-19. We hope that they are not telling us that they will be so unsuccessful in their campaign to fight COVID-19 that we are actually having to wait one year or two years or they will be so unsuccessful in obtaining the vaccines, that they have not obtained up to now, that in fact, the vaccines will only come in 12 months or 24 months as they never followed the advice of the Opposition in pre-ordering vaccines. And, Mr Speaker, Sir, we cannot say that enough, remind the hon. Minister and the Government of their negligence in that respect. So, unless the Government is

going to tell us that it is actually going to take them up to two years to fight COVID-19, we believe therefore, that the Municipal Elections should be held as quickly as possible.

Now, the amendment that is proposed does provide for the *bon vouloir du Premier ministre* to, at a time that suits him, call the Municipal Elections earlier than the one year or two years for which it is being postponed. Now, you remember, Mr Speaker, Sir, the V-Dem Report, which has told us, in fact, that Mauritius is no longer a democracy, Mauritius is an autocracy. And by that, it meant that power rests solely or substantially in the hands of one person and here, again, Mr Speaker, Sir, we have a Local Government (Amendment) Bill, which is being brought by the Minister for Local Government but it is the Prime Minister who will decide, *d'après son bon vouloir*, if the elections should be held earlier than the one year or two years provided for in this amendment for the postponement of such elections.

So, Mr Speaker, Sir, what I am going to propose is an amendment which makes a lot of sense and which will, in fact, - I read it, if I may, Mr Speaker, Sir. This is how it goes - in Clause 3 in the proposed new section 10A, by deleting subsection 3 and replacing it by the following subsection 3 -

“Notwithstanding this section the Prime Minister shall, as soon as sanitary conditions allow, advise the President to dissolve the entire Municipal City Council and Municipal Town Councils and the entire Village Councils, (...) for the holding of general elections.”

In fact, this imposes the requirement on the Prime Minister to organise elections as soon as the sanitary conditions allow. Let us imagine what that could be. Let us imagine we were in November 2020 for the Village Council Elections, our borders were closed but there were no active local cases and so we were able to hold Village Council Elections. And, Mr Speaker, Sir, I have always been the proponent of a traffic light system for the quarantine period, meaning that when there are, as now, many local cases, we would be on a Red Zone and at a time when there were few or no local cases, we would perhaps come to a Yellow Zone or maybe even a Blue Zone, we don't know. So, Mr, Speaker, Sir, what I am saying is that the population during a quarantine period ought to be given stages of danger, same as would be the situation, for instance, when a cyclone is about to come in Mauritius. So, I will not be too long on this issue, all I am going to say, therefore is that I believe that with certain conditions playing in our favour, we could even though there may be a quarantine period,

hold Municipal Elections quite easily as we held Village Elections. And it is for that reason that I am proposing this amendment, which I will propose at Committee Stage to impose a requirement that, as soon as sanitary conditions allow, the Prime Minister should organise for Municipal elections to be held. I think that can only be welcomed after listening to the Minister concerned, who said that it was not his intention to attack democracy, if that is the right word, then that should be welcomed by the Government because that puts clarity in the whole situation and informs the whole population that we are not using, no one is using, the Government is not using COVID as an excuse for postponing the election. And it is, in fact, only the sanitary condition that is the situation. Therefore, Mr Speaker, Sir, that is what I wanted to say on that issue. We cannot leave it to the whim and fancy of anyone as far as holding of elections is concerned.

Now, the other issue that I wanted to speak about, Mr Speaker, Sir, is the fact that I can see as proposed by the hon. Minister that Lord Mayors, Mayors and Deputy Mayors will continue in their posts. Their mandate will be automatically renewed. I do not agree with that, Mr Speaker, Sir. I think they have done their two years, most of them, and there should be an occasion for other councillors to prove themselves as Mayors, as Deputy Mayors, Lord Mayors and as members of the Executive Committees, etc.

So, Mr Speaker, Sir, whilst – as I said, I do not mind the postponement with that proviso that should be held as quickly as possible – I do believe it is a mistake to renew the mandates of these Mayors, etc., I believe that is, in fact, as if saying, that the other councillors have no value; that the other councillors cannot do the job and, therefore, we are looking – if you look at this amendment – at the possibility for a Mayor to be there, not for 2 years, as is the practice, but for 4 years, if it goes in a worst-case scenario.

So, Mr Speaker, Sir, this is what I wanted to say. I think, therefore, we should give existing Mayors a rest. The mandates are coming to an end next month and we should have new people to come, new people, new blood, new ideas and new energy will greatly help to do whatever can be done before the next election for our towns, Mr Speaker, Sir.

This is what I wanted to say. Therefore, I thank you for your attention.

Mr Speaker: Hon. Gobin!

(6.03 pm.)

The Attorney General, Minister of Agro-Industry and Food Security (Mr M. Gobin): Yes, thank you, Mr Speaker, Sir. I have to add my voice to this (Amendment) Bill

and, in doing so, I will address 3 points, Mr Speaker, Sir, and then comment on the points raised by the hon. Leader of the Opposition.

I wish to canvass 3 points, Mr Speaker, Sir. First, what this (Amendment) Bill is bringing in one of the clauses, namely Section 10A, that is, in Clause 3 of the Bill. This brings the question of the life of a Council. In the existing Local Government Act, there is no explicit provision governing the life of a Council. And when we talk of the life of a Council, we also have to address 2 issues, namely, earlier dissolution of a Council and, a fortiori, extension of the life of a Council.

Before coming to the Local Authorities, let me explain from where we draw our inspiration on this question of the life of a Council. Inspiration comes directly from the Constitution and the Constitution, when dealing with the question of the life of Parliament, in Section 57 (2), provides that, I quote –

“Parliament, unless sooner dissolved, shall continue for 5 years from the date of the first sitting of the Assembly after any general election and shall then stand dissolved.”

This means that, as a rule, the life of Parliament is prescribed as a life of 5 years. There are 2 exceptions to that rule; ‘unless Parliament is sooner dissolved’, number one; secondly, ‘unless it is extended’. Yes, I repeat, unless it is extended because the Constitution provides for the extension of the life of Parliament beyond 5 years in very, very exceptional circumstances, namely, in a state of public emergency, as defined in Section 57 itself. This is where the inspiration comes from. And when we come to the Local Authority, the House will recall that in 2015 when the amendment was brought to the Local Government Act, the law as it then stood was for elections in Municipal City Council and Municipal Town Council to be held in 2015 and thereafter every 6 years.

In December 2018, with the amendment, the same provision was provided for Village Councils, that elections will be held every 6 years and in both Amendments the provision was –

“And at such date as the President shall, on the advice of the Prime Minister, appoint (...).”

This has been a constant provision for both Municipal City and Municipal Town Councils as well as for the Village Councils. In the proposed 10A provision, which is in Clause 3, this is made very clear in simple language for every citizen of this country to understand; in 3 subsections, in simple language. The first subsection being the entire

Municipal City Council, Municipal Town Council and Village Council shall, unless sooner dissolved, continue for 6 years from the date on which the previous poll of the return of the entire City Council, Town Council and Village Council was taken and shall then stand dissolved. These are the exact words of the Constitution when it comes to Parliament.

In the further two subsections, one deals with earlier dissolution and the third subsection, that the President acting in accordance with the advice of the Prime Minister may, at any time, dissolve the entire City Council and Municipal Town Council. This is no different from what the Constitution provides when it comes to Parliament. I will come later on to the powers of the Prime Minister to tender advice to the President. This is the inspiration from the Constitution. Therefore, what we need to understand and what the people out there need to understand, what is the applicable legal regime for Parliament, which is the supreme body in this country, is made the same for the Local Authority. The same regime will apply as to the principle of the life, for Parliament 5 years, for Local Authority 6 and 2 exceptions, first, earlier dissolution or an extension of life in exceptional circumstances. And, therefore, I will come to the exceptional circumstances later.

Let me come to the powers of the Prime Minister to advise. Here, again, we draw inspiration from the Constitution. But before coming to the specific provision of Section 57 in the Constitution, Mr Speaker, Sir, time and again, we hear in this country that a Prime Minister has too much power, that the Prime Minister is almost like an elected Monarch. That is good for debate in Political Science classes. It depends which system we want, whether we want the Westminster System of Cabinet Government or we want a Presidential System. In any event, if it is not the Prime Minister, then, it's going to be the President, if the System is a Presidential one. Somebody at the end of the day will hold the Executive Power. If it's not the President in a Presidential System, it will be the Prime Minister in a Westminster Cabinet System of Government.

So, we can debate on and on, on Political Science as to which form of Government is best, but here, we cannot waste the time of the House with such debate; we need a functioning system. Yes, with checks and balances as Parliament provides on the powers of Cabinet Government, but, we need stability in Government, we need things to work because this directly affects the daily life of citizens.

If I put the question, if the Prime Minister in the existing state of our Law, and that has been so ever since we have a Cabinet System of Government here, even before

Independence, if the Prime Minister can advise the Head of State to dissolve this Parliament, why not the power to advise the President to dissolve a Local Authority? It is the same inspiration, therefore, coming from Section 57 of the Constitution, which provides in subsection (1) -

“The President, acting in accordance with the advice of the Prime Minister, may at any time prorogue or dissolve Parliament;”

He, who can tender advice to dissolve Parliament, is being given the power to dissolve a Local Authority. There is nothing which is new in the powers being held by the Head of our Cabinet System of Government, namely, the Prime Minister.

We can debate endlessly on terms of art, like we are at the whims and fancy or *on dépend du bon vouloir*. There are many considerations which come into play before advice is been tendered. It's not a question and it has never been, and will never be a question of whim, fancy or *bon vouloir*. There is always the system of accountability, namely accountability to this House. All powers are exercised within a system of checks and balances, as is enshrined in our Constitution, and those checks and balances take the form of accountability before the House, and this will continue.

And we all know also this other Constitutional Principle that the President does not act alone. This principle is enshrined in our Section 64, where the President acts on the advice tendered by the Prime Minister or by Cabinet as a whole. These principles are enshrined in our Constitution and have always been so. There is nothing new that is being provided with the Amendment Bill.

Coming to my third point as to the holding of Elections - in the Clause concerning the issue of writ of elections, Mr Speaker, Sir, that is, in Clause 4 of the Bill, amending Section 11 of the principle Act, we are taking the opportunity here to cure a defect which has been in our Local Government Act.

In the present provision of Section 11(2), I quote –

“(2) Subject to the Representation of the People Act, the President shall, for the purpose of an election of Councillors to a Municipal City Council or Municipal Town Council –

(a) issue a writ of election; and

(b) where necessary, appoint a day on which the poll is to be taken.”

The law does not say when the writ has to be issued. It says ‘issue a writ of election’, but does not say when. When coming to this House, therefore, my Office had consultations with the Office of the Electoral Commissioner and we have taken the opportunity to specify in the Amendment Bill, at page 4 of the Bill, that is, it will be at Clause 4, paragraph (a), that the writ has to be issued within 60 days. We also, as the distinguished Leader of Opposition said that he is a true Democrat, we are also true Democrats. We have specified now something which was not specified before. We specified it ‘within 60 days’ the writ has to be issued.

The second point I want to make, and that is in Clause 4(a), Subsection (2). The election of Councillors to the entire Municipal City Council and Municipal Town Council shall be held in accordance with the Representation of People Act. What we have to remind ourselves is that, when we say it is being held in accordance with The Representation of the People Act, and The Representation of the People Act provides, in Section 44, Mr Speaker, Sir, I quote -

“Regulations for conduct of elections.

Elections to a Council shall be conducted in such manner as may be prescribed.”

Council is defined as being a Municipal City Council, a Municipal Town Council or a Village Council and those regulations have already been made since 2012, namely, the Municipal City Council and Municipal Town Council Elections Regulation 2012, which provides for the Nomination Day, which shall not be less than 15 nor more than 30 days after the day on which the writ is issued and also that the polling day shall be not less than 15; no more than 60 days after the Nomination Day. This brings predictability in the holding of elections. On the regulations, the 60 days delay and predictability in the conduct of elections. Now, this leaves me with my last point and this is perhaps to address what the distinguished Leader of Opposition has said.

First of all, let me say a word of appreciation to what the distinguished Leader of Opposition has said, that, we agree that we are in a health emergency and that we agree to postpone the elections for a variety of reasons, but, essentially, that campaign will not be possible in the present circumstances. But where I respectfully disagree with the hon. Leader of Opposition is on the question of the situation, as compared to the Village Council Elections, which were held in November last. In November last, Mr Speaker, Sir, we had no case in the community. Although COVID was still looming over the whole world, and not only Mauritius, but we had no case in the community, which means that we were COVID

safe. We never said we were free, but safe; the situation is not the same now. As to the renewal of the mandate of Mayors, Lord Mayors -

Mr Speaker, Sir, in two sentences: first, the same regime was made applicable when we had extended the mandate of Village and District Councils in 2018. What is good for the Village Council is good for the Town Council. Last, the hon. Vice-Prime Minister has explained, if there is a vacancy, the vacancy will be filled in accordance, if my memory serves me right, to Section 40, I believe, of the Local Government Act. What I mean to say is that there are existing provisions in the principal Act for filling of vacancy.

In conclusion, Mr Speaker, Sir, we agree that there is a need to provide a regime to extend the life of a council. We cannot say, nobody can say, when it will be safe from a health standpoint to organise elections. When will that day come, we cannot say. There are too many variables in that equation and when there are too many variables in an equation, any mathematician will say, you will have to leave it to judicious discretion. We cannot fetter the discretion of the Prime Minister in tendering advice to the President to issue the writ, and therefore this Local Government (amendment) Bill comes to provide for this regime of extension; and to provide that the Prime Minister shall tender advice at the appropriate time.

With those words, I thank you, Mr Speaker, Sir, for giving me a few minutes extra on the agreed scheduled time. Thank you very much.

(6:22 p.m.)

Mr P. Assirvaden (Second Member for La Caverne & Phoenix): Merci M. le président. M. le président, sur ce projet de loi j'ai trois points spécifiques à développer. M. le président, je pense qu'il y a l'unanimité dans la Chambre concernant le renvoi des élections pour cause sanitaire. C'est vrai le pays passe par des moments extrêmement difficiles avec le confinement, le Covid-19. C'est vrai que de par le monde, les élections sont renvoyées. C'est vrai que la priorité du groupe de l'opposition, le Parti travailliste, la priorité n'est pas pour nous les élections municipales. Mais là où l'incompréhension, le doute subsiste, c'est quand nous voyons que le gouvernement propose de renvoyer les élections pour un maximum de temps de deux ans. La question principale qu'on se pose, avant de revenir sur le point de l'honorable ministre qui m'a précédé, c'est qu'on se pose des questions sur la gestion de cette pandémie par le gouvernement. Car, l'honorable *Leader* de l'opposition le disait, l'année dernière nous étions plus ou moins dans la même situation, et les élections villageoises se

sont tenues. Et le ministre, juste avant moi, vient de dire que l'année dernière, il n'y avait pas de cas ...

(Interruptions)

An hon. Member: Local.

Mr Assirvaden: Local. Exactement ! Merci pour la précision. Justement, l'année dernière il n'y avait pas de cas local et le gouvernement a jugé bon de tenir les élections villageoises. Mais qui a décidé d'ouvrir, de déconfiner alors que nous avons encore des cas locaux ici dans le pays ? C'est ce gouvernement dans la gestion...

(Interruptions)

Mr Speaker: Order!

Mr Assirvaden : ... dans la gestion de cette pandémie, a jugé bon de rouvrir, de faire sortir les Mauriciens.

Mr Speaker: Order!

Mr Assirvaden : Et aujourd'hui le Covid-19 a bon dos. J'ai écouté le ministre dire que c'est vrai dans notre système politique, c'est le Premier ministre qui décide de la date des élections, mais le *new normal*, les conséquences de ce qu'on vit de nos jours, ce n'est pas le rôle d'un gouvernement d'ajuster, d'amender et de voir comment ça se fait en Inde par exemple. En Inde, ce n'est pas le président de la République, ce n'est pas le Premier ministre, c'est la commission électorale, M. le ministre qui décide de la date des élections générales. En Angleterre, la date des élections générales est décidée en avance, affichée après cinq ans. Pas simplement l'île Maurice, en Amérique la date est affichée. Donc, pourquoi ne pas profiter de ce que nous vivons et tourner cela en opportunité pour améliorer notre système. Pour améliorer notre système parce que nous savons très bien que nous n'allons pas pouvoir faire campagne, pas de réunions privées, pas de *meetings*, pas de contacts personnels avec les agents. Oui, mais nous aurions pu préparer *a new normal* dans des élections municipales, dans des débats civilisés sous l'égide de la commission électorale à travers la radio, à travers la MBC, à travers la Presse. Des débats pour la présentation de nos candidats, pour la présentation de notre programme municipal, pour la présentation des débats pour un bilan. Pourquoi ne pas le faire ? Donc, les contradictions du gouvernement MSM inquiètent la population et inquiètent l'opposition. Pourquoi ? Parce que pas moins que le *Deputy Prime Minister* en personne est venu à la radio, à la télévision pour dire que la seule solution ce sont

les vaccins, la vaccination. Et aujourd'hui, je peux un peu comprendre que vous n'avez pas de visibilité, vous n'avez pas de feuille de route. Oui, parce ce qu'on n'a plus de vaccins, on n'a pas de vaccins, on n'a pas de programme de vaccins. Mais au même moment, vous dites à cette population, 10 circonscriptions sur 20, plus de 400 000 personnes, vous les privez de leur droit de vote pendant deux ans. Et au même moment, dans ce pays vous permettez à ce que les gens aillent se faire vacciner par milliers. Allez voir à Vacoas-Phoenix lors de la vaccination de la grippe ! Un millier de gens faisant la queue pour aller se faire vacciner, mais faisant la queue pour aller voter le jour des élections, ce n'est pas possible.

Des funérailles, vous avez vu sous le nez des autorités et pas plus tard que deux jours de cela, les funérailles d'un jockey qui est mort tragiquement. Nous présentons la sympathie à sa famille. 5000 personnes ! Mais vous avez des contradictions à ce que vous proposez et ce que vous faites. Le Premier ministre est venu à la télévision. Ce n'est pas un ministre, le Premier ministre est venu à la télévision pour dire à la population qu'il faudra vivre avec le Covid-19. Aujourd'hui, vous renvoyez les élections pour deux ans. Vous auriez pu le renvoyer pour 3 mois. Pourquoi ? Parce que vous avez peur de la gestion de ce Covid-19 ? Vous pensez qu'on va devoir traîner cette pandémie pendant deux ans ? Donc, votre gestion de ce que vous avez fait de la Covid-19 aujourd'hui pousse ce pays à se poser des questions.

Le responsable de la NTA est venu à la télévision, à la radio pour dire que dans les autobus on peut entrer avec 60 personnes. Quelle contradiction ! Et pour aller voter vous dites aux gens : non, ce n'est pas possible d'aller voter, pour mettre la queue pour aller voter. La distanciation sociale sur les arrêts d'autobus mais dans les autobus – *sardines* ! Il faudra mettre un peu d'ordre dans ce que vous dites, la cohérence et la constance dans ce que vous dites. Les étudiants, *HSC, SC et PSAC*, on a pu organiser les examens. Pourquoi ne pas dans un laps de temps de 3 mois de 4 mois ? Parce qu'on va devoir vivre, que vous le vouliez ou non, on va devoir vivre avec cette pandémie. Donc, il faudra je pense chercher des solutions et tourner cela en opportunité pour améliorer notre système parce que qui est au pouvoir dans les municipales depuis six ans ? En 2015, le MSM prend la responsabilité de nos municipalités.

Aujourd'hui, plus de six ans l'efficiencia a foutu le camp, l'incompétence est là. Je parle particulièrement pour la ville de Vacoas-Phoenix, la circonscription 15 et 16, où je me pose la question, est-ce qu'on va devoir - les citoyens de numéro 15, numéro 16, de Vacoas, de Floréal - subir un maire comme le maire actuel, l'incompétence de ce maire, je me pose la question. Je suis parfaitement d'accord avec ce que disait le Leader de l'opposition, pourquoi

garder les mêmes personnes mêmes s'ils sont incompetents. Donc, il y a personne au sein du conseil municipal pour pouvoir prendre la relève. Donc, il y a beaucoup de contradictions dans ce qui est dit, M. le président, et deux ans encore, laissant nos municipalités avec, j'ai dit bien, avec une illégitimité, et ce qui est encore plus grave, M. le président, c'est que dans trois mois, dans quatre mois, on aurait pu, avec de la bonne volonté, avec un peu de consensus, organiser des élections civilisées, saines, dans un débat, et nous profitons pour en finir avec les bases, pour en finir avec ce folklore, et aussi pour en finir avec ce que certaines personnes aiment, comment on appelle, le '*money politics*' pour finir avec cela. Donc, ce que, nous, au sein du parti Travailleiste nous disons, M. le président, c'est que nous sommes d'accord pour le renvoi des élections. Nous sommes d'accord la priorité des priorités doit être la santé, mais il faut une feuille de route claire, établie, pour que les citoyens savent à l'avance quand ils iront aux urnes.

Voilà ce que j'avais à dire, M. le président, je ne serais pas plus long. Je m'excuserai auprès de mes collègues parlementaires car dès que je termine je vais devoir partir, j'ai une session de prière familiale. Donc, je m'excuse d'avance auprès d'eux. Merci, M. le président.

Mr Speaker: Hon. Hurreeram!

(6.33 p.m.)

The Minister of National Infrastructure and Community Development (Mr M. Hurreeram): Thank you, Mr Speaker, Sir. I think if we needed a proof that the Opposition cannot agree together, we have just heard it. The Leader of the Opposition, on one side, is agreeable to most of the provisions in this amendment, while making some suggestions, but on the other side, I have never heard such a demagogical speech ever. *Il a dit le tout et son contraire en même temps, l'orateur qui a parlé avant moi.*

Having said this, allow me, Mr Speaker, Sir, to shed some light to enable our fellow citizens listening to us at their homes to better understand the provision of this (Amendment) Bill which this Government is proposing to the Local Government Act. We are fighting a sanitary crisis, a global and deadly pandemic. Nonetheless, as our democratic duty dictates, we must decide whether to hold local elections right now or do we postpone it temporarily until such a time that it is safe to do so. It is rather unfortunate that the Member who spoke before me, put forward populist arguments without any consideration of the consequences. The fact remains, Mr Speaker, Sir, that we still have local cases of COVID-19 in the community and this kind of thinking can only be counter-productive.

The amendment, Mr Speaker, Sir, aims to simply provide a *modus operandi* for when we have a public emergency, an epidemic or we are bound in a quarantine. The proposed section 12A clearly mentions public emergency in subsection 1(a) and epidemic and quarantine period subsection (b). It could not be any more specific and clearer. Those terms, Mr Speaker, Sir, cannot be qualified as excuses. Those terms represent our current predicament.

Mr Speaker, Sir, the proposed extension ensures that we have a greater approach as prescribed by section 12. This amendment proposes to extend the mandate of the elected Officials one year at a time, but not more than two years. And it is not like two years that the orator before me has been saying constantly. In other words, by the end of this year, if our country is COVID-free again, and Government collectively deems it safe enough for election to be held, we will do so. However, it is regrettable that some of those same hon. Members on the other side of the House, will boast outside this Assembly and in the Press that they are here to defend the interests of the Mauritian citizens and have, overnight, become expert in every field.

As a matter of fact, do not be surprised, Mr Speaker, Sir, if now they claim that they can produce their own vaccine. And what did they advocate for, Mr Speaker, Sir, we should have our borders open, the Mauritian citizens should not be vaccinated, economic activities should not resume, we need a third lockdown, we have just heard it, an eternal exercise, *met baton dan la rou*, and now, they want election, Mr Speaker, Sir.

As a responsible Government, we have, up to now, successfully contained a pandemic while we see that this virus has claimed the lives of almost 3 million people around the world. The deadly toll rises every day. The virus has brought some of the most powerful economies in the world to their knees, and here, in Mauritius, the Government has mobilised all the resources to control the propagation of this deadly virus, provided quarantine facilities in hotels, provided vaccines freely to its citizens, ensure again, the last lockdown, two-months' salaries, and all this while maintaining the economic afloat by allowing economic activities to resume and students to take part in the yearly examinations. Yet again, there are some who still want elections right away.

Mr Speaker, Sir, the whole world is facing the same situation. Allow me, like the Vice-Prime Minister earlier already said it, 78 countries and territories across the globe have decided to postpone elections due to COVID-19, out of which at least 41 countries and

territories have decided to postpone national elections and referendums. These were efforts by these Governments to counter the spread of the deadly virus.

Mr Speaker, Sir, any election requires a considerable amount of resources from Government. It would be totally unreasonable for any Government to instruct Officers of various departments involved, especially our frontliners, to lower their guard for a period of time to not only protect the lives of our citizens, but also to allow politicians to undergo an electoral campaign. I must say, I understand my fellow comrades on the other side of this House. It is not easy to criticise everything to score political points, but I urge them to take a step back and think again.

As a responsible Government, we have to take certain decisions, bold and important, some are even unpopular, like when we had to impose lockdowns. Even if the freedom of movement is guaranteed in our Constitution, we had to take a stand. Same goes for the red zones, the wearing of masks, the ban on travel to and from Mauritius. Yes, we understand very well that such decisions have caused a bit of discomfort among the population. But it was for the greater good and we have done what was in the best interest of the country; maybe some will still question our goodwill. The results speak for themselves, Mr Speaker, Sir, how the first wave of COVID-19 pandemic in 2020 has been dealt with was a prime example of the diligence of this Government. And when the second wave came, many thought this was it, we could have suffered like many big countries such as China and India. We did not. The virus is being contained and managed. It is undeniable that we cannot eternally impose lockdowns, but this doesn't mean that we, politicians, have to start putting the aspiration of our respective parties first. There is still a deadly virus out there, Mr Speaker, Sir, threatening the lives of our fellow citizens.

Gouverner, c'est prévoir. These amendments to the Local Government Act are testimony to the fact that this Government has, is and will always walk the talk, what we advocate are not just “*des paroles en l'air*”. It is not like we are asking that the current Municipal Councilors remain in post for a very long time after their mandate. It is not in the habit of the MSM, and certainly not our leader and Prime Minister, hon. Pravind Kumar Jugnauth, to extend elections indefinitely and prorogue Parliament for almost a year in order to tamper with our Constitution. Our constitution, Mr Speaker, and especially the section that refers to the National Assembly, already caters for “*Force Majeure*”. The very same constitution which Sir Anerood Jugnauth, our Prime Minister in 1982, moved to amend, in order to ensure that general elections be held every five years. This was rendered necessary

after the abuse by the Labour Party regime since independence, constantly coming up with all sorts of strategies and schemes to postpone the general elections in order to keep their handhold on power at all cost. However, the Constitution caters for a situation where a state of national crisis renders it impossible to hold an election. My good friend, the Attorney General has canvassed this point sufficiently. And, Mr Speaker, Sir, I think all of us agree here, we are in a state of public emergency; we are at war, against a deadly yet invisible foe. This battle has been going on for over a year now, but we are confident we are going to win. Unfortunately, much like in Greek mythology, cut one head of hydra, and two grow back. This virus with its mutation and variants is still very unpredictable. Despite the current vaccination efforts being carried out, we are yet to reach herd immunity. And the Prime Minister has announced it, I think, yesterday, that we are receiving another 500,000 doses of vaccines soon. We cannot risk having a disastrous 3rd wave.

As per the Regional Director for Africa for the International Foundation for Electoral Systems, organising elections in 2021 will involve reduced campaigning, and therefore decrease voter turnout. There are data backing these claims: 58% of countries, which have done elections during the COVID period, have seen at least 40% reduction in their voter turnout for national and 30% decrease for local elections. Would such an election be really legitimate? We should also not ignore the impact of the current pandemic on the election turnout among a section of our population. For example, would it be safe to allow our senior citizens to go to polling stations? The current situation will definitely lead to a lower turnout which will deny people of their fundamental right to choose.

Furthermore, with strict sanitary protocols, elections might seem to be less transparent, but more expensive. This altogether may undermine the public's trust and, thus, democracy more broadly; this is quite true, Mr Speaker, Sir. Organising elections without public gatherings, "meetings", "*porte à porte*", and other activities related to our electoral folklore, would be detrimental to democracy itself. And on polling day, with all the sanitary protocols that would have to be put in place, with all the inflexible conditions already imposed by the electoral commission, we can imagine the excuses of some after the results are proclaimed - a "*mise en scene*" where they are all grouped together, claiming: "*election kokin*", "*manque de transparence*", and so on.

Mr Speaker, Sir, we have made considerable progress in our attempt to contain this virus. And now, it is not the time to let our guard down in order to entail in a political campaign that would not serve its purpose at the moment. On this side of the House, we

believe in democracy. We believe that institutions should be allowed to function in complete freedom.

Mr Speaker Sir, we must learn from past experiences. Last year, the same “*cocovid*” begged for Village Council Elections. Our Government had just managed to contain the first wave of the COVID-19 outbreak and we are on the way to secure a COVID-free status. We did organise those elections and we all know the results. However, now when we think about it, it was not such a wise decision, because as we would find out later, the real enemy, the COVID virus, was still pretty much alive and wandering. While we constantly maintained that we should be cautious at all times, what did the Members on the other side of this House do? Not content with their sour defeat, they decided to invite Mauritian Citizens to march in Port Louis, grouped together, to criticise Government. We would learn a few weeks later that the virus was already spreading across the community at that particular time. Irresponsible, Mr Speaker, Sir! And we have just seen another ‘*cinéma sans payer*’ yesterday.

You have challenged the results of the General Elections, forcing officers, barristers and our colleague MPs and Ministers to go back and forth from Court Houses, wasting precious time which we could have been used better. You have challenged the authority of the Speaker and that too had us debating for days, criticising the Government, criticising our decisions. They can’t even decide among themselves who better fit to lead the oppositions. And they want to question to this Government, led by Pravind Jugnauth, and formidable allies represented by seasoned politicians, like the Deputy Prime Minister, hon. Steven Obeegadoo, hon. Alan Ganoo, Ivan Collendavelloo; bright minds of this Government. I wish you good luck, but I am afraid, again this feeble attempt of yours to unsettle this Government, will still fail. As a Government, we stand guided by our philosophy, mission and vision for this country. Nonetheless, I urge the Members of the Opposition to put their own personal and selfish political aspirations aside and for once, for God’s sake, to put the country first for once.

When the war against COVID-19 is won, and it is safe for an election to take place, you will have your chance to be on the battlefield and likely off it after the ballots are counted.

Mr Speaker: One minute to conclude!

Mr Hurreeram: With what this Government, and previous one, have achieved in six years, and same progress visible across all our cities, we are confident in our chances and confident in the work we have accomplished.

Mr Speaker, Sir, this extension, provided by the amendments in this current Bill, is necessary, as we cannot risk having all our cities and towns being in red zones and cases on the rise.

Thank you, Mr Speaker, Sir.

(6.51 p.m.)

Mr R. Uteem (Second Member for Port Louis South & Port Louis Central): Mr Speaker, Sir, just a few weeks ago on 06 May 2021, local elections were held in England, Scotland and Wales. Millions of people turned to the Polls. The Electoral Commissioner there published extensive guidance on conducting elections, balancing campaigning activities with the need to protect and save life. The bottom line, Mr Speaker, Sir, is that elections can be held during COVID pandemic, elections are being held during COVID pandemic.

The hon. Minister who preceded me mentioned that there are 78 countries which postponed elections during COVID-19 and he is absolutely right. In a report published just a few days ago, on 10 May 2021, by the International Institute for Democracy and Electoral Assistance (International IDEA) entitled Global Overview of COVID-19: Impact on elections, we are informed - yes true - that 78 countries postponed elections but 118 countries and territories have decided to hold national and sub-national elections. So, if there is a will, there is a way. If you want to hold elections, you can hold elections.

So, then the question arises: why is it that this Government wants to postpone the elections? Why is it that the Prime Minister wants to be able to direct the President to hold the next Municipal Council Election in up to two years' time when everybody knows that elections are due in weeks to come because the Councils are supposed to end their life next month? There are only two only reasons.

Mr Speaker: Hon. Dhunoo, last warning!

Mr Uteem: Hon. Nuckcheddy, Mr Speaker, Sir, there are only two reasons I can think of for Government wanting to postpone an election. First, because they know they are going to lose the election and it is not the first time they are going to postpone an election on that basis. They have done it repeatedly. But let us assume that it is not for the purpose of

facing the electorate, then, the only explanation for postponing the election is *un aveu* that they cannot hold elections during COVID pandemic unlike the other 118 countries out there. And yes, in the Opposition we are unanimous to hold that this Government cannot hold elections because this Government is so incompetent, it cannot handle the COVID situation. They used to brag about COVID safe.

Mr Speaker: Order!

Mr Uteem: What happened? Today, we have more cases of COVID-19 than we had last year and the number is rising day by day. You locked us down and closed our borders, you forced us to stay home and undergo quarantine, you prevented us from going to mosque, from going to churches, from going to temples and pagodas, we cannot attend funerals of our dear ones, we cannot eat in restaurant and we cannot go to the gym. All these sacrifices and today you are telling us because of your failure to control the COVID-19 pandemic, hundreds of thousands of people living in towns are going to be deprived of their democratic right to choose the Councillor of their choice, to sanction the past mistake of the current Councillors and Mayors. And if you had only listened to us and pre-ordered vaccines when we told you to do so. But no, you called us stupid then.

This is what a genius stated in this House answering to a PNQ on the 08 December 2020 when asked by the hon. Leader of the Opposition as to how many vaccines will come to Mauritius in January? In December, 2020, the hon. Leader of the Opposition asked the hon. Minister how many vaccines are going to come in Mauritius in January and do you know what was the answer of the genius? I quote –

“Mr Speaker, Sir, again, there is a lot of stupidity in what the hon. Member is saying.”

We asked a PQ, asking them to get vaccines and they called us stupid! Now, who is the stupid one today? By your stupidity, by the stupidity of this Government and its incompetence ...

Mr Speaker: I can hear some noises on this side. If I identify somebody, please take care.

Mr Uteem: By the stupidity and incompetence of this Government, officially 7 people have died. Unfortunately, we all know that the number is higher because there are more COVID-19 positive people who have been dead but are not counted in the official figures. And now today because of this stupidity and incompetence, hundreds of thousands of people are going to be deprived of their right to vote at the local election. So, Mr Speaker,

Sir, I wonder what is worse, being afraid of holding elections or being stupid and incompetent?

Now, let me go to the most controversial provision of the Bill. It is Section 6 12A and I am glad that there is a proposed amendment to this provision of 12A because originally ...

(Interruptions)

Section 12A as it is in the Bill today, before the amendment, provides that the Prime Minister is able to cause a President to postpone local elections up to two years and he could do that in two conditions –

“At any time when –

- (a) a period of public emergency is in force in Mauritius; and
- (b) there is, or there is likely to be, an epidemic of a communicable disease in Mauritius and a quarantine period is in force in Mauritius,”

Now, what really shocked me, Mr Speaker, Sir, when I looked at that paper, is that as currently drafted, it stated that you needed a period of public emergency and a pandemic. The word is “and”, the word is not “or”. So, what this Government, if this Bill was gone through without amendment, then in order to postpone election, the Government would have had to call a state of emergency in this country and I wonder how this went through Cabinet. How this went through Cabinet, all the Members of the other side, all the Ministers, how this was published? This stated that you needed a period of public emergency in Mauritius and, Mr Speaker, Sir, a period of public emergency is defined under Section 19, subsection (vii) of the Constitution.

It is a situation of exceptional circumstances where Mauritius is engaged in war, where there is a public emergency and public emergency has serious consequences under the Constitution, not only can you postpone General Elections but you can curtail civil liberties.

You can deprive Mauritians of their fundamental human rights. So, was that a genuine mistake or was it initially planned to bring a period of emergency in this country? I would like to hope that it is again stupidity and incompetence.

Mr Speaker, Sir, today, we are faced with an amendment, this period of public emergency is being deleted, rightly so. But where I do not agree is when the Attorney-General comes and says that he wants this law, he is going to put apart General Elections and Local Elections. I know the hon. Attorney General, he is a respected Barrister, he has worked

as past Magistrate. I am sure he could not have read what the Constitution says and what this Act says. The Constitution, Section 57 subsection (4) - Prorogation and dissolution of Parliament, I read –

“At any time when there is in force a Proclamation by the President declaring, for the purposes of section 19(7)(b), that a state of public emergency exists, Parliament - not the Prime Minister, not the President, Parliament - may from time to time extend the period of 5 years specified in subsection (2) by not more than 6 months at a time.

Provided that the life of Parliament shall not be extended under this subsection for more than one year.”

So, it is very different. Under the Constitution, you can postpone general elections during a period of public emergency but it has to be a decision of Parliament and only for six months at a time and only up to one year.

Today, decision of Prime Minister, for a period of one year and up to a maximum of two years. Now, I am sorry but I hope children are not watching it because these two are very different. Six months is very different from one year, one year is very different from two years and Parliament is very different from the Prime Minister. So, I hope that the Attorney General did not do that deliberately but was just quoting what his officers told him in preparing his speech because otherwise, it will be very difficult to convince us that you are bringing local elections at par when it is not. Then, that begs the question, Mr Speaker, Sir, why a different treatment for local elections compared to general elections?

Now, the question is: does this Government really believe in local Government? Does this Government believe in decentralising power? This is the question.

Mr Speaker, Sir, I will end by quoting Abraham Lincoln. Abraham Lincoln once said that -

“The ballot is stronger than the bullet.”

Election is the bedrock of democracy. We have heard during this debate that many parties have postponed local elections. Even MMM postponed elections when it was in alliance with the MSM. But the fact remains, Mr Speaker, Sir, that no party has postponed local elections more often than the MSM. And now, I will leave you to ponder on this.

Would this Government have introduced this Bill if the Municipal Council were not controlled by MSM and its allies? Would the Government have introduced a similar Bill if instead of Municipal elections, it was general elections that had to be held during COVID-19 pandemic? Because to postpone general elections on the ground of pandemic, we would have had to amend the Constitution and to amend the Constitution, you would have had to get the support of a three-quarter majority and we, in the Opposition, would never have amended the Constitution to allow you to stay in power and today, the only regret I have, is that when my party was in power, we did not amend the Constitution to entrench the holding of local election in our Constitution.

Thank You.

Mr Speaker: Hon. Ramano!

(7.04 p.m)

The Minister of Environment, Solid Waste Management and Climate Change (Mr K. Ramano) : M. le président, je vous remercie de me donner la possibilité d'intervenir sur le *Local Government (Amendment) Bill* qu'il faut le dire, arrive dans un contexte exceptionnel tant au niveau national qu'international. Nous aurons l'occasion d'expliquer les amendements proposés mais il convient aussi de préciser une chose, M. le président, ce semblant de solidarité au niveau de l'opposition, reflète aussi des contradictions profondes entre les partis de l'opposition. On a entendu le leader de l'opposition, dans son discours, adopter au tout début, une position assez sobre mais après, bien sûr, la démagogie revient toujours au galop et comme quoi, chercher le naturel, il revient toujours au galop. Et il persiste pour dire que attention, qu'on est en train de faire exprès, de retarder les mesures pour pouvoir renvoyer les élections.

Il parle de démocratie, d'autocratie, etc., et en même temps, il donne l'impression de vouloir comprendre que la situation est très exceptionnelle en raison de la pandémie et il serait très dangereux pour le pays de venir de l'avant avec des élections dans de telles situations.

Ces contradictions, M. le président, l'honorable leader de l'opposition, prend à contre-pied son propre voisin, l'honorable Khushal Lobine. J'aurais l'occasion tout à l'heure de citer quelques déclarations de l'honorable Khushal Lobine dans la presse ces derniers temps et il prend aussi à contre-pied l'honorable Reza Uteem qui vient de parler. Et l'honorable Reza Uteem a cité l'exemple de l'Angleterre pour dire que des élections se tiennent en ce moment

mais ce qu'il omet de mentionner, M. le président, c'est que ces élections ont été renvoyées de mai 2020 à mai 2021.

(Interruptions)

M. le président, c'est vrai que le *Local Government Act* a fait l'objet de plusieurs amendements et cela provient aussi du fait que pour amender le *Local Government Act*, il suffit d'une majorité relative, en comparaison avec d'autres lois électorales qui requièrent *a qualified majority*.

M. le président, il faut bien le dire que certains gouvernements dans le passé, ont abusé de cette majorité relative et aussi ce *qualified majority*. Quand j'entends l'honorable Assirvaden prononcer son discours, comme quoi, M. le président, il arrive à s'illuminer, on a l'impression d'avoir affaire à des lumières en termes de démocratie.

(Interruptions)

Mais, M. le président, quand on écoute l'opposition Travailleuse/PMMSD, on a l'impression d'avoir affaire à des champions de la démocratie alors que nous savons pertinemment bien que dans le passé, la Constitution fut amendée et même, abusée. Avec une majorité dans le Parlement en 1972, ils n'ont pas hésité à renvoyer les élections générales pour, s'il vous plaît, 1976.

(Interruptions)

Les dernières élections générales s'étaient en 1967. On renvoie les élections générales pour 1976 ou encore abolir l'élection partielle pour pouvoir remplir les sièges vacants au niveau du Parlement. Et il a fallu attendre, il faut le reconnaître. Le nouveau gouvernement en 1982, avec Sir Anerood Jugnauth comme Premier ministre, pour rétablir un garde-fou constitutionnel en prévoyant des conditions strictes de majorité, *qualified majority* ou même encore, le référendum afin de prévenir tout renvoi d'élection générale et aussi rétablir l'élection partielle, M. le président.

Le PTR, l'honorable Assirvaden trouve cela aberrant que l'Exécutif, le Premier ministre, puisse recommander la dissolution du Parlement ou même fixer la date des élections. M. le président, je pense qu'il y a un problème de mémoire sélectif au niveau du parti Travailleuse. Le parti Travailleuse, M. le président, a fixé la date des élections en 1976, 1982, 2000, 2010, 2014 et aujourd'hui, le président du parti Travailleuse trouve cela aberrant. M. le président, je pense qu'il y a un problème sérieux au niveau du parti Travailleuse. Les

élections régionales ne furent pas en reste, M. le président. Que ce soit pour les élections municipales ou villageoises, cette même opposition, sous prétexte, des raisons bidons, n'ont pas hésité selon le *mood* politique du moment à renvoyer à maintes reprises ces élections comme ce fut le cas en 2003 et 2010 aussi, M. le président.

En 2010, M. le président, sous prétextes que des consultations sont en cours pour un amendement de la loi, les élections municipales et villageoises furent renvoyées. Ce qui est quand même aberrant et révoltant, M. le président, de 2005 à 2010, pendant 5 ans, il n'y a eu aucune consultation par le PTR et le PMSD et ce n'est qu'à la fin du mandat de 5 ans en 2010, qu'on découvre subitement l'urgence d'une consultation. La loi sur le renvoi fut présentée en décembre 2010, soit à la limite du délai prévu et la nouvelle loi fut présentée une année après.

M. le président, les élections municipales eurent lieu presque 2 années après le renvoi de 2010 et ce sont ces mêmes pseudo-champions de démocratie qui veulent aujourd'hui nous donner la leçon, M. le président.

M. le président, en 2010, l'honorable Bérenger avait quand même trouvé les mots justes mais, il a la mémoire courte quand même, pour marcher ensemble avec le Parti travailliste pour la Saint-Valentin en février dernier. M. le président, permettez-moi de citer l'honorable Bérenger –

“Five and a half years later, the Bill is still not ready. We have lost five and half years.”

M. le président, cela n'a pas empêché des mamours entre ces deux parties à un moment donné. M. le président, le présent amendement n'est à aucun moment un blanc-seing qui est donné à la majorité gouvernementale aujourd'hui. Une situation claire se présente à nous aujourd'hui, *an epidemic of communicable disease in Mauritius and a quarantine period*. Cela est clairement défini sous le *Quarantine Act*.

La loi est explicite, M. le président. Tout abus n'empêche pas à aucun moment un recours à la Cour Suprême ; ce sont les provisions légales qui sont prévues par la loi mauricienne. M. le président, il est clairement mentionné, *there is, or likely to be, an epidemic of a communicable disease in Mauritius and a quarantine period*. Sur l'avis du Premier ministre, le Président peut, par proclamation, étendre le mandat de 6 ans pour une année au plus, en deux occasions, au grand maximum.

M. le président, *l'Attorney General* a clairement expliqué le pourquoi de ces amendements, il a donné les raisons, les garde-fous qui sont prévus par la loi et aussi les délais qui sont prévus pour la première fois au niveau du *Local Government Act*, en ce qui concerne les délais pour émettre les *writs of elections*.

M. le président, il est clair aujourd'hui que nous vivons dans une période d'instabilité sanitaire au niveau international. Nous suivons avec une grande préoccupation aujourd'hui la situation qui prévaut en Inde, où le taux d'infection et le taux de mortalité sont arrivés à un niveau record au niveau international ; la plus grande démocratie au monde à respecter son calendrier électorale ; le folklore n'a pas été en reste, les grandes foules ont été au rendez-vous. Malheureusement, la chaîne de transmission a trouvé là, un allié de choix ; sans vouloir adopter une position réductrice de cause à effet de cet ennemi invisible, il est juste d'avancer que l'absence de distanciation sociale et de gestes barrières ont malheureusement contribué à un certain niveau à la propagation du virus. Et, permettez-moi de citer la presse indienne pour dire que –

“The elections were held amid a surge in COVID-19 cases across the country, a second wave that has ridden the country to an unprecedented crisis. The elections scheduled spread across 4 States;”

Notamment, dans les États d'Assam, Kerala, Tamil Nadu, West Bengal etc.

M. le président, le risque sera toujours là. M. le président, nous avons entendu certains membres de l'Opposition ou encore certains analystes, au niveau des journaux, qui ont avancé qu'on aurait pu avoir recours aux nouvelles technologies dans cette situation de crise sanitaire et il est inacceptable d'envisager un renvoi des élections. M. le président, la question qu'on devrait se poser : sommes-nous prêts aux nouvelles technologies, avec toutes les implications que cela requière, M. le président ?

Cette Opposition qui crie à la fraude électorale après chaque défaite, mais qui accepte l'élection dans leur circonscription ! M. le président, l'honorable Assirvaden, le président du Parti travailliste, parle de débat sous la supervision de la Commission Électorale et, M. le président, que voyons-nous actuellement ? M. le président, plus opportuniste que cela tu meurs ! Cette Opposition qui n'a pas hésité à contester le travail de l'*Electoral Supervisory Commission*, à contester le travail de son Commissaire mais, qui, aujourd'hui, avance qu'on aurait dû faire appel à la nouvelle technologie sous la supervision de cette même Commission Électorale, M. le président !

M. le président, permettez-moi de saluer, ici, le bon travail de l'*Electoral Supervisory Commission* et de son Commissaire ; une institution qui est citée en exemple tant au niveau régional, qu'international et qui est le socle de notre démocratie.

Sous la nouvelle technologie, en parlant de vote virtuel/électronique, M. le président, nous avons la chance que le ridicule ne tue pas, sinon on aurait été tous morts. M. le président, une certaine diaspora, des candidats ratés, ont élu le Parti travailliste comme premier Parti avec 5,000 voix sur 941,719 votants à Maurice et 300,000 diasporas à l'étranger.

(Interruptions)

Mr Speaker: Order !

Mr Ramano: Il paraît, M. le président, que dans ce monde imaginaire, certains membres de l'Opposition allaient être absents aujourd'hui en raison de la prestation de serment comme ministre.....

(Interruptions)

Mr Speaker: Order!

Mr Ramano: Aux dernières nouvelles, M. le président, certains ministres de l'Opposition contestent le portefeuille qui leur a été attribué.

(Interruptions)

Mr Speaker: Order !

Mr Ramano: M. le président, nous savons tous la situation qui prévaut dans les autres pays de la région, La Réunion, Madagascar, les Comores, ou encore Les Seychelles qui a atteint un des taux les plus élevés en terme de vaccination ; Seychelles est souvent cité en l'exemple par le leader du MMM, l'honorable Paul Bérenger, mais malheureusement, nous constatons ce qui se passe aujourd'hui aux Seychelles, M. le président. Ce pays représente un taux de contamination le plus élevé pour chaque '100,000 habitants'.

M. le président, la situation bien qu'étant sous contrôle à Maurice grâce aux mesures de *contact tracing*, de quarantaine et de vaccination, prises par les autorités, restent une situation sérieuse ; il ne faut pas se voiler la face, M. le président, bien que la grosse majorité des mauriciens assument pleinement leurs responsabilités en terme de gestes barrières, il existe encore une minorité de mauriciens, qui, malheureusement, malgré les appels des autorités et

de la société civile, continuent à en faire qu'à leurs têtes et continuent à s'exposer au virus, soit en ne pratiquant pas les gestes barrières ou encore continuent à se rencontrer en groupe.

Le folklore électoral étant ce qu'il est, M. le président, il est impensable d'imaginer à ce jour, une campagne sans porte-à-porte, sans réunion, sans contact humain, on ne peut exposer les Mauriciens à de tels risques. Chaque gouvernement responsable doit faire de la santé des Mauriciens sa priorité, M. le président.

M. le président, face à cette urgence sanitaire, une autorité responsable ne peut rester insensible et rester les bras croisés. Oui, le renvoi des élections est une mesure exceptionnelle, M. le président, les intervenants avant moi, de ce côté de la Chambre, l'ont clairement souligné. À travers le monde, les intervenants ont mentionné les cas qui ont prévalu du 21 février 2020 jusqu'au 09 mai 2021 à travers le monde et les chiffres de 78 pays ont été mentionnés. Ces pays, il y va de l'Afrique, des Amériques, de l'Asie-Pacifique, l'Europe, le Moyen-Orient ; parmi les pays de l'Europe, il y a le cas de la France, où les élections locales ont été renvoyées ; l'Allemagne, d'octobre 2021 à mars 2021 ; l'Italie, ou même l'Angleterre que je viens de mentionner, M. le président.

Oui, nous préconisons un renvoi des élections municipales en de telles circonstances, mais nous demeurons fermes dans nos engagements pour la tenue de ces élections une fois que la situation sanitaire retournera à la normale, M. le président.

M. le président, notre engagement pour la tenue des élections, nous l'avons prouvé une fois que la situation sanitaire s'est rétablie l'année dernière. Nous n'avons aucune leçon de démocratie à apprendre. Que n'a-t-on pas entendu l'année dernière pour les élections villageoises !

L'opposition avait accusé à tort le gouvernement de vouloir renvoyer les élections villageoises mais à force de crier au loup, M. le président, l'opposition s'est fait dévorer par une équipe qui a plébiscité l'équipe gouvernementale dans six des sept *District Councils*, M. le président. Et pourtant, on nous avait prévenu que le mariage à trois entre le PTR, le PMSD, le MMM était solide comme le roc. L'alliance, entente, ils affichaient ouvertement leurs amours dans les rues pour la Saint-Valentin. Mais c'était sans compter avec le briseur de mariage, tranquillement assis dans la dernière rangée de l'opposition, perché dans son arbre à Floréal qui n'a pas hésité à voler la moustache à ce pauvre lion, M. le président.

M. le président, ça doit faire mal de se faire tromper, de se faire duper à cet âge. Ils ont le toupet de dire qu'il ne faut pas se tromper d'adversaires et j'entends très souvent les

membres de l'opposition, surtout les membres du Parti travailliste qui ont été trompés, qui ont été dupés, venir dire aujourd'hui, qu'il ne faut pas se tromper d'adversaires. Mais je pense qu'ils doivent savoir maintenant où se trouve leurs vrais adversaires, M. le président.

Mr Speaker: Time to conclude!

Mr Ramano: Oui, M. le président. M. le président, le *Local Government Act* a été amendé à plusieurs reprises et à partir de 2011, il fut institué un *Executive Committee* par les Sections 47 et 48 du *Local Government Act*. Ce comité est composé du maire, du *deputy mayor*, et de cinq autres membres du conseil. Après application des sections 117 et 160 du *Local Government Act*, l'*Executive Committee* détermine les applications pour les *Outline Planning Permissions*, les *Building and Land Use Permits* et *procurement of goods and services*. Le mandat de cet *Executive Committee* est de deux ans après l'élection du maire et quand un membre cesse d'être membre de l'autorité locale, automatiquement il cesse d'être membre de l'*Executive Committee*. D'après cette même loi de 2011, the term of office of a Councillor shall *begin on the day on which he takes the oath and shall terminate on the day immediately preceding nomination day*.

Mr Speaker: One minute left!

Mr Ramano: M. le président, je termine. Il est clair aujourd'hui que l'*Executive Committee* agit comme le poumon d'une ville. Il était important que les conseillers puissent avoir voix aux chapitres. En ce qui concerne les permis également et il est inconcevable que le fonctionnement d'une ville à travers l'émission des permis ou encore le *procurement of goods and services* puisse être bloqué tout simplement parce que le mandat de l'*Executive Committee* était arrivé à terme du mandat de deux ans, M. le président. Ainsi, le présent amendement permettra à l'*Executive Committee* de continuer à fonctionner et il est dit que l'*Executive Committee and the anterior, the Municipal Council*, ce même comité restera là jusqu'à la veille du *nomination day*, M. le président.

M. le président, nous reconnaissons le principe de la permanence de l'état au niveau régional car il va sans dire que les affaires d'une ville ou d'un village ne peut être sacrifié en raison d'un quelconque calendrier politique. Ce principe s'appliquera bien sûr, tout aussi bien en raison de l'extension du mandat de six ans. En conclusion, M. le président...

Mr Speaker: With your permission, may I stop you there? Thank you very much, hon. Minister.

(7.24 p.m.)

Mr S. Mohamed (First Member for Port Louis Maritime & Port Louis East):

Thank you, Mr Speaker, Sir. I listened with a lot of interest to the hon. Minister of Environment and I have also listened with a lot of interest to the Minister of Public Infrastructure earlier on. There are certain important words that were used today by the Minister Hurreeram who talked about *gouverner, c'est prévoir*. And, I have come to the conclusion, having listened to all those speaking before me and most importantly those from the Government side, that I understand today why a lot of people in Mauritius do not have an easy task to say that they have confidence in *la classe politique*, because I have done some research and I have realised that, yes, I agree with many of us, that it is not the first time that the Local Government Act is being amended for postponement of elections.

When I hear hon. Ramano speak, it is like the pot calling the kettle black. In actual fact, when I read, ever since 2002, the debate on 02 July 2002, when there was hon. Lesjongard, if I am not mistaken, from memory, who was the Minister of Local Government presenting the change in legislation for the extension or the postponement of elections. He presented another one again in 2003 and in 2004 it was another Minister under the same MSM-MMM Government that presented the third amendment to postpone Local Government elections during the same mandate, and that was then hon. Mukeshwar Choonee in 2004 who was Minister of Local Government. So, fair enough, I mean I will not get into the debate as to whether it was justified or not; this debate has already been heard, it has already been decided upon, votes have already been taken on this, and it is an old story.

Yes, in 2005, the Labour Party Government together with PMSD brought changes to the Local Government Act. We restored, if you want to call it that way, Local Government elections in 2006. Then, late Burty David also came up with a new Bill to extend or postpone elections. Labour Party did it; in 2010, we did it again with the MSM. So, as it stands right now, I mean, if we are to try to be very practical or very objective about it, Mr Speaker, Sir, the MSM has done it, the MMM has done it, the Labour Party has done it, the PMSD has done it. We have just done it altogether. So, we have all done it. So, now, I am not going to get into a debate as to who was right, who was wrong. As I have said, all this is behind us, but there is one thing where I agree with hon. Hurreeram. Unfortunately, he is not here, and maybe his good friends could share that with him. He must be surprised that I agree with him on something. He very rarely says things that make sense. So, today, he said something and, today, he said that *gouverner, c'est prévoir*, and that is very true. It is not because we have all done it that it means that we have the right today to come and do the same thing again, which

is criticise one another. In one case, I remember the Minister for Local Government, hon. Lesjongard, in 2002, saying it was important to postpone, but, in 2010, I remember him making another speech when he thought it was a breach of democratic principles to postpone. So, fair enough, he was in the Opposition then, as opposed to him being in Government in 2002.

I, myself, I remember, made a speech in 2005 where I criticised the former regime for having postponed the elections, but I made another speech in 2010, saying we should postpone the elections. So, I think time has come where we should accept to look within ourselves and criticise what may have been wrong some time, some place. But we all agree with one thing, because at different points in time, be it the MSM, be it the Labour Party, be it the PMSD or the MMM, we all agree with one thing: that democratic principles are very important. Postponing elections as a principle should be avoided. We all agree on that. So, if we all agree on that, I don't believe that the debate should be on that. What the debate should be on is the following: there is an intrinsic link between the fact that we are living through difficult sanitary period of COVID-19 and the fact that elections cannot be held, according to Government. This link is there and has been set by Government. The rest is unimportant. Cheap political points can be said; well, you said this, I said that, you did this, I did that. Fair enough! This, people are fed up of hearing. So, what we want to know is - and therein lies the difference.

I speak for the Labour Party today. It is easy to criticise hon. Assirvaden as President of the Labour Party, but, maybe, one should listen to what he is saying, without trying to be on the defensive every time. What he is trying to say is as follows, Mr Speaker, Sir, and I agree with him, and let me try to simplify the principles we stand for.

We stand for a change in the ways of governing the country. Governance is important; democratic principles, *allons retourner à la source*. This is what the people want us to do. Forget about what we think is right! The people of this country, *l'électorat de l'île Maurice veut que retourne à la source la démocratie. Qu'est-ce que cela veut dire? Cela veut dire que* we have to take their views onboard. As it stands right now, you knew that we were living through the COVID-19 pandemic. The Government was aware, ever since last year, that we had to adapt to the new normal. As a new normal does not mean basically going to the old ways of doing things as this Government has been doing. You are just doing the same thing that the Labour Party did in 2010. You are doing the same thing that the Government did in 2002. You are repeating the mistakes of the past! You are, in fact, embracing the old

normal. What we are asking you to do is to adapt and embrace the new normal, and embracing the new normal means if you knew that there was going to be a problem pertaining to COVID-19, you knew that social distancing was important, you knew that you had to ensure that all social barriers and measures and cleaning one's hands, all this was important; you knew it.

What did this Government do ever since last year in order to adapt to the new normal? That is the question! Did it bring in vaccines? We have heard it from our friends. No, it did not. It is very simple; you did not bring vaccines in. We are looking like beggars on the world market; begging from India for a bit; begging from China for the rest; begging for a bit from Sheikh Soodhun trying to bring in 5,000 by private jet!

Mr Speaker: What all these have to do with the Bill?

Mr Mohamed: It is the inability to vaccinate the people that has created a situation today, where we have to consider this legislation because we cannot protect our people by holding elections. Had this Government had a proper vaccination programme and had it prepared ever since last year a proper vaccination programme, we would not have been in this situation today.

The fact remains, if the Government is asking for a maximum of 2 years, let us think about it, Mr Speaker, Sir; a maximum of 2 years. And this is not an innocent request. Two years, why? Because, as it stands right now, we have not – if I am not mistaken – even gone above the threshold of 15% of the population having been vaccinated. *On n'est qu'à 15% de la population!* We have heard from the Minister of Health and Wellness; we have heard from the Prime Minister; we have heard from their experts that you need to reach at least 60% in order to have herd immunity, or more. When are we going to reach that figure? We will not reach that figure even on these 500,000 vaccines coming from China. As it stands, to be honest, we will not even reach it until next year. Seychelles has not even done the second phase of vaccinations properly, and look what is happening in Seychelles. It is shooting up again. So, this is what is going to happen to us. That is the truth, and the reason why I think we should adapt to the new normal is precisely because we are living a time that is very, very complicated. I agree with Government; we are living a complicated time. So, forgive me, I do not agree with Government that we should necessarily have come and postpone the elections. Had I had the choice of, at least, advising Government, I would have simply read simple, beautiful articles and reports written, and one of them I read is from the Institute for

Democracy and Electoral Assistance, and that document is written by Antonio Spinelli and published on 16 April 2021, and the title of this document is “One year into Covid-19: Paving the way to change in electoral policy and practice”. That is what it talks about; changing the ways that people vote. How do you ensure that you have social distancing at the time of vote? How do you ensure - I am not talking only about electronic voting, we are talking about other ways of voting, proxy-voting, we are talking about home-voting, mobile ballot boxes, we are talking about trying to adapt to the new normal. Other countries have done it! Other countries have thought about it! Experts, not me! Not the Labour Party! Not the Opposition! Experts! International experts have written documents about it. This is what I would have expected Government to do in a moment where we agree we are living through difficult times.

Why simply react like the old normal by simply postponing elections? Why did we not set up a committee, ever since last year, if we knew that we would have had to adapt to a new normal, by proposing, preparing and planning for a different way of carrying out elections? Why was this not done together with the Office of the Electoral Commissioner? Why was it not done with the Electoral Supervisory Commission? Why did we not adapt to the new normal?

That is all I have to say. And when you think about hon. Ramano talking about, well, you know what, in England the local elections are postponed for one year. Yes, it was done for one year! We all know the devastation in England as from last year and how the whole COVID matter was not being managed properly. Fair enough! We are a smaller country and solutions should come easier to us than huge democracies like the United Kingdom. Finland, for instance, postponed elections on 18 April 2021; local elections. Finland! And they postponed it to 13 June 2021. Why is it that it can be done in other democracies? And why is it that we all have to follow other democracies literally and why can't we act differently?

So, in conclusion, Mr Speaker, Sir, I think it is a waste of time to keep commenting about what happened in the past because I say it again, we have all done it. So, if we are to keep scores, the MSM leads. But then, it would be ridiculous to say so. The MSM leads because they have done it more than us. Fair enough. Now, if you want to talk about General Elections, then it is another debate; then, maybe we lead.

So, I do not think that is really an important debate. What is important is there was an opportunity, Mr Speaker, Sir, for us to adapt to the new normal, to be able to give an example to other countries, out of those 118 that have held elections or the 70 or so that have

postponed elections, we could have been different. We could have shown that there was a way to hold elections and to adapt to the new normal, but we failed in that aspect.

So, we are before a situation today, unfortunately, where I disagree with the hon. Attorney General, when he says that you can either be a Westminsterian Parliamentary System, where it is the Head of the Executive that decides, it is either the Prime Minister or the President, I disagree with him.

In India, it is not the Prime Minister who decides the dates of the elections. It is not the Prime Minister of India who decides when is the date of elections; it is the Electoral Commission. It is the Electoral Commission! And what I disagree with is if you are to really speak about reality, the hon. Attorney General should not make mistakes, more so, he is the Attorney General. He cannot say that in the United Kingdom, it is the Prime Minister who decides on the date of elections. Untrue! In the United Kingdom, it is a fixed term. Things have been amended. No longer does the Prime Minister go to see the Queen, and Parliament is dissolved. That is not the case. Even in France, that is not the case. It is not the President of the Republic. In America, ever since 1849, it is not the President of the United States of America who decides when they will have elections. So, what is the Attorney General really on about? I fail to understand.

What I am trying to get here is not a competition as to who knows history about law or about the development of the law. It is not a competition between us, Mr Speaker, Sir. The only thing is, if we could have, at least together, have adapted to the new normal for local elections, we would have been an example to the world. And, unfortunately, that is the difference between the Labour Party and the MSM because you make politics about everything, whereas, at least, in the moment of difficulty...

Mr Speaker: Time to conclude!

Mr Mohamed: ...it is an opportunity to be different and to react as the experts and authors have written. It could easily have been implemented! Now, if you want to go on and on and on about what happened in the past, if you feel happy about it, if it really inflates your own political ego and you feel good about it and you can go home and have a nice night sleep, fair enough! But that is not a solution for the future of our country!

I have done, Mr Speaker, Sir.

Mr Speaker: Hon. Collendavelloo!

(7:40 p.m.)

Mr I. Collendavelloo (Third Member for Stanley & Rose Hill): Thank you, Mr Speaker, Sir. I shall be talking about the Bill tonight and not of things which are totally irrelevant to the Bill.

Mr Speaker: Thank you very much.

Mr Collendavelloo: Don't thank me. Mr Speaker, Sir, the overall Clause in this Bill is Section 12(A). What does it tell you? And we're going to vote for this tonight. Elections for Municipal Councils will be postponed, if it is voted, on two conditions: because there is an epidemic, in this case, the COVID and, secondly, because we are in a quarantine period. These are two conditions for postponing Municipal Elections. Not only this one! If in ten years, a similar situation, we hope not, arises, this is going to be the case.

Therefore, because of the sanitary conditions which we are experiencing these days, we need to postpone, and we know we would have been campaigning this time; we would have been going around, mixing with people, talking, and nowadays it is impossible to do a political campaign or to queue at the Voting Centre.

We must all acknowledge, as hon. Minister Ramano has done, the sober tone adopted by the Leader of the Opposition and the very sober matters; the sober tone in which he presented his arguments as well as his motion for amendment, which nobody else has talked about, except him. I will talk about it later.

The Bill, the new Section 12(A) tells you that you have these two conditions. Then, the Prime Minister would advise the President to extend, and the overall words, as the Vice-Prime Minister and Minister of Local Government has stressed, are 'during such periods', that is, only during the period of the epidemic and the quarantine period, not for any other period.

There is an amendment which is going to be made; we do not need to talk about it as the hon. Second Member for Constituency No. 2 did. So, there is an objective test. It is not, as we say, at the discretion of the Prime Minister or at his whims and caprices. It is objective. If there is an epidemic, if we are in a quarantine period, then elections are postponed, and if they are postponed, only for these periods.

This is why I have to turn to the proposal for amendment made by the Leader of the Opposition. Instead of this, the Leader of the Opposition tells us that we should insert that the

Prime Minister shall, “as soon as the sanitary conditions allow”, advise the President to dissolve Parliament, that is, after postponing, because he agrees that the elections must be postponed. But he says that we've got to have elections as soon as sanitary conditions allow. I ask myself the question: what sort of uncertainty is the Leader of the Opposition trying to insert in the law?

Who will judge that sanitary conditions allow the holding of an election? The Minister of Health? And if the Prime Minister decides that the sanitary conditions or the Minister of Local Government decides that the sanitary conditions do not allow the holding of elections, who is going to decide? The Supreme Court is going to go and make a scientific observation on the sanitary conditions?

I believe that amendment which is being proposed by the Leader of the Opposition, and I am not too sure whether this *Alliance de l'Espoir* is having the same music because I hear one language of the hon. Second Member for Constituency No. 2, I hear another language from the First Member of Constituency No. 3. The only one who comes level-headed in the Opposition is the Leader of the Opposition who says, ‘look here, we need to postpone, but, then, instead of bringing an objective test, let us have a subjective test as soon as the sanitary conditions allow’, that is, a vague, uncertain, and nobody knows when the elections will be held.

So, I believe that this amendment should be rejected totally, and I believe that the Members of the Opposition should reflect again on the proposal made by the Leader of the Opposition. Much has been said also on the fact that the mandate of the Mayors and the Presidents of District Councils are going to be extended. Yes, they are going to be extended, but nothing will prevent the Councils to change Mayor in accordance with the Local Government Act if they decide that it is going to be so.

Hon. Minister Ramano hit the nail on the head. After we have heard the Leader of the Opposition and then we listen to the hon. Second Member for Constituency No. 2, we hear two completely different speeches. One says, ‘yes, we agree the COVID situation is such that we cannot hold elections’. The other one does not agree that we should postpone elections and he quotes the number of countries. I have had time to check the website of IDEA. It is not correct what hon. Uteem said. He has mixed two figures. I have had a very quick reading. If you go to the website of IDEA, we will see that the vast majority of countries are now postponing elections. In France, they postponed the elections.

So, we need to see how we look at the figures. Statistics and figures, it's easy to confuse people with this; 78 and 118. It appears so magnificent that people will believe in what you said. Well, check the facts, and you will see that it is not so at all. This is why the hon. First Member of Constituency No. 3 did not know on what music he had to dance. He was just lost. Finally he talked, he made a speech on vaccination; he made a speech on electronic voting, because on the one hand, he had the Leader of the Opposition and, on the other hand, the spokesman of the MMM. We don't know! And we call it *l'Alliance de l'Espoir? L'Alliance de Désespoir! Ça l'espoir?* What are you going to do with this? And you want elections?

Mr Speaker, Sir, I think all people who have a little bit of wisdom will agree that what this Bill is doing is the correct thing to do, and I am going to support the Bill and vote against the amendment which has been proposed by the Leader of Opposition.

Thank you, Mr Speaker.

Mr Speaker: Hon. Ms Anquetil!

(7.51 p.m.)

Ms S. Anquetil (Fourth Member for Vacoas & Floréal): Je vous remercie M. le président. Nous procédons actuellement à l'examen du projet de loi qui vise à travers la section 12A du *Local Government Act* à proroger les mandats des élus municipaux en cas de situation d'urgence, de crise sanitaire ou de quarantaine pour une ou deux années additionnelles. Ces élections municipales auraient dû avoir lieu le mois prochain. Je voudrais joindre ma voix à celles de mes collègues qui m'ont précédée de ce côté de la Chambre pour dire que nous ne sommes pas contre le renvoi des élections, mais il y a une perception arbitraire et injuste, surtout dans la forme. D'un côté, il n'y a plus de distanciation physique dans les bus, taxis et métro ; seul le port du masque est requis, et de l'autre côté, on reporte les municipales pour cause sanitaire sur une période de 2 ans. Il est un fait que ces élections étaient très attendues dans nos cinq villes : à Port-Louis ; à Beau Bassin-Rose-Hill ; à Vacoas-Phœnix ; à Curepipe, et à Quatre Bornes. Les citoyens se sont mobilisés et sont prêts à toute éventualité pour donner une bonne raclée au gouvernement.

(Interruptions)

Disons les choses clairement. C'était prévisible que le gouvernement, face à une grande impopularité, avec une série de scandales politico-financiers, cherchait désespérément une porte de sortie...

Mr Speaker: Come to the Bill!

Ms Anquetil : ...pour le report de ces élections.

Mr Speaker: Come to the Bill!

Ms Anquetil : La Covid-19 a bon dos. Il est inconcevable que la Covid-19 serve de prétexte à une répression excessive. De toute évidence, le gouvernement a peur du verdict des urnes et n'hésite pas à mettre la démocratie sous cloche pour retarder une débâcle dans nos cinq villes. Les enjeux sont énormes pour l'Exécutif. Nous avons en effet affaire à un pur calcul politique. Est-ce que tout cela n'est pas un prétexte d'arrière-pensée politicienne du gouvernement ? La gestion de nos villes ces dernières années laisse à désirer et les bilans des cinq municipalités sont défavorables et peu flatteurs. On parle même d'administration bancaire.

M. le président, on ne change pas une équipe qui gagne, dit-on. Néanmoins, celles qui sont aux commandes des cinq municipalités actuellement sont appelées à disparaître lors des prochaines élections municipales.

Il s'agit d'un projet de loi concernant le droit de vote des citoyens. La démocratie repose sur le respect des échéances électorales déterminées par la loi. Sur le fond, les arguments défendus reposent principalement de ne pas mettre en danger la santé des centaines de milliers d'électeurs et les candidats. Ce qui dérange, c'est surtout le principe de sincérité autour de l'Article 12A. Est-ce un délai raisonnable que de décaler ces élections pour une durée de 2 ans maximum ? Pourquoi le gouvernement ne propose-t-il pas de repousser le scrutin à court terme, c'est-à-dire pour une période de 3 mois ? Au bout des 3 mois, faire une évaluation pour déterminer s'il y a une évolution de la situation sanitaire et voir, après soumission d'un rapport scientifique, si les conditions sanitaires sont réunies pour déclencher les élections.

M. le président, la démocratie ne peut pas rester confinée. Je rappelle à la Chambre qu'après le premier déconfinement, soit le 31 mai 2020, il y a eu la tenue des élections villageoises dans les 6 mois qui ont suivi, plus précisément le 22 novembre 2020. Pourquoi le gouvernement n'appliquerait pas le même principe de tenir les élections urbaines dans 6 mois, par exemple ? Pourquoi cette politique de deux poids deux mesures ? Pourquoi une

politique de *divide and rule* ? Nous rêvons d'une nation arc-en-ciel. Pourquoi ne pas faire de l'île Maurice le pays d'une seule grande ville ? La question qui s'impose : est-ce que le gouvernement ne serait pas en train de brader, voire de court-circuiter la démocratie en reportant le scrutin pour une période maximum de 2 ans ? Déjà pendant le confinement, le pouvoir Exécutif, les députés du gouvernement, les maires, les conseillers, les présidents de districts ont bénéficié d'une forme de monopole de mouvement, alors que les députés de l'opposition ont été mis à l'écart, n'ayant pas de *WAP* pour circuler, ce qui fausse le jeu démocratique. Quel mépris de nous avoir octroyé le *WAP* quasiment à la veille du déconfinement, suite au procès intenté par notre collègue Richard Duval !

Pour conclure, je dirais que le gouvernement n'a pas le courage d'affronter ces élections municipales. Par rapport aux changements apportés aux règles électorales, s'agit-il des modifications temporaires ou définitives ? La manière d'agir du gouvernement démontre une forme d'abus et confirme, malheureusement, que nous avons affaire à un gouvernement autocratique, alors que nous nous attendions tous à un gouvernement démocratique.

Je vous remercie M. le président.

Mr Speaker: Hon. Members, I suspend the Sitting for one hour.

At 7.59 p.m., the Sitting was suspended.

On resuming at 9.04 p.m. with the Deputy Speaker in the Chair.

The Deputy Speaker: Thank you very much. Please be seated! Dr. the hon. Mrs Dorine Chukowry!

Dr. Mrs D. Chukowry (Second Member for GRNW & Port Louis West): *Thank you, Mr Deputy Speaker, Sir.* M. le président, pour commencer, je conseillerais à l'honorable Ms Anquetil, qui malheureusement n'est pas présente dans la Chambre - elle arrive - de bien faire son *homework* avant de venir dire n'importe quoi dans cette auguste Assemblée. Je tiens à préciser que les *PPS*, les *backbenchers*, et même les ministres n'avaient pas de *WAP*, comme l'honorable Ms Anquetil a voulu faire croire, et a donc induit la population et le Parlement en erreur. Cette décision a été prise pour nous protéger, pour vous protéger.

Mr Deputy Speaker, Sir, at the very outset, I wish to congratulate Dr. the hon. Husnoo, the Vice-Prime Minister, Minister of Local Government and Disaster Risk Management for his caring gesture by bringing to the House the Local Government (Amendment) Bill (No. VII of 2021) during this period of COVID-19 pandemic.

Mr Deputy Speaker, Sir, I feel that my sense of duty overrides anything else when it comes to standing for and by the measures and, indeed, philosophy envisaged through the enacting of the Local Government (Amendment) Bill. Mr Deputy Speaker, Sir, as the ever first woman to shoulder the responsibilities of Lord Mayor not so long ago, it goes without saying that my intervention on this Bill fits the calling of this noble tenure.

Mr Deputy Speaker, Sir, before everything, it will certainly be of vital assistance that our collective memory be refreshed for the purpose through a slice of our political history. Let me recall some important dates. District Council Elections were held on 31 August 1997, on 11 December 2005, on 02 December 2012, and also in November 2020. Elections were postponed because all the successive Governments in power believed that there were good reasons for doing so.

Mr Deputy Speaker, Sir, let me indulge in another surveying of our rich history. In 2010, the Government in power under the prime ministership of Dr. the hon. Navinchandra Ramgoolam, postponed the Municipal Elections from 2010 to 2011 and re-postponed to 2012, because, again, the deferment was backed by reasons which were perceived to be valid and justified by the then Government.

M. le président, l'honorable Shakeel Mohamed nous demande de ne pas regarder en arrière. M. le président, le passé est important. On ne peut pas conduire une voiture sans regarder de temps en temps dans le rétroviseur.

Mr Deputy Speaker, Sir, I will quote what hon. Shakeel Mohamed said in his speech on the Local Government (Amendment) Bill of 2010 concerning postponement of elections. I quote –

“What we are doing today has nothing to do with anti-democratic principles. Democracy would have been threatened had we cancelled the elections, but democracy here is being consolidated because we, as a responsible Government, have decided to come to this august Assembly, recognizing the principle of separation of powers, recognizing that it is Parliament that has to decide upon it. Long live democracy.”

Mr Deputy Speaker, Sir, at that time, there was no pandemic and the election was postponed by two years. Mr Deputy Speaker, Sir, and now, this Government strongly believes that the Municipal City Council and Municipal Town Council Elections should be conferred with a transparent and structured legal implement in the event that a postponement

thereto is warranted. People should ask themselves how many Governments in the past, and even from different territories from ours, will go the extra mile to clearly and in no uncertain terms label out the legal implications, measures, procedures and motivating reasons for the postponement of such elections. There is a need for our psyche to register and assimilate the notion that a Government that thinks with both its head and heart will only seek to strengthen the locus of its citizenry for the present and the future.

Mr Deputy Speaker, Sir, the Local Government (Amendment) Bill states that the postponement of Municipal City Council or Municipal Town Election or Village Council Election or the extension of political tenure will be effected in the event of, and I quote –

“an epidemic of a communicable disease in Mauritius and a quarantine period is in force in Mauritius.”

And that brings forth a very worrying state of affairs. How is it possible that some are insisting on a date? Hon. Xavier-Luc Duval, Leader of the Opposition, said, ‘when should the election be held is the problem’. We know that those vying for a date must be secretly confessing to themselves, even some talking to themselves that this is the best Government they have ever experienced. You will also agree with the required maturity of thought and wisdom that no sensible Government will ever be in a position to provide a specific future date for the simple reason that we are living in uncertain times, in the wake of the COVID-19 pandemic, wherein every other day brings its lot of challenges and which require typical measures, and for good measure, it is fundamental to remind ourselves that the overarching necessity to have such amendments is to, first and foremost, in our relentless efforts as a caring and attentive Government to preserve the safety of our people.

Mr Deputy Speaker, Sir, any election brings about gathering of all sorts and it is, therefore, inconceivable that we are going to willingly allow such a thing to happen. Hence, the need to postpone the Municipal City Election or the Municipal Town Council and Village Council Election at such time when the situation will safely allow us to do so. God protect our Prime Minister, his Government and his people!

Thank you very much, Mr Deputy Speaker, Sir.

The Deputy Speaker: Thank you very much. Hon. Nagalingum!

(9.13 p.m.)

Mr D. Nagalingum (Second Member for Stanley & Rose Hill): Mr Deputy Speaker, Sir, as I rise to partake in the debates on Second Reading of the Local Government (Amendment) Bill (No. VII of 2021), which aims at postponing the Municipal Elections due this year, I am reminiscent of my earlier service as a Municipal Councillor and a Mayor of the town of Beau Bassin /Rose Hill and my sense of outrage is at its peak.

Indeed, the decision of the Government to, unilaterally and abusively, deprived at the very last minute the inhabitants of the urban regions of the right to vote and to determine who should run the affairs of their respective regions is not just a mockery of democracy, it is also a constitutional crime because clearly we are not just looking at an amendment to the Local Government Act. Let us not make any mistake about that. The Bill that the hon. Vice-Prime Minister, Minister of Local Government and Disaster Risk Mngement has brought to this House goes in truth and, in fact, beyond the scope of Local Government. It touches the very foundation of our democratic system, as set out in Article 1 of our Constitution. It is said, and I quote, Mr Deputy Speaker, that –

‘Mauritius shall be a sovereign Democratic State.’

I beg to ask, as a rule, do Democratic States suppress the right to vote? Do Democratic States postpone elections? Yes, Mr Deputy Speaker, Sir, there are some States which do at the time, but they have the decency of not calling themselves democracies. They are, in fact, undemocratical, dictatorial, tyrannical and totalitarian States. Has Mauritius become one of these? To understand the horrendous action of the Government of robbing the people of their right to vote, it is important to set the historical context. Contrary to what some people believe, Local Government in Mauritius is not an offshoot of Government and did not come into existent only in the 1960s. In fact, the Ministry of Local Government came in existence in 1959, with Félix Laventure, a nominated legislator being appointed Minister and followed thereafter by Sookdeo Bissoondoyal. But Local Government has existed in Mauritius ever since the French Revolution in 1789, and in 1790, the Municipalities were set up. It is true that they were abolished later and re-introduced under the British Rule after 1810. Today, by a stroke of a pen, the Vice-Prime Minister, Minister of Local Government and Disaster Risk Management is erasing and insulting such a rich and historical legacy.

Mr Speaker, Sir, I now come to the Bill. It is stated in the Exploratory Memorandum to the Bill and it is, of course, borne further in section 6 of the Bill, that the reason to come up with an extension of a six-year term of a Municipal or Village Council is public emergency,

epidemic or communicable disease and quarantine period. These reasons, whether taken individually or together, appear to lack of seriousness of thought. Public emergency is already rooted in our Constitution. Article 18, we all understand, and we all agree that in a situation of emergency, in order to prevent *déravage et dérive*, the State has to give itself the mean to provide for stability in order to run the affairs of the country.

Public emergency is what it is; it is a necessary evil. It is a measure of last resort. It is the exception rather than the rule. There are already constitutional provisions for public emergency, including also adequate safeguard as to how a proclamation regarding public emergency lapses if it is not endorsed by the House after 07 days, 21 days or 6 months of making, as the case may be and Government should have left it at that. What was the need or relevance for the Government to import public emergency from the Constitution of the Local Government (Amendment) Bill, I fail to understand or rather I understand only too well that Government did not have enough valid reasons and have to resort to this poor face-saving artifice?

The second reason, Mr Deputy Speaker, Sir, put forward by the Government, links both an epidemic communicable disease and a quarantine period. They are to be read conjunctively. There again, it is difficult to follow the Government. Let's try to understand that for a moment. At this present moment in time, as I am speaking, an epidemic or pandemic or quarantine is not stopping the free movement of persons, or of goods or of services. It is not also stopping any economic activity, but conditions apply. Full scale work in both the public and private sectors is not stopped. If all that is possible in the mind of economic recovery and dynamism, why can't we also uphold the long fought and acquired right to vote in the name of democracy?

In the world of the hon. Minister of Health and Wellness, the peak of the second wave of Coronavirus is behind us. We have only localised infections which are under control. It is unrealistic and far-fetched to believe that the Municipal Election could have been held with special measures and arrangements to prevent crowds. Could we have used more voting centres with lesser people in each of them?

What I want to say is that so much could have been thought of to organise these elections while ensuring safety and security. Instead the Government has chosen the too easy and undemocratic option of postponement. Even if there was a real concern to prevent the further spread of the pandemic and to ensure the safety and protection of the population, why

is the Government providing for a one- year extension or at one time and a maximum extension of two years? That is way too long if really the concern is safety and security of people because we all know the plans are to ensure herd immunity by September 2021 and the reopening of our frontiers and the full-scale operation of all economic activities are then expected.

There is a clear inconsistency, Mr Deputy Speaker, Sir. It seems that Government wants time to consider when it will be most appropriate for it to hold the election. I hope that at Committee Stage, Government will hear the voice of reason and will agree that an amendment for the Municipal Election to be held not in one year or two years as proposed by the soonest possible otherwise it will reveal its true intention of only running away from defeat.

In any democracy worthy of that name, the objective of Government is to pursue further the democratic ideal and to progress and make advances in that regard. It is to always remember that it is the people who decide. In a democracy, there is no place for imposition or arbitrariness or suppressing or curtailing of rights. It is true that some countries have indeed postponed their election because of the COVID-19 pandemic, however they are countries with sizably large population and which are severely hit by the pandemic; such is not the case of Mauritius.

Mr Deputy Speaker, Sir, in the present state of matters, Government will have its way but it is not too late for the hon. Vice Prime Minister to take a commitment on behalf of Government to repeal that new section 12A of the Bill at the soonest. Today is a sad day for Local Government. Today is a sad day for freedom and today is a sad day for democracy.

To conclude, Mr Deputy Speaker, Sir, allow me to borrow the words of Lyndon Johnson, I quote –

“The right to vote is the basic right without which all others are meaningless. It gives the people as individual the control over their own destinies”.

I thank you, Mr Deputy Speaker, Sir.

The Deputy Speaker: Thank you very much. Hon. Minister Koonjoo-Shah.

(9.24 p.m.)

The Minister of Gender Equality and Family Welfare (Mrs K. Koonjoo-Shah): Thank you, Mr Deputy Speaker, Sir. Allow me, from the get go to congratulate my

colleague, the hon. Vice-Prime Minister, Minister of Local Government and Disaster Risk Management for bringing this Bill to the House.

Mr Deputy Speaker, Sir, the Local Government (Amendment) Bill (No. VII of 2021) is being brought to this House because we are not in a business as usual mode. Due to the prevailing sanitary situation, the Bill makes provisions to allow the extension of Council Elections by not more than 1 year at a time, provided that the life of the Council shall not be extended for more than two years when there is or likely to be an epidemic of communicable disease in Mauritius and when there is a quarantine period in force. That is, Mr Deputy Speaker, Sir, it is based on an objective condition.

Mr Deputy Speaker, Sir, the entire world, unfortunately, is currently battling one common enemy and that is the COVID-19 pandemic. Since November 2019, we have been at the mercy of this pandemic and our country has had to adapt in many ways to face this unprecedented situation. We have had to take bold measures and decisions in order to curb the spread of the virus, in order to protect our population from a sanitary catastrophe. We have had to close our borders, we have had to impose a total lockdown allowing only for essential services and businesses to operate and despite the threat that this pandemic poses to our economy, this Government took necessary measures to provide every kind of assistance to the population and this is contrary to what an hon. Member from the Opposition has tried to insinuate that the Government has not been successful in the handling of the pandemic, Mr Deputy Speaker, Sir. And this Bill is yet another bold measure to prevent the upsurge of COVID-19.

Mr Deputy Speaker, Sir, Mauritius is not the first or the only country to adopt measures to extend the period of the holding of elections because of the prevailing sanitary situation. My previous colleagues before me have elaborated extensively on this by citing many examples. The one that comes to my mind is in Jamaica; Local Government Elections originally scheduled for 29 November 2020 has been postponed twice initially to February 2021 to eventually February 2022.

Mr Deputy Speaker, Sir, some Members on the other side of the House have alleged that we are flouting our democracy and this is incorrect to say the least. The very fact that we are debating on this important piece of legislation today in this Temple of Democracy is, Mr Deputy Speaker, Sir, proof enough that this Government values fairness, transparency and democracy.

Mr Deputy Speaker, Sir, allow me, with your permission, to put the question to this very House and to the population at large. Would we rather carry on with the Council Elections as stipulated and, in doing so, we rush head long into a sanitary disaster or will it not be wiser, more prudent and in the best interest of the citizens of Mauritius to choose to put off these Council Elections not indefinitely but at a more appropriate time? Mr Deputy Speaker, Sir, we are already waging one war against COVID-19. Let me reassure the Opposition, in particular hon. Anquetil, and reassure the population that this Government will not only win this battle against COVID-19 but also Mr Deputy Speaker, Sir, when the time arrives, we shall also win the Council Elections.

Mr Deputy Speaker, Sir, the objective of the Local Government (Amendment) Bill (No. VII of 2021) is not to postpone indefinitely the Council Elections, it rather makes provisions that, when there is, or there is likely to be a pandemic of communicable disease, the provisions are there to extend Council Elections. And with your permission, Mr Deputy Speaker, Sir, I would like to bring to the attention of the House, let the House recall that hon. Reza Uteem earlier in his intervention...

The Deputy Speaker: Order!

Mrs Koonjoo-Shah: ... stated that he regretted that when his Party was in power, the Party did not amend the Local Government Act in order to be able to postpone Local Elections for a period of six months.

The Constitution it is important to note, Mr Deputy Speaker, Sir, and perhaps it is a good reminder to hon. Uteem that out of 50 years of existence of the MMM, they have only been in power for a cumulative amount of 10 years. So, it is not a big wonder that they were unable to amend the Constitution.

Mr Deputy Speaker, Sir, we must appreciate and acknowledge that it is not with merriment or mirth that this Government is proposing to extend the council elections, but in these unforeseen situations, we remain mindful of the protection of our citizens and that, Mr Deputy Speaker, Sir, remains the topmost of our priorities.

Allow me, Mr Deputy Speaker, Sir, to put this in perspective and informing the House of the very bleak situation prevailing in some countries that insisted on carrying out their scheduled elections during this period.

According to a study carried out by the European Parliamentary Research Service, published last year in July, in Cameroon, Mali and Burundi, there have been cases of

officials, citizens, politicians falling sick. In Guinea, the referendum held in March contributed to the spread of the virus and in Burundi, sadly, the country's President's death is very highly attributable to the virus and imagine our heartbreak if that would ever happen to any Member of the House, especially to the beloved Members of the Opposition.

Mr Deputy Speaker, Sir, the Members of the Opposition are very busy shooting in the dark with their unfounded criticisms and, at this stage, it is important to remember that when demand for those vaccines was greater than the supply on the global market, when the whole world was rushing frantically to acquire vaccines, this Government, under the foursquare leadership of the Prime Minister, hon. Pravind Jugnauth, secured those vaccines for the population.

Now, let's take a look at the stand of the Opposition when we launched the vaccination campaign. Members of this Opposition started casting doubts on the efficiency of those injections.

(Interruptions)

While this Government was bending over backwards to get the population vaccinated, the Opposition's priority was revolving around consent forms. The Opposition's priority was to discourage the population from getting vaccinated. This is the Opposition that claims to be patriots and wish to give us lessons on democracy Mr Deputy Speaker, Sir.

This Bill endeavours to adopt an approach to protect our voters and all stakeholders and in doing so, we are allowing more citizens, who, because of safety reasons or otherwise, would have refrained from casting their votes due to the sanitary conditions.

Mr Deputy Speaker, Sir, the Bill is not a subterfuge to suit neither Members on this side nor the Members of the other side. It is not a politically-driven piece of legislation - at least not from our side - rather, it is a measure to protect this country and its citizens. I shall invite Members on the other side to try and for once put politics aside and focus on tackling this health emergency. Like some of my colleagues earlier on reminded this House that this is not the first time that elections have been deferred, there are some occasions where Municipal Council elections could not be held and were postponed without any valid reason.

And allow me, Mr Deputy Speaker, Sir, to very quickly refresh the memory of certain Members in this House, that in 2014, there were no Parliamentary Sittings between July and December because the Labour Party and the 50-year old MMM Party were switching on and off before the general elections and this is the Opposition's definition of Putting People First

and their definition of democracy, shutting the door of this Temple of Democracy for nine months. It is like parking an army tank in front of the gates of this Parliament.

(Interruptions)

So, I do not understand, Mr Deputy Speaker, Sir, why the vehemence to oppose this (Amendment) Bill. Mr Deputy Speaker, Sir, why?

(Interruptions)

I wonder. Let me reply to you. I wonder. Maybe your former Leader of the Opposition is reminiscing about the last municipal elections, and who knows, maybe he was looking forward to serving a plate of *macaroni* on the table of *l'espoir*. Maybe that's why there is the vehemence to oppose this (Amendment) Bill, Mr Deputy Speaker, Sir.

M. le président, le temps n'est pas à la démagogie. Les enfants, les inondations, la vaccination ou encore les relations diplomatiques ne sont pas des sujets sur lesquels nous devons faire de la politique partisane. Nous n'avons pas de temps pour cela. Le pays n'a pas besoin de cela. Le pays a d'autres priorités, beaucoup plus urgentes telles que la santé de notre population, la relance économique, l'adaptation à une nouvelle normalité ou plus important encore, le rétablissement du bien-être de nos citoyens.

Mr Deputy Speaker, Sir, to conclude, I would like the House to humbly recall the urgency with which the COVID-19 pandemic has ripped through the worldwide social, economic and political landscapes. Let this act as an eye-opener that illustrates the objectives of this Bill and brings, hopefully, unanimity for it to be voted for.

Allow me to end by quoting, Mr Deputy Speaker, Sir, Benjamin Disraeli, who says, and I quote -

“The care of the public health is the first duty of the statesman”.

I thank you very much for your attention.

The Deputy Speaker: Thank you very much. Hon. Bodha, please!

(9.37 p.m.)

Mr N. Bodha (Second Member for Vacoas & Floréal): Thank you, Mr Deputy Speaker, Sir, to give me the opportunity to say a few words on this Bill.

First of all, Mr Deputy Speaker, Sir, the key word today is ‘uncertainty’ and I would like, from the outset, say that I am going to be supportive of the proposed amendment of the hon. Leader of the Opposition. I will mention that in the end.

First of all, Mr Deputy Speaker, Sir, we know that we cannot have municipal elections now. We know that we cannot have municipal elections which will become a super spreader of the virus.

(Interruptions)

The question is: when are we going to have the municipal elections? And the other question is: in what conditions can we have these municipal elections, Mr Deputy Speaker, Sir?

The Government never believed that a second wave of the COVID-virus would hit Mauritius. The thinking, Mr Deputy Speaker, Sir, was that from a COVID-safe environment, we would move to a COVID-vaccinated environment. But then, there was no preparedness as regards to a second wave because ...

(Interruptions)

I listened to everyone carefully.

(Interruptions)

Please, let me speak.

(Interruptions)

The Deputy Speaker: Order in the House! Let’s listen to the orator, please!

(Interruptions)

Order!

Mr Bodha: There was the issue of preparedness and today, we have the second wave. We have more than 650 cases, a number of people who have died. We do not still have the National Vaccination Campaign Horizon and we still need a little less than 1 million doses of vaccines for the months to come, Mr Deputy Speaker, Sir.

Now, there is no visibility and there is no certainty and we cannot have the municipal elections today.

So, the Government is coming with a proposed amendment of the Local Government Bill and, in Clause 6, the proposed section 12A, we are being asked to delete subsection 1 and replace it by the following subsection -

“At any time when –

- (a) there is, or there is likely to be, an epidemic of a communicable disease in Mauritius; and
- (b) a quarantine period is in force in Mauritius.”

When we read the subsection (a), you have two possibilities: when there is a pandemic, and the second one, is, where “there is likely to be”. When can we say that “there is likely to be”? Let us say that we have a period, Mr Deputy Speaker, Sir, where we are COVID-safe, we don't have local cases, we can always say from that moment, that “there is likely to be” a pandemic in the weeks to come, a new wave can flare up, we can have red zones and we can have the fact that there is no liberty of movement, and there is no liberty of association because of the confinement.

So, when we say that “there is likely to be,” it would mean that we need to have a window to be able to have municipal elections, Mr Deputy Speaker, Sir. Today, there is a pandemic, tomorrow we need to have a window where “there is likely to be an epidemic of a communicable disease,” then, this will apply.

Mr Deputy Speaker, Sir, à situation exceptionnelle, est-ce qu'on peut avoir des élections municipales dans un environnement exceptionnel ? Est-ce qu'on peut avoir une campagne électorale exceptionnelle parce qu'au plus profond de nos citoyens, il y a l'exigence du vote ? Les citoyens, que ce soit dans les municipalités, que ce soit dans les villes, que ce soit dans les régions rurales, souhaitent exercer leur droit fondamental, M. le président.

Hon. Mohamed came with a very interesting idea. Why cannot we sit down and organise, have a set-up, have a protocol, learn from what has been done elsewhere to be able to hold the municipal elections in Mauritius? Et comme j'ai dit, à situation exceptionnelle, on peut faire une campagne électorale exceptionnelle, M. le président.

M. le président, le droit de vote est sacré. Aujourd'hui, on ne peut pas faire les élections ; nous sommes d'accord. On explique pourquoi mais, il faut qu'il y ait une certitude à quand on pourrait faire les élections et comment on pourrait les faire.

When we are thinking of the Municipal Election, we are thinking of the same classical electoral campaign, Mr Deputy Speaker, Sir. And we want to have the same, what hon. Shakeel Mohamed said, the same old normal. Why, if we are all for democracy, if we are all willing that our citizens can exercise their right, and we all agree that today we have a pandemic and we all agree that there is no visibility, then, we should sit down and see to it, come up with a protocol which will allow our citizens to exercise their sacred right.

Mr Deputy Speaker, Sir, I have a few other issues to raise. It is true that in the Constitution...

(Interruptions)

The Deputy Speaker: Order, please! Continue! Continue! Look at me!

Mr Bodha: Can I..?

The Deputy Speaker: Hon. Bodha, look at me!

(Interruptions)

Order please, on this side!

Mr Bodha: In the Constitution, it was mentioned by hon. Uteem...

Mr Dhunoo: On a point of order!

The Deputy Speaker: I listen to it.

Mr Dhunoo: On a point of order! Hon. Ms Joanna Bérenger uttered an unparliamentary word towards me; I want her to remove it.

(Interruptions)

Linn dire 'malelvé'. Tire li!

(Interruptions)

The Deputy Speaker: Hon. Ms Joanna Bérenger, did you...

(Interruptions)

Order!

(Interruptions)

Order! Hon. Ameer Meea!

(Interruptions)

Order, please!

(Interruptions)

An hon. Member: Withdraw!

The Deputy Speaker: Order, please! Hon. Ms Joanna Bérenger, did you say the word?

Ms Bérenger: Yes, I did.

The Deputy Speaker: Would you please withdraw it?

Ms Bérenger: It was not addressed to him; it was addressed to all the people...

(Interruptions)

The Deputy Speaker: Order!

(Interruptions)

Ms Berenger:...who are talking while someone...

The Deputy Speaker: Order!

Ms Bérenger:...is giving a speech...

(Interruptions)

The Deputy Speaker: Order! Order! Let me hear what she has to say! Please!

(Interruptions)

Ms Bérenger: I withdraw; but, they should have some respect.

(Interruptions)

Ms Bérenger: Respect others!

The Deputy Speaker: You are withdrawing unconditionally the word to whomever it was addressed. It is not appropriate to be saying it in the Chamber. Okay, thank you.

Please continue!

Mr Bodha: Thank you, Mr Deputy Speaker, Sir. In the Constitution, and that was mentioned by hon. Uteem, extension of Parliament is allowed in an exceptional case for six months, and then, for one year. The mandate of Parliament of the National Assembly is five

years. So, the whole length with the extension in the cases of *force majeure* is 5 plus 1, that is, 6 years. The mandate for the local elections, that is, the municipal election, is six years, and now, we are being requested to vote for an amendment which will bring the six years to eight years. I think that this is unreasonable, Mr Deputy Speaker, Sir.

Now, the other thing is about the extension of the mandate of the Mayor, the Lord Mayor, the Mayor and the Councillors. In Municipalities, at least, I know one, where the Mayor has been there for the last four years. Would that mean that we are going to have the same Mayor for the next two years, which would mean six years? Mr Deputy Speaker, Sir, that also, I believe, is totally unreasonable and I totally agree that there should be, the law should allow, the Bill should allow for a flexibility to choose the best to deliver as regard to the administration of the Municipality.

Mr Deputy Speaker, let me come now to the amendment of the hon. Leader of the Opposition. He said, notwithstanding this section, the Prime Minister shall, as soon as the sanitary conditions allow. Hon. Collendavelloo said this is another uncertainty. But let me now read to you, Mr Deputy Speaker, Sir, what the very extremely important publication, The Lancet, says about the virus –

“Science has uncovered much about the SARS virus, the COVID-19 and made extraordinary and unprecedented progress on the development of the COVID-19 vaccine, but there is still great uncertainty as the pandemic continues to evolve. COVID-19 vaccines are being rolled out in many countries, but this does not mean that the crisis is close to being resolved. We are simply moving to a new phase of the pandemic.”

It continues by saying –

“Naive assumptions about herd immunity, given the appearance of new and challenging variants, could seriously risk repeated outbreaks and recurrences.”

And the conclusion, Mr Deputy Speaker, Sir, is as follows, from The Lancet –

“With such uncertainties, we should not assume that recent scientific progress on COVID-19 diagnostics, vaccines, and treatments will end the pandemic. The world is likely to have many more years of COVID-19 decision-making ahead - there is no quick solution available at present.”

No one in this House can say when Mauritius will master the pandemic. We are saying that we are giving the Government two years to be able to find this window, where we can have Municipal Elections, Mr Deputy Speaker, Sir. Nobody knows how this is going to evolve and I have said this is the authoritative, professional scientist experts, who have talked at the level of the Lancet. We do not know how long this pandemic is going to live with us. So, I think that giving two years is just a date, what we need is that we have a certainty as we can have a Municipal Election. So, what is the Leader of the Opposition saying as soon...

The Deputy Speaker: Hon. Bodha, you have about one minute.

Mr Bodha: One minute! Okay. What the Leader of the Opposition is saying: as soon as the sanitary conditions allow. So, we should define it among ourselves. If we love this country, if we love democracy and we should be able to say: *situation exceptionnelle, solution électorale exceptionnelle*, Mr Deputy Speaker, Sir. And this is why I am saying Dr. the hon. Minister said that there is no political agenda, that they like the whole issue of democracy, there is no political move. Let us say we trust them, but what we need is we need certainty because I do not think that within two years, we will have this window.

To end up, I would like to say two things, Mr Deputy, Speaker, Sir, it is high time that we re-engineer our regional democracy and the way we administer our cities and our towns. We are spending billions and we are not getting the result.

(Interruptions)

The Deputy Speaker: Order!

Mr Bodha: And I would like to end by saying, let the dates be fixed, Mr Deputy Speaker, Sir, for a Municipal Election then, we will see how the Opposition will react and we will see how the nation will react.

Thank you, Mr Deputy Speaker, Sir.

The Deputy Speaker: Thank you very much. Hon. Minister Lesjongard!

(9.53 p.m.)

The Minister of Energy and Public Utilities (Mr G. Lesjongard): *Thank you, Mr Deputy Speaker, Sir. M. le président, je vous remercie de me donner la permission de dire quelques mots sur les amendements proposés au Local Government Act.*

M. le président, en écoutant les discours, que ce soit des collègues du gouvernement ou que ce soit les membres de l'opposition, et surtout en écoutant l'intervention du chef de l'opposition, l'honorable Xavier-Luc Duval, j'étais sous l'impression qu'on avait aujourd'hui, un consensus sur le report des élections municipales. Mais cette impression n'était qu'éphémère, M. le président. Ce qui me gêne aujourd'hui, c'est qu'avec ce consensus, M. le président, toute la classe politique mauricienne aurait envoyé un signal fort à la population sur le report des élections et leur faire comprendre que la priorité de la classe politique aujourd'hui, c'est la santé de la population.

Malheureusement, ça n'a pas été le cas. Et pire, j'ai écouté aussi l'intervention de l'honorable Reza Uteem. J'ai comme l'impression en l'écoutant, M. le président, qu'on ne suit pas ce qui se passe de par le monde. On n'est pas au courant de combien d'élections ont été renvoyées, et ceux qui ont tenu les élections, qu'est-ce qui s'est passé par la suite ? Allons prendre la plus grande démocratie du monde. M. le président, j'ai avec moi les observations des juges de la Haute Cour de Madras à Chennai en Inde. Et je vous demanderais de me permettre de citer ces observations, parce que ce que disent ces juges-là ont toute son importance dans ce qu'on est en train de débattre aujourd'hui à l'intérieur de cette Chambre, et ces observations ne sont pas adressées à un gouvernement ; ces observations sont adressées à la Commission électorale indienne. Je cite-

“Public health is of paramount importance and it is distressing that Constitutional Authorities have to be reminded in such regard. It is only when citizens survive that they enjoy the other rights that this Democratic Republic guarantees onto them. The situation is now one of survival and protection, and everything else comes after.”

Et cette Commission s'est fait rabrouée par, et je cite le nom des deux juges, le *Chief Justice Sanjib Banerjee* et le *Justice Senthilkumar Ramamoorthy*. Et ils viennent dire -

“that the Electoral Commission should be put up on murder charges for being the most irresponsible institution.”

Est-ce que c'est ça que nous voulons dans notre pays en organisant des élections ? C'est pourquoi, M. le président, je ne comprends pas la position de l'opposition. Déjà, en écoutant les interventions, nous notons - et c'est bon que la population note ce qui a été dit, parce qu'en dehors de cette Chambre, ils donnent l'impression qu'ils veulent aider non seulement le gouvernement mais qu'ils veulent aider la population aussi à surmonter cette

pandémie. Et ce n'est pas le cas, M. le président, en écoutant les positions qu'ils ont prises à l'intérieur de la Chambre.

Je vais plus loin dans mes observations. J'ai écouté avec beaucoup d'attention ce qu'a dit l'honorable Shakeel Mohamed dans son intervention. *He treated our country as beggar; we begged India for vaccines, Mr Deputy Speaker, Sir.*

M. le président, qu'avons-nous dit pendant toute cette pandémie ? Nous avons dit qu'il faut un élan de solidarité. Ce que l'Inde a fait vis-à-vis de Maurice, c'est dans un élan de solidarité, M. le président. Et ces quelques bonbonnes d'oxygène que nous avons envoyées en Inde, *they were not beggars ; we sent that* dans cet élan de solidarité, M. le président.

Ce que vous donnez dans la vie, ce n'est pas la valeur, ce n'est pas la quantité qui compte, c'est l'intention qui compte, M. le président. Voilà, c'est pourquoi je vous dis, M. le président, je suis extrêmement déçu de par la position prise, parce qu'au tout début de son intervention, je pensais qu'on avait consensus aujourd'hui, et c'est ce qu'avait fait comprendre le leader de l'opposition et c'est ce qu'avait fait comprendre, l'honorable Bodha. Mais l'honorable Bodha, je comprends sa position. Tout récemment, il était avec nous, ministre de ce gouvernement, il a fait partie de ce *High-Level Committee* qui est présidé par le Premier ministre. Il sait pertinemment bien, et le mot-clé de son intervention a été l'incertitude. *We have no visibility, Mr Deputy Speaker, Sir. How can we, when we have no visibility, say when we are going to hold elections, Mr Deputy Speaker, Sir?*

Tout le monde le sait. Quand je dis tout le monde, c'est le Monde, c'est notre planète, M. le président. Ceux qui ont essayé d'organiser les élections, ils ont vu ! Je prends l'exemple des élections municipales en France. L'année dernière, le taux d'abstention était de 54.5%. Déjà, à Maurice, quand on organise des élections municipales, le taux de participation ne dépasse pas 50%. Vous voulez faire des élections avec 25% ? Mais ce n'est pas possible ! Parce que l'autre argument, si on fait des élections et qu'il n'y a qu'un taux de participation de 25%, vous savez qu'est-ce que les gens vont dire ? Mais vous n'avez pas gagné les élections avec 25% !

(Interruptions)

Maintenant...

(Interruptions)

An hon. Member: *Virtuel sa! Virtuel!*

Mr Lesjongard: Non, arrivons à cet aspect de virtuel, parce que j'ai entendu l'honorable Bodha et l'honorable Shakeel Mohamed avancer l'argument, M. le président, que *'we are in a new normal situation; let us organise elections differently; let us ask the Electoral Commission to organise elections differently.'* And I believe that argument was raised by hon. Minister Kavy Ramano, when he intervened, and that was canvassed by him. But I want to canvass that again, because what is being done in other countries, yes, in the new normal, vote by proxy! Do we want again petitions for rigging elections in this country? Municipal elections? Do you think that we can ask people to vote by proxy in this country? This is not possible, Mr Deputy Speaker, Sir. It is for this reason que la classe politique de ce pays aurait dû envoyer un signal fort à la population de ce pays contre ce virus invisible, contre cette situation qui fait des millions de personnes contaminées, des millions de personnes qui meurent de par le monde : nous sommes à vos côtés aujourd'hui.

C'est vrai, M. le président, dans le passé, que ce soit au MSM, que ce soit au Parti travailliste, que ce soit au MMM, nous avons tous participé dans le renvoi des élections municipales. Moi-même, M. le président, en tant que ministre, j'ai piloté un projet de loi pour renvoyer les élections. Mais je suis même, en tant que membre de l'opposition - et l'honorable Shakeel Mohamed l'a dit dans son intervention - intervenu pour dire pourquoi on renvoie les élections.

Mais le cas n'est pas pareil, M. le président. Le monde est à genoux, vous-autres ! Il y a des gens qui ont perdu leur emploi. Est-ce que ce n'est pas ça la priorité dans notre pays aujourd'hui ? Il y a des gens qui n'ont pas à manger aujourd'hui à cause de COVID-19 ! C'est pourquoi la démocratie a toute son importance, mais dans une situation de force majeure, il y a d'autres considérations à prendre, M. le président.

M. le président, je n'ai pas beaucoup de temps avant de terminer mon intervention, mais ce que je souhaiterais dire avant de terminer est que ce combat contre le COVID-19, nous allons le gagner en restant un peuple uni. Faire la basse politique sur le COVID-19 n'est pas une bonne chose. Tous ceux qui jusqu'à maintenant ont contribué à éliminer le COVID dans notre pays, il nous faut les saluer aujourd'hui, M. le président, parce que ce sont ces mêmes personnes qui, demain quand on va organiser les élections, seront les *frontliners*. Nous, nous sommes bien lotis ici. Il y a des gens qui risquent leur vie tous les jours et pas pour une semaine ou un mois, plus d'une année, M. le président! Qu'ils soient dans le service hospitalier, qu'ils soient des éboueurs, qu'ils soient dans le port, qu'ils soient à l'aéroport, ils

risquent leur vie tous les jours. Et c'est pourquoi je vais terminer sur cette note, M. le président.

Je les salue, ces personnes-là, et au niveau du gouvernement, nous leur souhaitons bon courage et nous espérons qu'ensemble nous allons refaire toute une population retrouver le sourire.

Merci, M. le président.

The Deputy Speaker: Thank you very much! Hon. Wochit!

(10.06 p.m.)

Mr R. Wochit (Third Member for Pamplémousses & Triolet): Mr Deputy Speaker, Sir, I thank you for availing me with the opportunity to give my views on this (Amendment) Bill to the National Assembly.

In fact, Mr Deputy Speaker, Sir, as a former Chairperson of the District Council, I can say that the expectation of the public at large has remained unattended as at now, as this Bill ignores the predominant role of the Ministry of Local Government in the proposed Amendment Bill for both rural and urban voters.

Mr Deputy Speaker, Sir, the Local Government (Amendment) Bill, (No. VII of 2021), constitutes a sad event in the political history of our country. If I understand the Bill correctly, the proposed Amendment empowers the President of the Republic to postpone the municipal elections by extending the life of Municipal Councils for a period of up to 2 years, if certain conditions are satisfied –

- (i) there must be a period of public emergency in force in Mauritius;
- (ii) there is or there is likely to be, an epidemic of a communicable disease in Mauritius, and
- (iii) there must be a quarantine period in force in Mauritius.

Mr Deputy Speaker, Sir, with the outbreak of the Coronavirus pandemic, many countries around the world that were due to organise elections have had to decide whether to hold them, as originally planned, introducing mitigating measures, putting them on hold or to postpone them on a later date. It is to be noted that we have no such plan as far as Mauritius is concerned. When deciding whether to continue with elections or not, decision-makers need to consider a series of legal, technical and sanitary parameters and implications, as well as

constitutional provisions, to ensure that democratic institutions operate as they should in normal circumstances and to ensure that people's fundamental rights and freedom are upheld.

Mr Deputy Speaker, Sir, Municipal elections as well as Village Council elections are essential to ensure the democratic functioning of our local authorities. Local democracy is essential to ensure that local policies reflect the needs and preferences of local communities and effective local democracy can facilitate public participation, improve service delivery, strengthen communities, and improve development outcomes.

In that vein, Mr Speaker, Sir, I wish to recall that it was the Labour party, which took the initiative of introducing legislation so as to ensure a fairer gender representation by stipulating that at least one-third of candidates standing for local elections should be of a different sex. This bold measure has resulted in significantly improving the representation of women councillors in Municipal Councils from 12% in 2005 to 35% in 2012.

Mr Deputy Speaker, Sir, since 2015, the political landscape of Municipal Councils has changed; some councillors who were elected to serve a particular area or ward have migrated to outside their regions; some have taken up with new employment and some for other related reasons.

The result is that these councillors are unable to attend to the several problems encountered in their respective wards or are simply not interested in fulfilling their commitment which they undertook in 2015 when they were elected. It is to be noted that the last Municipal Elections were held in 2015 and, therefore, as per the provisions of the Local Government Act, the elections are due in this current year.

Mr Deputy Speaker, Sir, the right to vote is an essential aspect of our democracy and the democratic fibre of our country is embedded in our Constitution, which is the Supreme Law of Mauritius. Our Constitution clearly stipulates that Mauritius is a sovereign and democratic country, and it provides for general elections at regular intervals so that citizens can choose their Government. Elections, Mr Deputy Speaker, Sir, make a fundamental contribution to democratic process whereby elected Members acquire the right to take decisions on behalf of their citizens during their mandate.

Our Constitution even goes further to ensure that the lifetime of our Parliament is a maximum of 5 years from the date of the first Sitting of the Assembly. Furthermore, Section 47(3) of the Constitution makes it almost impossible for the postponement of General Elections. A Bill for an Act of Parliament to postpone the holding of General Elections

cannot be passed by the Assembly, unless 25% of the electorate decides so in a referendum and receives the unanimous vote of all the Members of the National Assembly. Unfortunately, the Local Government Act does not provide for such a similar safeguard.

Mr Deputy Speaker, Sir, what will happen if at the eve of general elections, our country is faced with a situation of emergency due to a new surge of COVID-19 or any other epidemic? It is clear that the Constitutional provisions will prevail and will prevent the postponement of the general elections, even all, but one MP, agree to the postponement. As the Prime Minister has said on several occasions, we must learn to live and cope with situations such as the COVID-19 pandemic. We, therefore, need to look for measures as to how the democratic process can operate in such situations of sanitary emergency.

Mr Deputy Speaker, Sir, I do understand that there is a need to strike a balance between the health of the population and the democratic and civic rights of our citizens. Instead of planning to postpone Municipal Elections outright, any serious Government would have considered ways and means to hold the elections without putting at risk the health of the population.

Mr Deputy Speaker, Sir, we have also been given to understand that Government is planning to open the borders by July or August this year itself, when a significant proportion of its population would have been vaccinated. I, therefore, fail to understand the necessity of postponing Municipal Elections for a period of up to 2 years. It would be more sensible to hold the elections towards the end of this year, rather than completely postponing the Municipal Elections for a period of up to 2 years.

Mr Deputy Speaker, Sir, there will obviously be some difficulties in the organisation of the elections, especially during the polling day. However, if adequate and appropriate sanitary measures are observed, this exercise can be carried out, with minimal risk of infection. For instance -

1. Hand sanitizer should be available for voters and poll workers.
2. Alcohol should be available to disinfect surfaces and voting materials.
3. Face masks should be available for poll workers in sufficient quantity to be replaced after every four hours.
4. Voters and polling clerks should wear face masks, keep at least one meter away from everybody, and regularly sanitize hands and materials.

5. Social distancing among voters in poll queues should be maintained by signs on the floor.

Together with these measures, campaigns on TV and the media could publicise the mandatory use of face masks in polling stations and encourage voters to bring their own pens for voting.

Observing the sanitary measures could result in a slow voting speed, and to remedy this situation, polling stations could operate for longer hours; for instance, from 6 a.m. to 6 p.m., without interruption. Counting and the proclamation of results could be arranged on the same day, as it was done for the Village Council Elections held last year.

The popularity of the present Government has been constantly declining due to the numerous scandals since this Government came into power – which I don't want to elaborate on right now. If the Government believes that by postponing the Municipal Elections, it can mitigate the damage caused to its image and regain its popularity, then, it is surely mistaken as it is too late. On the contrary, postponing Municipal Elections will increase the growing frustration and anger of the population. In this context, I suggest that the Bill be put on hold for the time being and we wait until end of August or September, when the borders would have been opened. If we happen to contend the transmission of the COVID-19 disease to an acceptable level, then, the Municipal Elections can be organised under strict sanitary conditions, as outlined earlier, Mr Deputy Speaker, Sir.

However, if ever the pandemic situation remains a serious threat, then, we will still have time to come up with amendments so that the Municipal Elections be postponed and held in three months after the period of public emergency in force in Mauritius or after an epidemic of a communicable disease or after a quarantine period is in force in Mauritius, as the case may be. I am of the opinion that, this Bill, if voted, will negatively impact on the results of the next General Elections in three years' time, as far as the Government party in power is concerned. Fortunately, for the General Elections, we can rely on our Constitution to safeguard our democracy, as these elections cannot be postponed by a mere Act of Parliament.

Mr Deputy Speaker, Sir, to conclude, there are several amendments that are more important than the postponement of the Municipal Elections, and which need to be considered by the Minister of Local Government. For example, we need to review the appeal system, in particular, the functioning of the Environment and Land Use Appeal Tribunal

(ELAT) to prevent delays in granting permits, as this causes much frustration and hardship to our citizens. The role of Local Authorities need be revamped for a more inclusive society.

Mr Deputy Speaker, Sir, let us hope that the Minister of Local Government will take the wise decision to withdraw this Bill which in the light of my arguments, is not justified.

Thank you, Mr Deputy Speaker, Sir.

The Deputy Speaker: Thank you. Hon. Mrs Tour!

(9.19 p.m.)

Mrs J. Tour (Third Member for Port Louis North & Montagne Longue): I must admit, Mr Deputy Speaker, Sir, that having to delay the Local Elections might not seem ideal at first hand. It is not ideal to postpone the choice of the people to choose who they want to run their local communities, but, Mr Deputy Speaker, Sir, we are far from being in an ideal situation right now. The aim of this Amendment clearly states its objective, which is to amend the Local Government Act to provide that, at any time, where there is or likely to be an epidemic or a communicable disease in Mauritius and a quarantine period is in force in the country, there shall be an extension.

Effectivement nous sommes en période de crise sanitaire, nous faisons face à un ennemi invisible et mortel et, au sein de ce Gouvernement, M. le président, quand il s'agit de faire le choix entre tenir les élections et la sécurité de la population, eh bien, la sauvegarde de la population mauricienne l'emporte. Pendant que certains trépignent à l'idée de donner une raclée au Gouvernement lors des élections municipales, le Gouvernement est en train de mettre toute son énergie et ses moyens pour donner une raclée à cette pandémie. Il est donc clair, M. le président, que certains membres de l'Opposition n'ont que faire de la santé des Mauriciens.

This proposed Local Government (Amendment) Bill, Mr Deputy Speaker, Sir, ensures that we can focus our energy fighting off the current crisis and get back as quick as possible to the desired ideal where our children can go back to school, where we can all go back to work safely, where the activities of the country can resume steadily and we can all look forward to a better future for our Mother Island.

Mr Deputy Speaker, Sir, there is an unprecedented global pandemic, the world is shaken and is crumbling around us. We see friendly countries battling for survival and we do

not wish to see the desolation that we witnessed on international news in Mauritius. We pray that a similar situation does not come to our shores.

Mr Deputy Speaker, Sir, I urge my fellow elected representatives not to get entangled into trivialities of partisan politics when we are faced to such a difficult situation, and I would magnanimously encourage them to support the amendment for the security of our citizens. Indeed, this Bill proposes to postpone the election. However, Mr Deputy Speaker, Sir, we should remember that elections have been postponed in the past, but then it was for pure political reasons, and not because we were facing a global life-threatening pandemic.

The safety protocols, like social distancing, Mr Deputy Speaker, Sir, are keys to breaking the chain of transmission of this deadly virus. However, an election process is in a sense the opposite of social distancing. It is a gathering of the civil societies with the common goal of taking a decision that is, who they want to appoint to certain tasks and responsibilities. We all know, Mr Deputy Speaker, Sir, that local elections involve public events and gathering of many people at times to discuss social matters, suggestions and ideas. The candidates and their supporters should and will reach out to the public to get the votes out. Door to door, leaflet distributions, mass rallies with activists drumming up support are all signs of a healthy election and a working democracy, Mr Deputy Speaker, Sir. As rightly pointed out by the eminent Professor Toby James, election, Mr Deputy Speaker, Sir, are also supposed to be a time for talking. Simply holding an election is insufficient because citizens should actively consider their interests and their issues way up competing arguments made by candidates and discuss around dinner table, in coffee shops, or around street corners. But, unfortunately Mr Deputy Speaker, Sir, all these activities compulsory to have fair and healthy elections in this time of predicament will be irresponsible and dangerous, and will definitely put the lives of our people at risk. This amendment ensures that we will be having the elections when it is appropriate and most of all safe to do so. It is vital for our democracy that we have healthy elections when everyone will feel safe to go out and vote.

Mr Deputy Speaker, Sir, limiting the election process to just voting activity is a reductive idea and a false argument to begin with. We all know that each election has its own folklore and traditions, and despite the best efforts, it will be difficult to ensure that safety measures are respected during those activities. An election campaign, Mr Deputy Speaker, Sir, should not be a vector to increase the number of COVID-19 cases in Mauritius. Moreover, on the Election Day citizens turn up to polling stations are handed a ballot paper to cast their choice. There is a whole logistic that is set up, empowered by dedicated public

servants. The intent of this Bill does not only concern the voters, but also takes on board the public service staff who often work full days to keep our democracy alive. We should not deliberately put them in harm's way if we can avoid doing so. Countries like the UK were forced to take the same approach and postpone their local elections due to this pandemic. There are many such actions taken by Governments and authorities around the world as they try to contain the virus.

On the local front, Mr Deputy Speaker, Sir, there are many elected officials who are there in the Municipal Council, who stem from the Opposition. Some of them are currently running a Council, not doing a great job I must admit, but they were chosen to do this job. It would be wrong and worth the outcry if we had unelected people running the Council. The current teams in place were legitimately elected; chosen by people to serve a term. Through this Bill, what we are asking them, Mr Deputy Speaker, Sir, is to keep their post for a bit longer, to carry on serving their country in their current capacity, while we focus on fighting this invisible foe and prevent it from spreading, and at the same time keep our attention geared towards building an inclusive society for all the people of Mauritius in these extremely difficult times. A battle, Mr Deputy Speaker, Sir, we can win, but we should be incisive and bold in our actions.

This amendment, Mr Deputy Speaker, Sir, explicitly mentions that the extension of the current mandate shall not be extended by more than one year. The intention of this amendment does not in any scenario perpetuate indefinitely any power system, and is far from being the hegemonic ideology that my colleagues from the other side of the House are creatively portraying. Section 10A (3) of this amendment also provides the prerogative to the President who, upon the advice of the Prime Minister, may at any time dissolve the entire Municipal City Council, and Municipal Town Councils, and the entire Village Council, and hold.

It is understood that should we be COVID safe in a few months' time, we can absolutely be certain that the President and the Prime Minister will make the right call. This amendment imposes a time limit; there is an expiry date if you wish. I am confident that it will be safer to carry out elections by then. Democracy in our country has always prevailed and we will be the guardian of it. However, Mr Deputy Speaker, Sir, we need to ensure that we do not endanger the very people that we have sworn to serve and to whom we owe protection above our own party politics. I therefore, Mr Deputy Speaker, Sir, recommend this

sagacious Local Government (Amendment) Bill to the House for the security of our nation. I thank you for your attention.

The Deputy Speaker: Thank you very much. Mr Speaker will resume the Chair.

At this stage, Mr Speaker took the Chair.

Mr Speaker: Please be seated! Hon. Lobine!

(10.30 p.m.)

Mr K. Lobine (First Member for La Caverne & Phoenix): Thank you, Mr Speaker, Sir, I shall be brief and I shall stick to the Bill and the amendments being proposed to the Local Government Act. I do not wish to be repetitive, Mr Speaker, Sir in as much as I am of the view that it has been sufficiently canvassed before this august Assembly, that in view of the current sanitary conditions, the postponement of the Municipal Elections is in principle agreeable by hon. Members from both sides of the House as an exception to the rule. But, where there are some diverging views, it is mostly with regard to the fundamental question: when will the next Municipal Elections be held?

This is on the lips of many inhabitants of the City Council and the four other Town Councils and this is the issue that this House should debate upon. We are facing the second wave of the pandemic and, at this point in time, it is our level of preparedness to operate as a democracy as the hon. Vice-Prime Minister put it which is at stake, and upholding the rule of law and engaging in free and fair elections as our guiding principle. This is where I shall invite the hon. Vice-Prime Minister to also take into account what other countries have been doing. Yes, many democracies, Mr Speaker, Sir, have been postponing elections. As per the International Foundation for Electoral Systems as at May 2021, some 119 election events have been postponed. So, I agree that we are not being an exception but what other countries are doing while bringing amendments to their respective electoral laws, they are preparing guidelines, rules and support as to how to go about and organise elections as soon as it is reasonably possible.

Mr Speaker, Sir, for example in the UK, their Government postponed local elections and by-election for a year and same were recently held. But throughout that period, between the postponement of the elections up to the holding of the elections, they stood guided by various reports prepared by independent experts and disseminated those information to their public at large so as to prepare them. One such report, Mr Speaker, Sir, was a report prepared by the British Academy, entitled 'How to hold elections safely and democratically during the

COVID-19 pandemic' and I shall respectfully invite the hon. Vice-Prime Minister to consult this document and as the hon. Prime Minister has himself stated, we have to live with COVID-19. Now, coming to the amendment being proposed by the hon. Leader of the Opposition, this goes in line with the principle of certainty, Mr Speaker, Sir. With a view to consolidating democracy at the local level, in 2015, while debating on the then amendment being proposed to the law at that time, the hon. Vice-Prime Minister, who was Minister of Local Government at that time, also went on to state the following, and I quote –

“We all know that the local Government is the first public authority due to its proximity where citizens look up to solve their immediate social, welfare and environmental problems. It is also the level of democracy in which the citizen has the most effective opportunity to actively and directly participate in decision-making for the society. In other words, Mr Speaker, Sir, a vigorous local democracy is the basis for a healthy national level democracy.”

In that same spirit, Mr Speaker, Sir, I invite the hon. Members from both sides of the House to ponder and accept the proposed amendment to clause 3 in the proposed new section 10A (3) of the Bill. What this amendment is all about, Mr Speaker, Sir, it is with regard to the element of certainty. Instead of where the Prime Minister may at any time move to dissolve the entire Municipal City Council, etc., this proposed amendment is asking that the Prime Minister shall, as soon as the sanitary conditions allow, advise the President to dissolve the entire. So, it goes in line with what has been canvassed in this very august Assembly for years now, an element of certainty in local elections.

And also, Mr Speaker, Sir, I also tend to agree with the arguments of the hon. Attorney General with regard to another element of certainty introduced in this Bill with regard to amendments being brought by way of what is being proposed by clause 4 of the Bill, by amending section 11 of the Principle Act, and including now, a timeframe to issue writs of elections within 60 days of the date of any dissolution. So, party politics apart, I am of the humble view that the proposed amendment of the Leader of the Opposition, both sides of the House should have a look at it. It is only consolidating what we call the element of certainty. And to conclude, Mr Speaker, Sir, I shall also humbly request the hon. Vice-Prime Minister, after the enactment of this Bill, to kindly work on the guidelines, the protocols, for example, as per the Report of the British Academy, so that we are prepared to face very soon the next municipal elections with serenity.

I thank you, Mr Speaker, Sir.

Mr Speaker: Hon. Balgobin!

(10.36 p.m.)

The Minister of Information Technology, Communication and Innovation (Mr D. Balgobin): Mr Speaker, Sir, thank you for giving me the floor to debate on the Local Government (Amendment) Bill.

As extensively canvassed by my colleagues earlier, it is of utmost importance to understand the amendments being proposed today. That is –

“to provide at any time, when there is, or there is likely to be, an epidemic of a communicable disease in Mauritius and a quarantine period is in force in Mauritius, the President, acting in accordance with the advice of the Prime Minister can extend the life of the Councils.”

Mr Speaker, Sir, unfortunately, when we hear the comments of the Members of the Opposition, that this Government is doing these amendments for the sole purpose to postpone the Municipal Council elections and it is being done just for the sake of postponing election.

Mr Speaker, Sir, compared to what Members on the other side of the House are stating, the COVID-19 pandemic is not an excuse but it is a genuine reality. The stakes of the holding of local elections during a pandemic are way too high. Let me ask them a question: Are we the only country in the world which is proposing such amendments in law for potentially postponing an election because of an unprecedented pandemic?

Obviously, the answer is no, Mr Speaker, Sir. Many elections around the world - and this topic has been canvassed by many of my colleagues - have been disrupted by the Coronavirus crisis. Earlier, the hon. Vice-Prime Minister, my colleague hon. Hurreeram and others mentioned about it. The International Institute for Democracy and Electoral Assistance, that has been cited today many times by many orators, which is an inter-governmental organisation, mentioned in the Report. Yes, 78 countries and territories across the globe have decided to postpone their national and subnational elections, due to COVID-19 –

- 14 countries in Africa
- 17 in the Americas

- 27 in Europe
- 17 in Asia-Pacific and at least
- 3 countries in the Middle-East

Mr Speaker, Sir, when I hear hon. Uteem very proudly say that my colleague, hon. Hurreeram deliberately omitted to say that, yes, 78 countries postponed the election but 118 countries held the elections, very proudly he said it, look what is happening in other countries. Yes, it is a fact. 118 countries decided to hold the elections. He seemed to vouch for such countries that held the elections, but what hon. Uteem deliberately failed to mention, which are the countries among those 118 countries he mentioned held election in the pandemic.

Let me give you the examples, to refresh his mind, he is vouching for countries like Israel who held election in March 2021 or local elections in India in January 2021, constitutional referendum in Italy, or the Senate election in France. So many examples. But then, what he omits to say is what happened to those countries after holding those elections. We could see a big surge of COVID-19, but, this, he doesn't mention. Russia, the third most affected country in the world at that time, held national vote over seven days in June 2020 on constitutional amendments. The country had no other choice, and the vote was stretched over several days to minimise health risk. But critics pointed out that this also made it harder to monitor, and there was an increase in the spread of the virus in the community.

Elections held in India, as pointed out by my colleague, hon. Lesjongard; an example is in West Bengal. And again, what happened? The Indian Press - and I have it here - titles "Bengal elections 2021: Rallies lead to a sharp rise in COVID-19 cases". They had more than 17,000 cases per day and more than 90 deaths per day in that State after holding elections and doing public gatherings and rallies.

Mr Speaker, Sir, it is good also to highlight that in the past, elections have been postponed for public health reasons, including those in the light of Ebola crisis in West Africa between 2013 and 2016; the 2016 presidential election in Democratic Republic of Congo, and the 2014 senatorial elections in Liberia. Mauritius is no exception. The priority of this Government, under the leadership of the hon. Prime Minister, is to protect each and every citizen and limit the spread of the virus in the community. We love our people. We love our children. We love our families. We love our motherland, Mr Speaker, Sir.

The Opposition is asking - and we hear many orators asking - for a timeframe, asking for a date to be included in the proposed legislation to say when Municipal Elections will be organised next. But what date? Which time frame? Can they give a time frame to the population with respect to the world being cured of the COVID-19 pandemic? It's so easy to come and say 'give us a date'. We don't have visibility with this invisible enemy, Mr Speaker, Sir. Members of the Opposition so conveniently choosing to ignore the fact that when we had the right sanitary conditions in the country and no threat was in line of sight, our Government did organise the Village Council Elections in November 2020. Ultimately, if the guiding principle, as an Opposition, is so loose, their narrative and arguments will be equally easily flexed to suite their political agenda, as they have been pinning down all the way along the proposed amendments.

Mr Speaker, Sir, when I hear the Members of the Opposition, they are trying to blame us for the pandemic. Unfortunately, they don't realise that our enlightened citizens are not going to be carried away by their statement, as they know it is primordial to stay safe. Voters will protect themselves. This Government would protect the population, but the Opposition will doom us all. How irresponsible and deplorable. All that for what? All that just for the thirst of power and rule?

Mr Speaker, Sir, when we listen to all the colleagues on this side of the House, we are all aligned together. But when we hear Members of the Opposition, some would say, 'we should do the elections'; others say, 'no, we agree, let's postpone the elections'. Some would say, 'we postpone with a date'. They themselves don't know what do they want. It is, as if, you know, Mr Speaker, Sir, you postpone the elections, *dimoune li koz ou*; you don't postpone the elections, *dimoune li koz ou*. They don't know what do they want.

I am very sad hon. Bodha is questioning the mandate of a certain Mayor; that, in some cases, a Mayor has done such and such mandates. And he is most probably referring to the Mayor of Curepipe – most propably. But he seems to forget, Mr Speaker, Sir, that this very Mayor has been his *fidèle lieutenant* for many years; this *fidèle lieutenant* who has helped him to be elected in so many elections. And, today, just because he is in the Opposition, he forgets about the Mayor and he has a problem about him being in the post. And then, Mr Speaker, Sir, they dare come and say that this Government has *bafoué la démocratie*.

Mr Speaker, Sir, history bears testimony. Whenever the Labour Party has been in power, it has violated our sacred democracy. Earlier, hon. Ramano mentioned about it. And

hon. Shakeel Mohamed said, 'we have to see for the future; let's see tomorrow'. But it's good that we remind everybody in this House that the Labour Party and PMSD Government amended the Constitution in 1969 to extend their mandate till 1976 without any election. That is violating democracy. Labour Party has another non-democratic accomplishment, that is, abolishing by-election in 1973, and then they used the Best Loser System to replace seats of elected Members who either resigned or passed away. And what was that then? Elections were eventually restored by Sir Anerood Jugnauth by legislation on 06 July 1982 to correct this injustice and restore democracy. And we can go on and on on the anti-democratic achievements of the Labour Party. More recently - I hear hon. Kushal Lobine say that was long back - in 2014, what happened? Their Leader held the country and the National Assembly at ransom, by proroguing Parliament to discuss electoral alliance. He used *l'appareil de l'Etat* to suspend Parliament for nine months, and while pretending to be working very hard. I wonder where he was working very hard.

(Interruptions)

On an electoral reform proposal, in complicity with the Leader of the MMM, which was never even presented in Parliament. And then, today, you come in this House, and hon. Nagalingum says 'it is a sad day'. That was a sad day for democracy.

An hon. Member: *Ganoo pu repone toi taler la.*

Mr Balgobin: Hon. Ganoo was not the Leader of the MMM. You have to ask your Leader who was discussing alliance at that time.

(Interruptions)

An hon. Member: *Requin, requin moustache!*

(Interruptions)

Some, at that time, even were shadow Ministers, some at that time were not even thinking about Municipal Elections, democracy, they even went to get VIPSU for them, they go and choose their cars for them and some even go and *coude costume* because they were going to be Ministers in alliance.

Mr Speaker, Sir, this Government will not risk the lives of its citizens by organising a Municipal Election as we gather our efforts together with our population to fight this invisible virus. The decision of my colleague, the hon. Vice-Prime Minister, Minister of Local Government and Disaster Risk Management, Dr. Anwar Husnoo is hence commendable. Let

us all agree that the fight against the pandemic, since more than a year now, took a heavy toll on each and every one of us. Our lives have changed, Mr Speaker, Sir, as we are living in a New Normal but this Government, this Prime Minister, we are not giving up. We will keep fighting and together we shall overcome.

I thank you, Mr Speaker, Sir.

Mr Speaker: Hon. Juman!

(10.52 p.m.)

Mr E. Juman (Fourth Member for Port Louis Maritime & Port Louis East): Merci, M. le président. La santé des citoyens c'est ça qui préoccupe le gouvernement. C'est ce qu'a dit l'honorable Tour tout juste. Je l'invite d'aller parler aux patients et aux parents des patients dialysés de Souillac. Allez voir le niveau de services dans nos hôpitaux, l'état de nos équipements. Parlez à nos médecins et les personnels hospitaliers pour savoir dans quelles conditions ils travaillent. Allez voir le nombre de dossiers, des enquêtes ouvertes pour l'achat des équipements pendant le confinement.

M. le président, pour nous c'était évident que le gouvernement allait *zoué sové* sur la tenue des élections municipales. Ce n'est pas une surprise. D'autant plus que les indicateurs économiques, tous les indicateurs démontraient clairement que le gouvernement se dirigeait vers un *baté bæuf* en cas des élections. Les manifestations citoyennes où des dizaines des milliers de personnes sont descendues dans les rues de la capitale sont d'ailleurs la preuve sans compter que les citoyens, on le sait, ne tiennent pas le gouvernement en odeur de sainteté comme ils l'ont démontré lors des dernières élections générales. C'est ce que nous craignons le plus, M. le président, soit le renvoi de ces élections municipales, donc c'est derrière la porte aujourd'hui. C'est une fuite en avant du gouvernement pour ne pas faire face à la profonde colère des citoyens, l'honorable Ramano.

Comme dans des villages, l'honorable Ganoo ne peut pas me démentir. Une façon de *buy time* en espérant qu'elles pourront se tenir des meilleurs jours pour les régimes en place. Malheureusement avec la pandémie COVID-19, le gouvernement a eu le parfait prétexte pour les renvoyer pour une durée indéterminée, pouvant aller jusqu'à deux ans selon le bon vouloir du Premier ministre qui disposera encore plus de pouvoir. Cependant, M. le président, plus la tenue de ces élections est retardée plus les conséquences seront lourdes pour le gouvernement car il ne pourra pas échapper à la vindicte populaire. C'est une véritable raclée qu'il attendra au tournant et cela il ne faut pas être magicien pour le savoir. N'en déplaise à l'honorable

Ramano que je pense rêve toujours les yeux ouverts. Faut-il que je lui rappelle qu'à ce même élection virtuelle organisé par la diaspora donc il a fait mention, que 5,000 voix pour le Parti Travailliste mais pour ce même élection, le MSM n'a pas eu même 500 voix.

(Interruptions)

Mr Speaker: Hon. Minister!

Mr Juman: Ceci-dit, ...

(Interruptions)

Pas peur toi.

Mr Speaker: Hon. Minister!

Mr Juman: Ceci-dit, il faut savoir, M. le Président, que nous sommes le premier à concéder qu'il serait déraisonnable de tenir des élections dans l'immédiat surtout quand on enregistre toujours des cas positifs quotidiennement depuis la résurgence causée par une mauvaise gestion de la pandémie couplée d'un relâchement et de laxisme au niveau des autorités. N'oublions pas que ce même gouvernement qui prévoit d'atteindre l'immunité collective d'ici août 2021, ce qui devra normalement freiner la chaîne de transmission, je ne vois donc pas pourquoi les élections ne peuvent pas être tenues, allons dire d'ici la fin de l'année, M. le président, au maximum.

Si au cas où la situation ne s'améliore pas, ne nous permet toujours pas, on peut revoir, M. le président. Pourquoi faut-il le renvoyer pour un an ou deux ans et que se passera-t-il si la pandémie rode toujours dans les parages d'ici deux ans? Devrions nous tiré un trait sur les municipales rendant le pays encore plus autocratique qu'il ne l'est déjà comme en témoigne le rapport V-Dem ? D'ailleurs, ce que je ne comprends pas, ce que si 60 personnes sont autorisées de voyager dans un autobus sans qu'il y ait, selon le ministre de la Santé lui-même, des risques de contamination, pourquoi des élections qui se tiennent dans des centres de vote où la distanciation sociale est possible ne peuvent-elles avoir lieu?

M. le président, venons maintenant aux raisons pourquoi les élections municipales doivent être tenues le plus vite possible? Savez-vous qu'à Port Louis les jardins d'enfants sont dans un piteux état. Depuis plusieurs années, ils sont presque impraticables, représentant des réels dangers pour les enfants. Les services de voirie patinent, passant même de trois fois la semaine à deux fois la semaine. Au marché central, les infrastructures sont dans un état lamentable. Il y a un manque de loisirs criant à l'égard des jeunes, des femmes et des sportifs

et résultat une recrudescence des délits liés surtout à la drogue et à la délinquance. Les éboueurs qui s'éreintent pour travailler durant le confinement sans obtenir les R 15,000 réservées pour les *frontliners* sont même contraints d'acheter leurs propres masques et gants pour travailler alors qu'ils sont censés de recevoir les équipements appropriés. Ce sont ces genres de gestion et d'administration malsaines auxquelles nous serons confrontées durant les deux prochaines années en absence des municipales, M. le président.

La capitale s'asphyxie, M. le président, il nous faut une nouvelle administration pour pouvoir redonner un nouveau souffle. Cela résume aussi la situation dans les autres villes. A Beau Bassin-Rose Hill, un maire du ML avait même fait l'objet d'une motion de censure, qui aurait dû démissionner par la suite. A Curepipe, la rénovation de l'hôtel de Ville fermée au public depuis 2016 traîne toujours, passant par la même occasion de R 38 millions pour le projet à R 135 millions. La liste de la mauvaise gestion des administrations actuelles est longue. M. le président, on ne peut pas continuer à laisser nos villes entre les mains de ces équipes incompetentes. Je plaide donc pour que les élections municipales, au lieu d'être renvoyées pour un ou deux ans, soient remises d'ici décembre 2021 et ce n'est pas parce que vous n'avez rien pu faire avancer pendant ces six ans que dans les deux ans vous allez pouvoir le faire. Les citoyens ne peuvent plus continuer à payer les pots cassés.

Je vous remercie pour votre attention.

Mr Speaker: Hon. Ganoo!

Mr Ganoo: Mr Speaker, Sir, I move that the debate be now adjourned.

The Deputy Prime Minister seconded.

Question put and agreed to.

Debate adjourned accordingly.

MOTIONS - S.O. 17(3) & S.O. 29(1)

The Prime Minister: Mr Speaker, Sir, I beg under Standing Order 17(3) to take the time of the House for urgent business.

The Deputy Prime Minister seconded.

Question put and agreed to.

The Prime Minister: Mr Speaker, Sir, having obtained your permission, I beg to move under Standing Order 29(1) to present a motion without notice.

The Deputy Prime Minister seconded.

Question put and agreed to.

The Prime Minister: Mr Speaker, Sir, in view of the forthcoming presentation of the Budget and the ensuing debate, I move that the orders of suspension of the Assembly dated 30 March 2021, affecting the hon. First Member for Stanley and Rose Hill (Mr Bérenger), the hon. First Member for Beau Bassin and Petite Rivière (Mr Bhagwan) and the hon. First Member for Belle Rose and Quatre Bornes (Dr. Boolell) be terminated immediately after the next Sitting in order to allow the aforementioned hon. Members to participate in the proceedings of the House.

Question put and agreed to.

(Interruptions)

Mr Speaker: Order!

ADJOURNMENT

The Prime Minister: Mr Speaker Sir, I beg to move that this Assembly do now adjourn to Tuesday 25 May 2021 at 11.30 a.m.

The Deputy Prime Minister seconded.

Mr Speaker: The House stands adjourned. Adjournment Matters!

(Interruptions)

So, let's call it a day.

At 11.04 p.m., the Assembly was, on its rising, adjourned to Tuesday 25 May 2021 at 11.30 a.m.

WRITTEN ANSWERS TO QUESTIONS**COMMISSION OF INQUIRY ON HORSE RACING REPORT - MONEY
LAUNDERING - RECOMMENDATIONS**

(No. B/378) Mr D. Ramful (First Member for Mahebourg & Plaine Magnien) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues, Outer Islands and Territorial Integrity whether, in regard to horse racing, he will state the measures taken to combat money laundering in relation thereto, following the recommendations contained in the Report of the Commission of Inquiry on Horse Racing in Mauritius which was set up in September 2014.

(Withdrawn)

ORGANISED CRIME INDEX REPORT 2019 - MAURITIUS - RANK

(No. B/380) Mr K. Lobine (First Member for La Caverne & Phoenix) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues, Outer Islands and Territorial Integrity whether he will state if he is aware that the recent research findings based on the Organised Crime Index across the Southern African continent which shows that Mauritius ranks first in regard to heroin trade and synthetic drugs trade, respectively, and, if so, indicate the policies and immediate measures being envisaged to deal therewith.

Reply: I have indeed taken cognizance of the Organised Crime Index Report 2019. This Report is the first publication by the Enhancing Africa's response to Transnational Organised Crime (ENACT) project which is financially supported by the European Union. The Report is designed to measure levels of organised crime in African countries and their resilience to organised criminal activities. The Report has also considered the following developed countries for benchmarking purposes –

- (i) Canada;
- (ii) United Kingdom;
- (iii) Australia;
- (iv) Sweden;
- (v) Singapore, and
- (vi) Japan.

The Index, based on open-source research and analysis, has been worked out by conducting a literature review of more than 3000 academic articles, some 1300 policy reports and more than 8000 news articles. It shows the results of 26 indicators – 14 for criminality and 12 for resilience, for each African country.

The criminality score is based on the assessment of 10 commodity and crime-specific markets, as well as the profile and potency of four criminal actor typologies. These are –

1. Commodity and crime-specific markets
 - (i) Human Trafficking;
 - (ii) Human Smuggling;
 - (iii) Arms Trafficking;
 - (iv) Flora Crimes;
 - (v) Fauna Crimes;
 - (vi) Non-renewable resources crimes;
 - (vii) Heroin Trade;
 - (viii) Cocaine Trade;
 - (ix) Cannabis Trade, and
 - (x) Synthetic Drugs Trade.

2. Criminal Actors
 - (i) Mafia Style Groups;
 - (ii) Criminal Networks;
 - (iii) State-embedded actors, and
 - (iv) Foreign Actors.

The resilience score assesses 12 building blocks of an effective response to organised crime. These are –

- (i) Political leadership and governance;
- (ii) Government transparency and accountability;
- (iii) International cooperation;
- (iv) National policies and laws;
- (v) Judicial system and detention;
- (vi) Law enforcement;

- (vii) Territorial Integrity;
- (viii) Anti-money laundering;
- (ix) Economic regulatory capacity;
- (x) Victim and witness support;
- (xi) Prevention, and
- (xii) Non-state actors.

With regard to the resilience score, the Report mentions that Mauritius ranks 2nd in Africa with almost all indicators scoring 6 or above on a scale of 10, with 10 being the best score, demonstrating that Mauritius is addressing organised crime adequately with an independent judiciary, strong anti-money laundering framework, and a supportive victim and witness support system. In fact, the Index shows that Mauritius has been performing well on some indicators. With regard to the political leadership and governance, Mauritius has been performing even better than Japan with a score of 6.5 with the latter country scoring 6.0.

According to the Index, Mauritius ranks 41st among 54 countries with regard to criminality as a whole, showing a low criminality level. In fact, in 7 out of the 10 crime-specific markets, Mauritius has a score of below 4 on a scale of 10, with 10 being the worst score.

The index has highlighted the frequent and growing use of narcotics as a major cause of concern by classifying the crime-specific markets of heroin and synthetic drugs trades with a high score of 8 and 7, respectively. However, the overall criminality score of Mauritius is 4.16, which places the country among those with the lowest criminality score. In fact, on the criminality scores, it is worth noting that Mauritius performs even better than the United Kingdom which has a score of 4.24. As a matter of fact, the data on drugs provided in the Report is indicative of the increasing number of seizures and arrests carried out by the ADSU over the past years.

Several policies and measures are being implemented to combat drug trafficking in Mauritius. The Commissioner of Police has informed that the following measures are being taken to fight the drug trade –

- (i) increase in the human resources of the Anti-Drug and Smuggling Unit (ADSU);

- (ii) use of modern equipment;
- (iii) stringent measures at the Point of Entries, Port and Airport;
- (iv) working in close collaboration with Regional and International Anti-Drug Agencies;
- (v) regular targeted crackdown operations;
- (vi) tailor-made training for ADSU personnel to enhance capabilities, and
- (vii) close collaboration between ADSU and other Law Enforcement Agencies such as the Financial Intelligence Unit (FIU), Independent Commission Against Corruption (ICAC), Asset Recovery Investigation Division (ARID).

Moreover, the Action Coordination Task Force, headed by the Office of the Director of Public Prosecutions has been set up to coordinate the actions of agencies like the Anti-Money Laundering and Countering Financial Terrorism (AML/CFT) of the Mauritius Police Force, the FIU, Integrity Reporting Services Agency (IRSA), ICAC and the Mauritius Revenue Authority (MRA) to do the money and assets trail of drug traffickers and eventually sue them for Money Laundering.

It must be pointed out that the National Coast Guard (NCG) is responsible for the protection of our Exclusive Economic Zone (EEZ) and marine resources as well as the suppression of any illegal activity, including drug trafficking by using its surface and air assets which are –

- (i) the Automatic Identification System (AIS) which allows the tracking of vessels;
- (ii) the Coastal Surveillance Radar System (CSRS) which enhances the surveillance of our EEZ;
- (iii) the Vessels Monitoring System (VMS) which provides data to the fisheries authorities on the location, course and speed of vessels including fishing vessels (local and foreign), licensed by the Mauritian authorities;
- (iv) the Maritime Awareness System (MAS) Equipment which enhances our capability for monitoring our EEZ for maritime safety and security through information exchange within the region;
- (v) the Aerial Surveillance through two Dornier Aircrafts MPCG 3 & MPCG 4 for the surveillance of the EEZ;

- (vi) the NCG Maritime Intelligence Cell (MIC) which enhances our surveillance through intelligence gathering and adopting innovative strategies in combating maritime crimes, and
- (vii) a database system for ships and crafts set up by the Central Information Systems Division and maintained at NCG.

My Government has been providing every support to the ADSU to facilitate regional cooperation with drug enforcement agencies of neighbouring countries such as South Africa, Mozambique, Madagascar, Reunion Island and Seychelles. Through the exchange of information, a number of drug cases have been resolved. For example, in April 2017, cooperation with Mozambique allowed the arrest of a wanted Mauritian fugitive and I had to intervene personally with the President of Mozambique for the repatriation of the latter to Mauritius. In May 2019, an exchange of information and collaboration between Mauritius and Reunion Island led to the seizure of 142kgs of cannabis and 6 arrests, including 4 Mauritians in Reunion Island. Thereafter, 4 other arrests have been made by ADSU in connection with the Reunion Island case. It goes without saying that more arrests and seizures are bound to reflect on subsequent ratings with regard to the drug trade.

Additionally, at the level of the MRA, a series of measures, as follows, have been implemented with the objective to limit the entry of drugs in the country –

- (i) there is now a Dedicated Team for Drug Interdiction which carries out surveillance at the various points of entry on a 24/7 basis;
- (ii) acquisition of Fast Interceptor Boats & Rigid Hull Interceptor Boats to patrol along the coast and outside the harbour;
- (iii) use of a Vessel Tracking System to obtain information regarding real-time positioning of vessels and anticipate the arrival of high risk ones and accordingly plan enforcement actions;
- (iv) use of non-intrusive tools (Scanners) to enhance detection of contraband;
- (v) handheld backscatter scanners used at the port and the airport to detect hidden organic materials;
- (vi) use of a mobile scanner van and a mobile container scanner which are being deployed around the island;
- (vii) use of portable contraband buster which can indicate the difference in density between the contraband article and the object in which it is hidden;

- (viii) use of fibroscope to search and detect concealments;
- (ix) use of trace detectors for drugs/explosives;
- (x) use of hand held trace detection devices for narcotics;
- (xi) use of Drones for aerial surveillance in the port area;
- (xii) assistance of sniffer dogs for detection of narcotics, and
- (xiii) advance Electronic Information for Courier Packets enables the receipt of timely advance electronic information of all manifested packets and parcels which leads to seizures.

As I have stated time and again, my Government is fully committed in combating the drug scourge relentlessly. The recent huge seizures of heroin and other drugs bear testimony that no stone is being left unturned to deal with the drug situation in the country.

COVID-19 PANDEMIC – BORDER CLOSURE

(No. B/381) Mr Osman Mahomed (First Member for Port Louis South & Port Louis Central) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues, Outer Islands and Territorial Integrity whether, in regard to the entry in Mauritius of foreign nationals hailing from countries which are severely affected by the COVID-19 pandemic virus, he will, for the benefit of the House, obtain from the Passport and Immigration Office, information as to the criteria applied amidst the prevailing border closure, indicating the status of the said protocol.

Reply: The COVID-19 pandemic is affecting different countries in different ways. Whilst some countries are experiencing significant rise in the number of COVID-19 cases, others are facing the resurgence of the pandemic or the detection of new variants.

I presume that by referring to countries which are severely affected by the COVID-19 pandemic, the hon. Member is implying those countries which are experiencing an increasing number of cases of the new variants of the COVID-19 virus.

One of the several measures taken by my Government to prevent the spread of the COVID-19 pandemic in Mauritius, following its outbreak in March 2020, is the promulgation of the Quarantine Act 2020.

This Act, provides, *inter alia*, that during a quarantine period, the Prime Minister may, by Order, published in the Gazette, amongst others, prohibit the entry of aircrafts and ships into Mauritius.

Accordingly, by virtue of section 3(1)(a) of the Quarantine Act 2020, an Order was published on 11 March 2021 which prohibits the entry of aircraft and ships into Mauritius until 31 May 2021, except for those aircrafts and ships as may be approved.

The Passport and Immigration Office has informed that the Department of Civil Aviation publishes NOTAMs, that is, “Notice To Airmen”. The NOTAM contains information essential to personnel concerned with flight operations.

In this regard, pursuant to the Order issued under section 3(1)(a) of the Quarantine Act 2020, NOTAM A0085/21 has been published by the Director of Civil Aviation, which restricts the entry in Mauritius of all passengers and crew, including foreign nationals. The NOTAM is valid up to 31 May 2021. However, derogations are being made to allow passengers to enter Mauritius based on the following –

- (a) medical cases and demand from stranded Mauritians, demand from foreign diplomats as well as occupation permit and residence permit holders on a case to case basis;
- (b) availability of quarantine facilities, and
- (c) availability of flights.

The conditions for passengers, who have been authorised to travel to Mauritius, are specified in the clearance issued to the aircraft operators, and are presently as follows –

- (i) passengers are willing to undergo a mandatory quarantine for a minimum of 14 days in a state-designated quarantine facility following which they will be instructed to be on self-isolation for a further period of 7 days;
- (ii) passengers should possess a valid air ticket to Mauritius;
- (iii) passengers should produce proof of a travel package, including accommodation at a state-designated quarantine facility for a minimum of 14 days;

- (iv) passengers will have to undergo a PCR test for COVID-19 between five and seven days prior to the date of boarding at the last port of embarkation and the result of which shall be negative;
- (v) passengers must undergo swabbing with regard to PCR test upon arrival at the SSR international airport;
- (vi) passengers would also be subject to PCR tests for COVID-19 on day 7 and day 14;
- (vii) crew members would be allowed entry in the Republic of Mauritius for crew rest purposes as per their flight time limitation scheme at Holiday Inn hotel, which has been designated as the sole state-designated quarantine facility for crew rest purposes;
- (viii) the crew shall be confined to their hotel rooms, and
- (ix) in case the COVID-19 PCR test is positive, the affected person shall be transferred to a treatment centre.

Similarly, NOTAM A0064/21 has been issued by the Director of Civil Aviation, which restricts the entry and transit of any person having been physically present in the Republic of South Africa, Reunion Island, Mayotte Island or Brazil within the last 15 days preceding the date of arrival in Mauritius. This NOTAM is also presently valid up to 31 May 2021.

PRIME MINISTER'S OFFICE - MRS S. R-C – SENIOR ADVISER

(No. B/382) Mr E. Juman (Fourth Member for Port Louis Maritime & Port Louis East) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues, Outer Islands and Territorial Integrity whether, in regard to Mrs S. R-C., he will state when she was appointed as Senior Adviser at his Office, indicating –

- (a) the terms and conditions of appointment thereof, including the salary, other benefits and allowances drawn, and

- (b) other positions held in Government, Government-owned companies and parastatals, indicating the salaries or allowances drawn, if any.

Reply: Mrs S. R-C has been appointed as Senior Adviser at the Prime Minister's Office with effect from 04 February 2021.

In regard to part (a) of the question, Mrs S. R-C draws a monthly salary of Rs92,000 and is paid benefits and allowances in accordance with the recommendations of the 2016 PRB Report.

In regard to part (b) of the question, I am informed that Mrs S. R-C is the Chairperson of the Mauritius Sports Council and Mauri-Facilities Management Co. Ltd. She is also a Board Member of the National Social Inclusion Foundation and a Director of the Mauritius Multisport Infrastructure Ltd.

Mrs S. R-C is paid a monthly fee of Rs25,000 both as Chairperson of the Mauritius Sports Council and as member of the National Social Inclusion Foundation.

As the House is aware, the remuneration of the Chairperson and Board Directors of State-owned Companies is published in their annual Reports.

DR. A. S. – BREACH OF QUARANTINE ACT

(No. B/383) Mr E. Juman (Fourth Member for Port Louis Maritime & Port Louis East) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues, Outer Islands and Territorial Integrity whether, in regard to Dr. A. S., he will, for the benefit of the House, obtain from the Commissioner of Police, information as to if an inquiry has been initiated after his refusal to be quarantined after positive cases were registered at Melbees Nursery School and who was later tested positive, indicating if legal actions have been initiated against him.

Reply: The Commissioner of Police has informed that on Monday 15 March 2021 at 16.59 hours at the Pope Hennessy Police Station, a case of Breach of Quarantine Act 2020, as indicated by OB 545/2021, was reported by Dr. Mrs S. R-D, a Medical Practitioner and member of the Contact Tracing Team at the Ministry of Health and Wellness, against Dr. A.S., an Indian National. The latter had, in fact, refused to report to a Quarantine Centre together with his son K. S., aged 3 years, who is a pupil of the Melbees Pre-primary School,

for isolation in accordance with the protocol established for persons suspected to have been in direct contact with positive COVID-19 cases. An enquiry was initiated into the matter.

The Commissioner of Police has also informed that on Thursday 08 April 2021, Police recorded the defence statement of Dr. A.S, wherein he denied the charge levelled against him. He was allowed to go. During the course of the enquiry, statements were recorded from three witnesses.

After completion of the enquiry, on Thursday 15 April 2021, the case file was referred to the Office of the Director of Public Prosecutions for advice. On Wednesday 21 April 2021, the case file was returned to the Police with queries for further investigation.

The Commissioner of Police has also informed that on Tuesday 11 May 2021, after the queries were cleared, the case file was anew sent to the Office of the Director of Public Prosecutions for advice.

POINTE AUX CANNONIERS – DRUG SEIZURE

(No. B/384) Mr E. Juman (Fourth Member for Port Louis Maritime & Port Louis East) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues, Outer Islands and Territorial Integrity whether, in regard to the seizure of approximately 269 kg of drugs at Pointe aux Cannoniers on 02 May 2021, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to –

- (a) whether there is any connection with previous seizures,
- (b) how these drugs landed in Mauritius, indicating if there is a possible loophole in our surveillance system at the port, airport and coastal areas and, if so, indicate how he proposes to remedy same.

Reply: On Sunday 02 May 2021, following credible information that dangerous drugs were concealed in a private land at Club Med Road, Pointe aux Cannoniers, an operation was triggered by the Officer-in-Charge, Anti-Drug and Smuggling Unit (ADSU). A team of officers, together with personnel of *Groupe D’Intervention Pour La Protection Mauricienne* (GIPM) and Special Mobile Force (SMF) proceeded thereat.

By virtue of a search warrant, the Police carried out a search on the private land belonging to Mr R. G. in the presence of Mr S. R., the watchman. In the course of the search, Police secured a total gross weight of 26 kilograms of Cannabis Resin (Hashish) and 243.45 kilograms of Heroin of an approximate total street value of Rs3.4 billion. The drugs were concealed underground at three different spots.

Following the seizure of this significant amount of dangerous drugs, the ADSU has started an enquiry with a view to identifying and apprehending all those persons who are involved in this drug trafficking case.

With regard to parts (a) and (b) of the question, the Commissioner of Police has informed that no information can be disclosed at this stage as to whether previous drug seizures are connected with this case and how such a large quantity of drugs has landed in Mauritius, as such disclosure might be prejudicial to the present enquiry and other parallel investigations.

In regard to the possible loopholes in our surveillance system at the Port, Airport and Coastal Areas, Police and MRA Customs have spared no effort in their relentless fight against illegal drugs, including the prevention of entry of drugs. A sub-unit of ADSU is based both at Airport and Port. ADSU personnel work jointly with NCG, SSU, GIPM, local Police as well as other external agencies, such as, Customs Anti-Narcotics Section (CANs) of the Mauritius Revenue Authority (MRA), Plaisance Air Transport Services, Mauritius Port Authority, Cargo Handling Corporation, Ground 2 Air and Mauritius Post Limited with a view to preventing the entry of illegal drugs in the country and other illegal activities on our coastal areas.

The measures put in place at Port, Airport and Coastal Areas for securing our borders to prevent the entry of drugs into the country are as follows –

(a) At Port/Coastal Areas –

- (i) the Port Area is a restricted area and access thereto is controlled by Port Police and Mauritius Port Authority (MPA) and by NCG at the Customs Landing Step on a 24/7 basis;

- (ii) suspicious containers are scanned and searched by MRA Customs and ADSU Officers;
- (iii) the movement of vessels entering the territorial waters of Mauritius are closely monitored by NCG Operations Room through the Automatic Identification System (AIS) and the Coastal Surveillance Radar System (CSRS);
- (iv) pleasure crafts and suspicious persons are checked/searched by NCG, MRA Customs and Fisheries Officers;
- (v) regular aerial surveillance patrols are carried out by NCG Dornier aircraft and Police Helicopters;
- (vi) seaborne patrols are carried out by NCG vessels (CGS Barracuda, CGS Valiant and CGS Victory, Heavy Duty Boats and Fast Interceptor Boats) to prevent illegal activities in our territorial waters;
- (vii) joint crack down operations are carried out by NCG, MPA, ADSU, Police Dogs, GIPM, MARCOS, SSU and MRA;
- (viii) suspicious incoming parcels and mails are checked by Postal Officers in presence of ADSU/MRA Custom Officers;
- (ix) NCG Field Intelligence Officers gather information on operators of pleasure craft with high rating engine and the movements of these crafts are monitored by the NCG Maritime Intelligence Cell. A Hot Line **177** is available for reporting suspicious activities, and
- (x) NCG Officers based at the Regional Coordination Operations Centre (RCOC) in Seychelles and the Regional Maritime Information Fusion Centre (RMIFC) in Madagascar also provide intelligence on maritime security including drug trafficking.

(b) At Airport –

- (i) Officers of ADSU, Airport CID and Passport and Immigration Officers (PIO) carry out profiling and screening of suspicious passengers, aircraft crew and employees at the Airport;
- (ii) PIO and ADSU Officers check the '*Advanced Passenger Information System*' for identifying and monitoring the movements of frequent

suspicious passengers and their luggage are scanned and searched on arrival;

- (iii) aircraft and suspicious passengers as well as luggage, couriers and parcels are searched;
- (iv) access is controlled at point of entries. Unauthorised persons are not allowed access into the Airport compound, which is fenced with Perimeter Intrusion Detection System and equipped with CCTV surveillance cameras;
- (v) regular joint patrols are carried out on daily basis by Airport Police and Airports Mauritius Limited (AML) within the Airport area, and
- (vi) all personnel working at airport should always be in possession of their Airport Security Identification Card (ASIC) prior to entering into the Airport compound. ASICs are checked at point of entry and are renewed after expiry by Department of Civil Aviation.

It must be pointed out that these security measures together with the existing bilateral agreements with friendly regional countries are yielding tangible results and have led to an increase in the rate of detection of drug cases with important seizure of drugs.

Besides the existing security measures at Port, Airport and Coastal Areas, the following additional measures are being envisaged by the Mauritius Police Force for securing our borders in order to prevent the entry of dangerous drugs in Mauritius –

- (i) acquisition of a new Dornier Aircraft;
- (ii) acquisition of a New Advanced Light Helicopter;
- (iii) acquisition of a new Coastal Surveillance Radar System;
- (iv) acquisition of two High Speed Boats and four smaller boats;
- (v) all Pleasure Crafts will be equipped with Automatic Identification System (AIS), and
- (vi) refit of CGS Barracuda for enhanced operational capability.

CHAGOS ARCHIPELAGOS - VISIT

(No. B/385) Mr R. Uteem (Second Member for Port Louis South & Port Louis Central) asked the Prime Minister, Minister of Defence, Home Affairs and External

Communications, Minister for Rodrigues, Outer Islands and Territorial Integrity whether, in regard to the Government's proposed trip to the Chagos Archipelagos by boat, he will state where matters stand.

Reply: In its Judgment of 28 January 2021, the Special Chamber of the International Tribunal for the Law of the Sea (ITLOS) confirmed that Mauritius has undisputed sovereignty over the Chagos Archipelago. It ruled that the Advisory Opinion of the International Court of Justice of 25 February 2019 resolved the question of sovereignty over the Chagos Archipelago when the Court determined that the Chagos Archipelago is and has always formed an integral part of the territory of Mauritius.

The Special Chamber also ruled that the United Kingdom's continued claim to sovereignty over the Chagos Archipelago is contrary to the authoritative determinations made by the International Court of Justice (ICJ) that the detachment of the Chagos Archipelago from Mauritius was unlawful and that the United Kingdom's continued administration of the Chagos Archipelago constitutes an unlawful act of a continuing character. The Special Chamber ruled that the determinations of the ICJ have legal effect.

It is, therefore, clear that as a matter of international law, Mauritius is the sole State lawfully entitled to exercise sovereignty and sovereign rights over the Chagos Archipelago and its maritime zones and to, *inter alia*, organise visits to the Chagos Archipelago.

In this regard, the Government has announced its intention to organise a visit to the Chagos Archipelago in which Mauritians of Chagossian origin will be invited to participate. In fact, the visit will also contribute to the preparation by Mauritius of its submissions to the Special Chamber of ITLOS as it will allow us to collect important data for the case. The Government has since been exploring the best means, timing and weather conditions under which such a visit can take place. However, until the COVID-19 pandemic is behind us, it will not be possible to organise a visit to the Chagos Archipelago.

The Government nevertheless remains committed to organising a visit to our northern most territory, the Chagos Archipelago, as soon as the situation permits and when the weather conditions are favourable.

**INFORMATION AND COMMUNICATIONS TECHNOLOGIES ACT –
AMENDMENTS**

(No. B/386) Mr A. Ameer Meea (Third Member for Port Louis Maritime & Port Louis East) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues, Outer Islands and Territorial Integrity whether, in regard to the Information and Communications Technologies Act, he will state if the introduction in the Assembly of proposed amendments thereto is being envisaged and, if so, indicate where matters stand.

Reply: It is presumed that the hon. Member is referring to the amendments to the Information and Communications Technologies Act proposed in the Consultation Paper to regulate the use and to address the misuse of social media in Mauritius.

The Information and Communication Technologies Authority (ICTA) has informed that the amendments proposed to the ICT Act in the Consultation Paper purport to the setting up of a National Digital Ethics Committee (NDEC) and an Enforcement Unit. The main role of the NDEC will be to investigate into illegal and harmful contents on social media and, where required, refer them to the Police for appropriate action. The Enforcement Unit will be the executive arm of the NDEC which will deploy a technical solution to address the issue at hand.

20 May 2021 has been fixed as the deadline for the submission of comments regarding the Consultation Paper, and thereafter, ICTA will analyse the inputs received, on the basis of which a decision will be taken regarding the proposed amendments to be brought to the Act.

It must also be pointed out that the ICT Authority is working on other amendments to the ICT Act with a view to facilitating the regulatory functions of the Authority. This is being done to ensure improved compatibility in the local legislation with our international commitments taken at the level of the World Trade Organisation, notably with regard to the integration of the regulatory principles formulated under the WTO Telecommunications Reference Paper. Moreover, existing provisions in the ICT Act relating to universal access, interconnection, market definition, and tariffs, amongst others, are being reviewed so as to enable ICTA to respond to the new dynamics of the ICT sector.

MBC - NEWS BULLETIN & LIVE BROADCASTS - MAURITIAN SIGN LANGUAGE

(No. B/387) Ms J. Bérenger (First Member for Vacoas and Floréal) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues, Outer Islands and Territorial Integrity whether, in regard to sign language, he will, for the benefit of the House, obtain from the Mauritius Broadcasting Corporation, information as to why measures have not been taken as at to date for the inclusion thereof during news programmes, COVID-19 pandemic press conferences and local emergency broadcasts.

Reply: The Mauritius Broadcasting Corporation has informed that the duration of the News Bulletin in the Mauritian Sign Language, which is broadcast every Saturday on MBC 1 at around 17.50 hours and rebroadcast on MBC SAT on the same day at 19.20 hours has been increased from 8 minutes to 10-12 minutes since December 2020.

The Mauritius Broadcasting Corporation has also informed that the Corporation has been working in close collaboration with the Society of the Welfare of the Deaf to examine the implications of introducing the sign language in news bulletin and other live broadcasts.

In this respect, several working sessions have been held to assess the current situation and the viability of the project.

Various implications have thus been identified that need to be addressed before introducing sign language in news bulletins and live broadcasts. These are –

- (i) exploring the option of having the interpreter appearing on a small screen when the main anchor is presenting the news;
- (ii) assessing the technical infrastructure required;
- (iii) availability of the services of interpreters from the Society for the Welfare of the Deaf on a daily basis;
- (iv) presently there are only three full-fledged interpreters, which would not be sufficient to sustain the project;

- (v) additional human resources, and
- (vi) adequate funding from the Ministry of Social Integration, Social Security and National Solidarity.

In view of these various implications, the Mauritius Broadcasting Corporation and the Society for the Welfare of the Deaf have decided to implement the project in a phased manner. In the first instance, the airing of News Bulletin in Mauritian Sign Language is to be increased from one bulletin to two bulletins per week. Then, a specific news bulletin is to be identified to include the sign language interpretations.

In regard to the sensitization campaign on COVID-19, a video on the precautionary measures against the pandemic, produced in collaboration with the Society for the Welfare of the Deaf was aired during the last confinement period. Moreover, a special item on COVID-19 is also included in the Mauritian Sign Language News Bulletin broadcast on Saturdays.

In addition, the video produced by the National Disaster Risk Reduction and Management Centre and which include sign language was broadcast on MBC at peak time during the period 01 to 28 February 2021 to sensitize the Mauritian population on the impacts of heavy rainfall and flood and the measures to be taken before, during and after natural disasters.

RODRIGUANS STRANDED IN MAINLAND MAURITIUS - REPATRIATION

(No. B/388) Mr J. Léopold (Second Member for Rodrigues) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues, Outer Islands and Territorial Integrity whether, in regard to the repatriation exercise of the Rodriguans stranded in mainland Mauritius, he will state the reasons for the suspension thereof, indicating the expected resumption date thereof.

Reply: Since the second wave of COVID-19 was detected and established in March 2021, all flights to Rodrigues were suspended with a view to keeping the Island COVID-free.

The Island Chief Executive has informed that a survey was conducted by the Rodrigues Regional Assembly to determine the number of residents of Rodrigues who have been stranded in Mauritius. In fact, 565 persons had registered themselves as stranded following the travel restrictions between Mauritius and Rodrigues since Sunday 07 March

2021. A total of six flights had initially been scheduled for the repatriation of these residents of Rodrigues.

With this arrangement, 252 passengers have already been repatriated in four groups on 18 April, 04 and 06 and 14 May 2021 after compliance with the established protocol.

As I have indicated earlier, repatriation is subject to compliance with a health protocol which comprises –

- (i) a quarantine period of 14 days in Mauritius under the strict control and supervision of the Ministry of Health and Wellness, and
- (ii) a quarantine period of 7 days in a designated establishment in Rodrigues under the strict control and supervision of the Rodrigues Regional Assembly.

Following a period without detection of new local cases of COVID-19 in Mauritius, the remaining two flights initially scheduled on Thursday 20 and Tuesday 25 May 2021 were cancelled as the possibility of the reopening of borders between Mauritius and Rodrigues as from beginning of June 2021 was considered. However, due to the recent detection of additional local cases of COVID-19, it was considered that the reopening of border between Mauritius and Rodrigues was premature.

The Chief Commissioner had accordingly requested that the repatriation exercise be resumed. To that effect, it was agreed on Monday 10 May 2021 that the two repatriation flights, initially cancelled, be restored.

Following this agreement, a first group of 62 passengers is proceeding to quarantine on Tuesday 18 May 2021 at Gold Crest Hotel and is expected to leave for Rodrigues on Wednesday 02 June 2021.

A second group of 62 passengers will be quarantined on Thursday 20 May 2021 at Tarisa Resort and Spa Hotel and will be expected to leave for Rodrigues on Friday 04 June 2021.

I must also point out that, in parallel, the services of the Dornier aircraft are being enlisted for the evacuation of patients requiring urgent medical treatment in Mauritius. Since 10 March 2021 to date, the Dornier had effected nine sorties for the evacuation of 16 Rodriguan patients and their accompanying relatives.

I seize this opportunity to reassure all our Rodriguan brothers and sisters, stranded in Mauritius, that my Government is working in close collaboration with the Rodrigues

Regional Assembly and is doing its level best to provide support to extend all possible assistance within the constraints of the lockdown.

PORT AREA – CCTV CAMERAS

(No. B/389) Mr P. Armance (Third Member for GRNW & Port Louis West) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues, Outer Islands and Territorial Integrity whether, in regard to the port area of the Port Louis Harbour, he will, for the benefit of the House, obtain from the Mauritius Ports Authority, information as to the number of cameras of the CCTV Surveillance System thereat which are –

- (a) operational, and
- (b) damaged and/or not operational, indicating the maintenance and related costs thereof.

Reply: The Port Area is a security restricted area wherein no unauthorised person is allowed entry. It is mandatory for all visitors to hold a pass to access a specific place where they have business to conduct, such as clearance of goods from import and for export and provision of goods and services to ships.

Today, the major challenge of Ports remains security due to their sensitive installations, costly infrastructure, and risks associated with maritime and port activities. Port Louis Harbour has undergone major transformation over the last five years in its modernisation process. It is a fact that technology has over time reduced dependency on human factor. It is also undeniable that technological advancement tends to render machines, systems, and processes obsolete faster. The security functions and aspects of ports are very demanding in view of the fast-developing maritime industry and its associated risks.

The security of most Ports nowadays relies to a great extent on a reliable CCTV surveillance system which helps security personnel to identify and interrupt security breaches in real time and even before they occur. The Port Louis Harbour has embraced such a surveillance system for the Port Area.

As regards part (a) of the question, the Director General, Mauritius Ports Authority has informed that a tender exercise for the supply, installation, commissioning, and maintenance of a total of 93 cameras comprising 24 Pan-Tilt-Zoom cameras, 23 fixed cameras, and 38 internal cameras was launched in 2006. In 2007, the system was installed and commissioned in 2008. In 2010, the number of cameras was increased to have a wider coverage area. Today, the Port Area is covered on a 24/7 basis by 110 cameras.

With regard to part (b) of the question, I am also informed that all the 110 cameras installed are currently operational. It is a fact that cameras may have breakdowns from time to time. However, such breakdowns are promptly attended to by the maintenance contractor within 3 hours of reporting during working hours on weekdays.

The cameras purchased in 2008 were covered under a warranty of two years. Thereafter, a maintenance contract inclusive of parts, labour, and transport has been entered into with the supplier of the equipment for 3 years in accordance with the requirements of the tender. This contract has been renewed on a yearly basis up to 2013. As from 2013, the maintenance contract has been on labour basis only at the rate of Rs857,400 per annum. From 2010 to date, the Mauritius Ports Authority has spent a total of Rs12,345,938 on maintenance cost and Rs3,924,244 on purchase of spares and on other repair costs.

***KREOL MORISIEN* – MINISTERIAL COMMITTEE – UPPER SECONDARY
LEVEL**

(No. B/390) Mrs A. Navarre-Marie (Fourth Member for GRNW & Port Louis West) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues, Outer Islands and Territorial Integrity whether, in regard to the Ministerial Committee set up to look into the development of a roadmap for the teaching of the *Kreol morisien* at upper secondary level, he will state the progress of work thereof.

Reply (The Vice-Prime Minister, Minister of Education, Tertiary Education, Science and Technology (Mrs L. D. Dookun-Luchoomun)): I will reply to PQ B/390.

On 02 April 2021, Government decided to set up a Ministerial Committee under the chairmanship of the Prime Minister to look into the teaching of *Kreol Morisien* at the upper secondary level.

A meeting of the Ministerial Committee was held on 05 May 2021. Government approved the recommendations of the Committee as follows –

- (i) *Kreol Morisien* be offered as an optional subject in Grade 10 (Form IV) as from academic year 2021-2022, thereby allowing students to pursue their studies in *Kreol Morisien*;
- (ii) University of Mauritius (UoM) to be the designated as the awarding body for the award of a National School Certificate in *Kreol Morisien*, pitched at level 3 of the National Qualifications Framework;

- (iii) UoM and Mauritius Institute of Education (MIE) to work on the Curriculum Development and teaching materials as well as an assessment framework, and
- (iv) Mauritius Examinations Syndicate (MES) to conduct examinations in *Kreol Morisien*.

My Ministry will work on the implementation of the aforementioned measures for the teaching of *Kreol Morisien* to start in Grade 10 at resumption of studies in June 2021 and the required amendments to relevant legislations.

AGALEGA – INFRASTRUCTURAL WORKS

(No. B/391) Mr N. Bodha (Second Member for Vacoas & Floréal) asked the Prime Minister, Minister of Defence, Home Affairs and External communications, Minister for Rodrigues, Outer Islands and Territorial Integrity whether, in regard to the infrastructural works being carried out in Agalega, he will state the –

- (a) scope of works;
- (b) costs involved;
- (c) completion date, and
- (d) future use of the amenities being put in place.

Reply: The construction of a new airstrip and a jetty, together with their associated infrastructure, such as air traffic control tower, passenger terminal building, aircraft hangar, and runway lighting, are currently the two infrastructural projects being implemented by AFCONS Ltd.

The airstrip will be 3 kilometres long, with width of 60 metres in the north-south orientation, parallel to the existing runway. It will be an all-weather concrete runway with capabilities for day and night landings.

The main jetty has a berthing face of 255 metres in length. The jetty will have associated infrastructure for providing services such as fresh water, firefighting, electricity and crane.

Regarding part (b) of the question, the two projects are entirely financed by the Government of India.

Concerning part (c) of the question, the expected completion date of the two projects is end of December 2021.

As regards part (d) of the question, these two projects aim at improving the air and sea transportation facilities in Agalega and will also contribute to our maritime security needs, particularly in the surveillance of our Exclusive Economic Zone (EEZ), in counter-

piracy, counter-terrorism, counter-narcotics and human trafficking. These infrastructural developments will also improve the standard of living of the Agaleans as they will pave the way for significant economic development on the Island.

ILLICIT DRUG TRAFFICKING

(No. B/393) Mr R. Wochit (Third Member for Pamplemousses & Triolet) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues, Outer Islands and Territorial Integrity whether, in regard to illicit drugs trafficking, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to –

- (a) the number of persons prosecuted therefor over the past five years, indicating the number of convictions secured and the number of custodial and non-custodial sentences given, and
- (b) if revised guidelines to strengthen the enforcement capabilities in the fight thereof has been issued and, if so, give details thereof and, if not, why not.

Reply: Drug trafficking is a global illicit trade involving the cultivation, manufacture, distribution and sales of substances which are subject to drug prohibition laws. Drug trafficking is a major source of revenue for organised crime groups, many of whom are involved in such serious offences as money laundering and terrorism financing.

The Dangerous Drugs Act consolidates the law relating to dangerous drugs and makes further and better provision for the control of dangerous drugs, for the treatment of addiction, for the prevention, detection and repression of drug trafficking, for the prevention of laundering of drug money in Mauritius, for the sentencing of drug-traffickers, for seized assets of drug offenders to be vested in designated institutions, for restriction of bail and minimum penalties in respect of certain serious drug offences, and for the punishment of persons making false statements in relation to drug offences.

The Dangerous Drugs Act has interpreted Drug Dealing Offences in two categories, as follows -

- (a) Drug Dealing Offences - Section 30
- (b) Drug Traffickers – Section 30, coupled with Sections 41 (3) and 41(4)

Offenders are prosecuted for Drug Trafficking where the value of the drug secured exceeds one million rupees in accordance with sections 41 (3) and (4) of the Dangerous Drugs Act, and all such cases of drug trafficking are prosecuted before the Supreme Court.

Regarding part (a) of the question, the Commissioner of Police has informed that over the past five years, five persons have been prosecuted and convicted for illicit drugs trafficking, and all five have received custodial sentences.

With regard to part (b) of the question, the Commissioner of Police has also informed that there are revised guidelines which have been issued to strengthen the enforcement capabilities in the fight against drugs. Under these guidelines, ADSU has –

- (i) been provided with additional resources in terms of vehicles and manpower to increase its operational effectiveness;
- (ii) been provided with training on the use of sophisticated and modern equipment to enhance its operational capabilities;
- (iii) put in place more stringent measures at the Points of Entry, Port and Airport;
- (iv) reinforced its collaboration with Regional and International Anti-Drug Agencies, and
- (v) increased its targeted crackdown operations.

ADSU is also working in close collaboration with other Law Enforcement Agencies such as the Financial Intelligence Unit (FIU) Independent Commission Against Corruption (ICAC), Asset Recovery Investigation Division (ARID). Awareness and sensitization campaigns on the legal implications and ill-effects of drugs are carried out in Educational Institutions, Youth Forums, Private Companies and Socio-Cultural Groups by the Field Unit, Crime Prevention Unit and Education Unit of ADSU.

Moreover, the Action Coordination Task Force, headed by the Office of the Director of Public Prosecutions, has been set up to coordinate the actions of agencies like the Anti-Money Laundering and Countering Financial Terrorism (AML/CFT) of the Mauritius Police Force, the FIU, IRSA, ICAC, and the Mauritius Revenue Authority to do money and assets trail of drug traffickers and eventually sue them for Money Laundering.

The Government is unflinchingly committed and resolutely determined to fight the drug scourge.

**MAURITIUS INVESTMENT CORPORATION – IMF END-OF-MISSION PRESS
RELEASE**

(No. B/397) Mr D. Ramful (First Member for Mahebourg & Plaine Magnien) asked the Minister of Financial Services and Good Governance whether, in regard to the recommendation based on the preliminary findings of the International Monetary Fund staff

expressed in the recent End-of-Mission press release to the effect that the central bank should relinquish ownership of the Mauritius Investment Corporation and that the financing thereof should be provided through the budgetary process, he will state if consideration is being given thereto.

(Withdrawn)

GRAND'BAIE & POUDRE D'OR – FLOOD PRONE AREAS

(No. B/417) Dr. M. Gungapersad (Second Member for Grand' Baie & Poudre d'Or) asked the Vice-Prime Minister, Minister of Local Government and Disaster Risk whether, in regard to the construction of absorption drains and road side drains in Constituency No. 6, Grand' Baie and Poudre d'Or, he will, for the benefit of the House, obtain from the District Councils of Rivière du Rempart and Pamplemousses, information as to if a survey has been carried out as to the number of flood prone lateral and main roads identified therefor and, if so, table copy thereof.

Reply: First of all, I wish to inform the House that as per Section 5 of the Land Drainage Authority Act 2017, one of the key functions of the Land Drainage Authority is to identify flood prone areas in collaboration with the local authorities, National Development Unit, Road Development Authority, National Disaster Risk Reduction and Management Centre and any other relevant stakeholder.

With regard to the question put by the hon. Member, on 30 April 2021, the Land Drainage Authority has submitted an updated list of flood prone areas to my Ministry, which also includes sites newly identified as flood prone after the flash floods of April 2021.

Out of a total of 298 flood prone areas identified across Mauritius, nine are found in Constituency No. 6, namely -

- i. Camp Caroll, Grand Bay;
- ii. Mahatma Gandhi Road Opposite Super U, Grand Bay;
- iii. Pyndia Lane, Pereybere;
- iv. Stephane Lane/Beach Lane And Surroundings, Pereybere;
- v. Near Police Station, Poudre d'Or ;
- vi. Jankee Street, Poudre d'Or;
- vii. La Croisette Round About;
- viii. Fond du Sac, and

- ix. Forbach Road (Opposite Stone Crusher Plant), Fond du Sac.

**NATIONAL HERITAGE TRUST FUND – HISTORICAL AND CULTURAL
SITES – PRESERVATION AND REHABILITATION**

(No. B/418) Dr M. Gungapersad (Second Member for Grand' Baie & Poudre d'Or) asked the Minister of Arts and Cultural Heritage whether, in regard to the preservation and rehabilitation of historical and cultural sites, he will, for the benefit of the House, obtain from the National Heritage Trust Fund, in each case, information as to the works carried out since January 2020 to date, indicating the (a) cost and (b) names of the contractors thereof.

Reply: I am informed by the National Heritage Fund (NHF) that from January 2020 to date, two historical and cultural sites and four National Heritage sites listed under the NHF Act 2003 have been rehabilitated.

These are –

- (i) The Lavoir and Abreuvoir located in Mahebourg Village (not listed but are sites of cultural value);
- (ii) The French Batterie and Ruin World War II at Pointe du Diable;
- (iii) La Tour Koenig, and
- (iv) La Tour Hollandais situated at Vieux Grand Port.

As regards the works including the cost and names of the contractors, I am laying in the Library of the National Assembly the requested information.

STC - EMERGENCY PROCUREMENT PROCEDURES

(No. B/419) Mr E. Juman (Fourth Member for Port Louis Maritime & Port Louis East) asked the Minister of Labour, Human Resource Development and Training, Minister of Commerce and Consumer Protection whether, in regard to the emergency procurement exercises carried out by the State Trading Corporation on behalf of the Ministry of Health and Wellness in 2020, he will, for the benefit of the House, obtain from the Corporation, information as to –

- (a) if the procurement procedures were complied with and, if not, why not, and
- (b) the goods and services procured, giving a breakdown thereof.

Reply: I wish to inform the hon. Member that in my reply to PQ B/20 at the Sitting of 23 March 2021, I had already tabled the list of companies which had been awarded contracts

for the supply of medical supplies and equipment by the State Trading Corporation (STC) on behalf of the Ministry of Health and Wellness during the COVID-19 pandemic in 2020.

I am informed by the STC that, as a rule, emergency procurement of medical supplies and equipment is not its core business. For the COVID-19 emergency procurement of March/April 2020, the STC was asked to assist the Ministry of Health and Wellness and acted essentially as a facilitator/paying agent. The STC was not involved in issues of specifications, calling for quotations and evaluations.

Furthermore, I am informed that the STC only acted at award stage on the quotation submitted to it and as from that point it acted in accordance with Section 21 of the Public Procurement Act and Directive 44 from the Procurement Policy Office.

I also wish to inform the hon. Member that I have requested the Internal Control Unit of the Ministry of Finance, Economic Planning and Development to carry out an exercise focusing on procurement systems and processes at the STC and make recommendations accordingly.

3D IMAGERY DIGITAL ELEVATION MODEL – ACQUISITION

(No. B/420) Mrs S. Luchmun Roy (Second Member for Port Louis North & Montagne Longue) asked the Minister of National Infrastructure and Community Development whether, in regard to the proposed acquisition of a 3D Imagery Digital Elevation Model to map the topography of Mauritius by the Land Drainage Authority, he will, for the benefit of the House, obtain information as to where matters stand.

(Withdrawn)

DUBAI EXPO 2020 – MAURITIUS - PARTICIPATION

(No. B/421) Mrs S. Luchmun Roy (Second Member for Port Louis North & Montagne Longue) asked the Minister of Land Transport and Light Rail, Minister of Foreign Affairs, Regional Integration and International Trade whether, in regard to the Dubai Expo 2020, which has been postponed, he will state if Mauritius proposes to participate therein.

Reply: I wish to inform the House that Mauritius will participate in the Dubai Expo 2020 which will now take place from 01 October 2021 to 31 March 2022.

The Expo 2020 which is expected to bring together some 192 countries and attract around 15 million visitors, will provide us with a unique opportunity to promote our trade,

investment, and tourist industry. This unique platform will also enable us to demonstrate the economic vibrancy, socio-political stability, and cultural heritage of Mauritius.

A National Coordinating Committee under the Prime Minister's Office has been set up to oversee the overall participation of Mauritius in the event.

An Organising Committee which comprises both the public and private sector stakeholders has also been set up under my Ministry. I wish to inform that a meeting of the Organising Coordination Committee, co-chaired by my Ministry and the Economic Development Board (EDB), recently met on Wednesday 05 May 2021, at official level.

I will also chair an inter-ministerial meeting to assess progress achieved in view of our participation to the Expo 2020.

JAPAN INTERNATIONAL COOPERATION AGENCY 2015 REPORT - LANDSLIDE SITES

(No. B/422) Mrs S. Luchmun Roy (Second Member for Port Louis North & Montagne Longue) asked the Minister of National Infrastructure and Community Development whether, in regard to the landslide sites identified in the Japan International Cooperation Agency Report 2015, he will, for the benefit of the House, obtain from the Geotechnical Unit, details thereof, indicating the remedial measures taken in relation thereto.

(Withdrawn)

GOVERNMENT SERVICES - DIGITALISATION

(No. B/423) Mr R. Doolub (Third Member for Mahebourg & Plaine Magnien) asked the Minister of Technology, Communication and Innovation whether, in regard to the Government services, he will state the initiatives taken by his Ministry to digitalise the delivery thereof with a view to limiting the physical proximity of members of the public in public areas when availing themselves thereof.

(Withdrawn)

CHILD ABANDONMENT - CASES - JAN 2020 TO 18.05.21

(No. B/424) Mr R. Doolub (Third Member for Mahebourg & Plaine Magnien) asked the Minister of Gender Equality and Family Welfare whether, in regard to child abandonment, she will state the number of cases thereof reported to her Ministry since January 2020 to date, indicating the measures taken to address this issue.

(Withdrawn)

BABUL AND SONS FISHING COMPANY LTD – FISHING LICENCES

(No. B/425) Mr R. Uteem (Second Member for Port Louis South & Port Louis Central) asked the Minister of Blue Economy, Marine Resources, Fisheries and Shipping whether, in regard to Babul and Sons Fishing Company Ltd., he will state the number of fishing licences issued thereto, indicating if any inquiry in relation thereto was carried out prior to the issue of the licences.

Reply: I am informed by the Fisheries Division of my Ministry that fishing licences have been issued in respect of two boats owned by Babul and Sons Fishing Company Ltd, namely Royal Phoenix and Royal Phoenix II.

These two boats have been registered with my Ministry since 10 October 2012 and 06 June 2014, respectively.

I am also informed that the fishing licences are issued for a maximum period of 12 months. Thereafter, the operator has to apply for a new licence.

With regard to the second part of the question, I have been informed that prior to 2017, decisions to approve grant of licences were based solely on financial and technical appraisals of the fishing projects. Thus, the licences were issued to Babul and Sons Fishing Company Ltd on such basis.

I am also informed that since 2017, for any new fisheries development project, my Ministry seeks police clearance prior to issuing the Letter of Intent to the promoter concerned.

Following the issue of the “letter of intent,” the promoter may then apply for a fishing licence which is issued after verification of relevant supporting documents namely –

- i. the Registration Certificate of the boat;
- ii. the Ship Station Licence issued by the Information and Communication Technologies Authority;
- iii. insurance cover for the boat, as well as the fishers and crew on board;
- iv. the seaworthiness survey report of the boat issued by a recognised surveyor of the Fisheries Division;
- v. registration of the boat on the Vessel Monitoring System (VMS), and
- vi. documents certifying that the boat is fitted with an Automatic Identification System.

Subject to all documents being in order, the fishing licence which covers a period of one year is approved. Upon payment of the necessary licence fee, and depending on the dates of expiry of the documents required for the licence, such licences are issued for a maximum period of one year.

In the case of Babul and Sons Fishing Company Ltd, my Ministry has issued 12 licences in respect of each of the two boats since their registration to date.

I am also informed that for operators who are reportedly involved in illicit activities, my Ministry is seeking police clearance prior to issuing fishing licences.

No police clearance means no licence.

Moreover, I am also informed that Babul and Sons Fishing Company Limited owns another company, namely Ice to Ice Fishing Company Ltd which owns a semi-industrial fishing boat registered under the name of 'Legacy.' My Ministry has also issued a fishing licence to this fishing boat.

STATE LAND - SQUATTERS - DECEMBER 2019 TO 13 MAY 2021

(No. B/427) Mr R. Uteem (Second Member for Port Louis South & Port Louis Central) asked the Deputy Prime Minister, Minister of Housing and Land Use Planning, Minister of Tourism whether, in regard to State land, he will state the current number of squatters thereof, indicating their respective locations and number thereof having been regularised or relocated since December 2019 to date.

Reply: I am placing the required information district-wise in the Library of the National Assembly.

NATIONAL SOCIAL INCLUSION FOUNDATION –REGISTERED NGOS

(No. B/428) Mr F. David (First Member for GRNW & Port Louis West) asked the Minister of Social Integration, Social Security and National Solidarity whether, in regard to the National Social Inclusion Foundation, she will, for the benefit of the House, obtain therefrom, information as to the number of Non-Governmental Organisations registered therewith, category-wise, indicating the eligibility criteria for the allocation of funds therefrom.

Reply: To date, there are 418 Non-Governmental Organisations registered with the National Social Inclusion Foundation.

The list of Non-Governmental Organisations registered with the Foundation can be accessed on the website of the Foundation.

The Foundation allocates funds to Non-Governmental Organisations according to the following eligibility criteria -

- (i) relevance of the project;
- (ii) effectiveness of the planned activities;
- (iii) efficiency of the project;
- (iv) expected impact of the project on target groups, and
- (v) sustainability of the project.

MASA - ROYALTIES COLLECTED - FINANCIAL ASSISTANCE - COVID-

(No. B/429) Mr F. David (First Member for GRNW & Port Louis West) asked the Minister of Arts and Cultural Heritage whether, in regard to the Mauritius Society of Authors, he will -

- (a) for the benefit of the House, obtain therefrom, information as to the quantum of royalties collected and number of members thereof to whom same have been redistributed in Financial years 2018-2019, 2019-2020 and 2020-2021, respectively, and
- (b) state if his Ministry will consider granting financial assistance thereto to make up for the shortfall in royalty collection amid the COVID-19 pandemic.

Reply: I am informed by the Mauritius Society of Authors (MASA) that for the Financial Year 2018-2019, an amount of Rs37.1 m. was collected as copyright fees. An amount of Rs25.6 m. and Rs9.5 m. had been collected for the Financial Years 2019-2020 and 2020-2021, respectively.

As per practice, MASA has two distribution exercises scheduled in one Financial Year, namely in April and December.

Information provided by MASA on the number of members to whom copyright fees have been redistributed for the Financial Years 2018-2019, 2019-2020 and 2020-2021 is being placed in the Library of the National Assembly.

With regard to part (b) of the question, MASA has disbursed a total of Rs1,055,000 in April 2021 from its Provident and Social Welfare Fund as COVID-19 Financial Assistance to 267 registered artists.

Over and above the financial support provided by MASA, my Ministry has put in place 'The COVID-19 - Artists Support Plan 2021', which is a financial support plan to assist artists who are suffering a loss of revenue as a consequence of restrictions imposed on related activities following the COVID-19 pandemic.

The Support Plan is applicable to artists, who are either registered with MASA or listed as artist in the database of my Ministry.

The Support Plan comprises of 7 schemes addressed to different categories of artists in the Music industry, Literature, Painting, Sculpture, Film making, Photograph and other forms of art.

FISHERMEN – BAD WEATHER ALLOWANCE

(No. B/430) Mr F. David (First Member for GRNW & Port Louis West) asked the Minister of Blue Economy, Marine Resources, Fisheries and Shipping whether, in regard to the Fishermen Bad Weather Allowance, he will state the quantum thereof paid and corresponding number of bad weather days between 01 March to 30 April 2021, indicating the number of fishermen concerned therewith.

Reply: Bad weather allowance forms part of social aid under the Ministry of Social Integration, Social Security and National Solidarity and is being paid at the rate of Rs425 per day to registered artisanal fishers for the days declared as “bad weather”, for not being able to carry out their normal fishing activities.

A bad weather day is defined as a day when the sea is rough, rough to moderate or moderate to rough by the Mauritius Meteorological Services. My Ministry receives a report from the Mauritius Meteorological Services on the general state of the sea around Mauritius which enables the computation of the number of bad weather days.

I am laying in the Library of the National Assembly the Mauritius Meteorological Services Reports for the following periods –

- a) 16 February 2021 to 15 March 2021;
- b) 16 March 2021 to 15 April 2021; and
- c) 16 April 2021 to 15 May 2021

With a view to ensuring that the registered artisanal fishers concerned are paid bad weather allowance, where applicable, by the end of every month, my Ministry computes the relevant bad weather allowance for the period from 16 of one month to 15 of the following month.

I am informed that for the period from 16 February 2021 to 15 March 2021, the Mauritius Meteorological Services had declared three (3) days as “bad weather”. Subsequently, 1,770 eligible registered artisanal fishers were paid bad weather allowance amounting to Rs2,177,700 for that period.

I am laying in the Library of the National Assembly the breakdown of the amount of Rs2,177,700 paid to the 1,770 eligible registered fishers.

I am also informed that the Mauritius Meteorological Services had not declared any day as bad weather day for the period from 16 March to 15 April 2021. No payment of bad weather allowance was, therefore, effected for that period.

As regards bad weather allowance for the period from 16 April 2021 to 15 May 2021, I am informed that 13 days have been declared as bad weather days by the Mauritius

Meteorological Services. My Ministry is computing the bad weather allowance accordingly. Thus, every eligible registered artisanal fisher will receive a Bad Weather Allowance of Rs5,525 for the period 16 April 2021 to 15 May 2021.

Furthermore, my Ministry provided financial assistance to all registered artisanal fishers except the beneficiaries of Wakashio Solidarity Grant, for not being able to carry out their fishing activities due to the application of the alphabetical protocol during the confinement period from 11 March 2021 to 19 March 2021.

1,180 eligible registered artisanal fishers were paid an amount of Rs1,700 each for four (4) non-fishing days at the same rate as that of the bad weather allowance, that is, Rs425 per day. The total amount involved was Rs2,006,000 (Rs425 x 4 x 1,180).

My Ministry has also provided financial assistance to 75 registered artisanal fishers residing in Riambel and Rivière des Galets for not being authorised to operate during the period from 02 April 2021 to 24 April 2021, as these regions were declared as Red Zone due to COVID-19 pandemic.

A sum of Rs8,075 per fisher was paid to the 75 eligible registered artisanal fishers for 19 days involved, amounting to a total of Rs605,625 (75 x Rs425 x 19).

CARER'S ALLOWANCE - QUANTUM

(No. B/431) Mr R. Duval (Fourth Member for Mahebourg & Plaine Magnien) asked the Minister of Social Integration, Social Security and National Solidarity whether, in regard to the Carer's Allowance, she will state if consideration will be given for -

- (a) a review of the procedures to benefit therefrom, and
- (b) an increase in the quantum thereof and, if not, why not.

(Withdrawn)

WAKASHIO VESSEL – WRECK – FISHERMEN & SKIPPERS - COMPENSATION

(No. B/432) Mr R. Duval (Fourth Member for Mahebourg & Plaine Magnien) asked the Minister of Environment, Solid Waste Management and Climate Change whether, in regard to the fishermen and skippers affected by the wreck of the Wakashio Vessel, he will state the number of applications received therefrom for the payment of compensation, indicating the number thereof which have been approved and number of cases in which funds have been disbursed.

(Withdrawn)

INDIAN PASSENGERS - COVID-19 POSITIVE & QUARANTINE

(No. B/433) Mr R. Duval (Fourth Member for Mahebourg & Plaine Magnien) asked the Minister of Health and Wellness whether, in regard to the passengers coming from India since the start of the 2021 lockdown, he will state the number thereof having been tested COVID-19 positive, indicating the number thereof who are currently in quarantine.

(Withdrawn)

COVID-19 VACCINATION CAMPAIGN

(No. B/434) Mr A. Ameer Meea (Third Member for Port Louis Maritime & Port Louis East) asked the Minister of Health and Wellness whether, in regard to the COVID-19 vaccination campaign, he will state where matters stand as to the carrying out thereof.

(Withdrawn)

SHELTERS/RESIDENTIAL CARE INSTITUTIONS - SAFETY

(No. B/435) Mr A. Ameer Meea (Third Member for Port Louis Maritime & Port Louis East) asked the Minister of Gender Equality and Family Welfare whether, in regard to Shelters/Residential Care Institutions, she will state the measures taken by her Ministry to ensure –

- (a) the safety thereof;
- (b) that they do not accommodate more children than allowed, and
- (c) the proper administration thereat.

(Withdrawn)

LA COLOMBE, POINTE AUX SABLES - MODEL SHELTER

(No. B/436) Mr A. Ameer Meea (Third Member for Port Louis Maritime & Port Louis East) asked the Minister of Gender Equality and Family Welfare whether, in regard to the proposed construction of a Model Shelter at La Colombe, Pointe aux Sables, she will state where matters stand, indicating when same is expected to be operational.

(Withdrawn)

CHILDREN - VICTIMS OF ABUSE

(No. B/437) Ms S. Anquetil (Fourth Member for Vacoas & Floréal) asked the Minister of Health and Wellness whether, in regard to children victims of abuse, he will state if it is the practice for the medical files of the parents thereof to be communicated to third parties and, if so, on what terms and conditions.

(Withdrawn)

CONSTITUENCY NO. 16 – DRAINS

(No. B/438) Ms S. Anquetil (Fourth Member for Vacoas & Floréal) asked the Minister of National Infrastructure and Community Development whether, in regard to Constituency No. 16, Vacoas-Floréal, he will state if, following the recent floods which occurred thereat, immediate actions will be taken for the construction of drains at Upper La Marie Royal Road, in Malakoff, in Glen Park and Camp Belin, in Henrietta and, if so, indicate –

- (a) the expected start and completion dates thereof, and
- (b) if the Emergency Procurement Procedure will be resorted to therefor.

Reply: As the House is aware, the country had experienced torrential rainfall during the month of April 2021 which led to flooding in various regions and caused considerable infrastructural damages.

I am informed by the Road Development Authority (RDA) that, in the aftermath of the heavy rainfall in the last week of April, which had caused flooding in the region of La Marie, amongst others, an inspection was carried out by the officers of the RDA on 29 April at Upper La Marie Royal Road near Ragavoodoo. In view of the significant volume of water accumulation in that area, as a short-term priority measure, the RDA constructed a new earth drain to reduce the water level thereat. Thereafter, a site visit was carried out by the RDA with officers of the National Development Unit, the Land Drainage Authority and the Municipal Council of Vacoas-Phoenix, with a view to identifying the flooding problems at Upper La Marie Royal Road, Malakoff, Glen Park and Camp Belin, Henrietta. Following that visit, the RDA envisages to carry out some remedial works under its 'Framework Contract for Minor Works'. These are namely –

- (a) the construction of footpath and drains from Royal Snack Upper La Marie towards the existing bridge thereat;
- (b) the upgrading of the existing cross drain at Camp Belin No. 1 along Henrietta Cadwell Road B66, and
- (c) the cleaning of the existing road network at Glen Park.

With regard to part (a) of the question, I am informed by the RDA of the following –

- (i) Drain work at Royal Road Upper la Marie – Expected Start Date: January 2022;
- (ii) Upgrading of existing cross drain at Camp Belin – Works order would be issued in November 2021;
- (iii) Cleaning of drain at Glenpark – Start Date: October 2021; Expected Completion Date: December 2021, and
- (iv) Drain works at Malakoff (Phase 1) – Tender launched on 08 October 2021.

These works form part of an overall land drainage scheme which is being studied and worked out by the Land Drainage scheme, which is being studied and worked out by the Land Drainage Authority and the National Development Unit, to address the flooding problems in that region in a sustainable manner.

As regards part (b) of the question, as I mentioned earlier in my reply, these works will be undertaken under the maintenance budget of the RDA under its present 'Framework Contract for Minor Works'. The question of Emergency Procurement Procedure does not, therefore, arise.

AGALEGA - PROJECTS

(No. B/440) Ms J. Bérenger (First Member for Vacoas & Floréal) asked the Minister of Environment, Solid Waste Management and Climate Change whether, in regard to the projects being implemented at Agalega, he will state -

- (a) if same are exempt from the requirement of the Environment Impact Assessment licence and, if so, why and, if not, will the EIA reports be made public and, if not, why not;
- (b) the actions -

- (i) taken to mitigate the negative impacts thereof, if any, on the environment, and
- (ii) that will be taken for the rehabilitation of the ecosystems thereat, if required, and
- (c) who is carrying out environmental monitoring onsite.

(Withdrawn)

VACOAS & FLOREAL – FLOOD-PRONE AREAS – SURVEY

(No. B/441) Ms J. Bérenger (First Member for Vacoas & Floréal) asked the Minister of National Infrastructure and Community Development whether, in regard to flood-prone areas in Vacoas and Floreal, he will, for the benefit of the house, obtain from the Land Drainage Authority, information as to if a survey has been carried out in relation thereto and, if so, indicate the –

- (a) zones earmarked for drainage works, and
- (b) expected start and completion dates thereof.

Reply: I am informed that the Land Drainage Authority has undertaken a survey and identified 18 flood-prone areas in the region of Vacoas and Floreal as follows –

- (i) Chummun Lane, Eau Coulée;
- (ii) Pont Sinfah, La Caverne;
- (iii) Malakoff Road, Glenpark;
- (iv) Bankivar Lane, La Marie;
- (v) Camp Belin, Henrietta;
- (vi) Junction Nicholson Road/Ligne Berthaud, Vacoas;
- (vii) Accacia No. 5, Glenpark;
- (viii) Forest Lane and Ittoo Lane, La Marie;
- (ix) Buxoo Lane, Glenpark;
- (ix) Engrais Martial, Curepipe;
- (x) Junction Ally Lazer/ Abée Laval St/Rue Naz, Rue Cossigny, Curepipe Road;
- (xi) Quinze Canton, Vacoas;
- (xii) Sadally, Vacoas;
- (xiii) Allee Brillant, Floreal;
- (xiv) Ligne Berthaud, Floreal;

- (xv) Reunion, La Vanille;
- (xvi) La Marie/Petrin Link Road, and
- (xvii) Sterline Lane, Lapeyrouse.

The whole region of Vacoas and Floreal is being looked into in a holistic manner to address the flooding problem thereat.

In the context of the Land Drainage Master Plan, 50 bridges have been surveyed starting from La Marie to Solferino to assess their hydraulic capacity and adequacy. Topographical surveys and cross-sectional profiles were also undertaken at River Sèche, River Tatamaka and Rivulets to River Rempart within Constituency No. 16 to check the adequate hydraulic capacity to prevent riverine flooding.

With a view to mitigating the flooding problem and due to the complexity of the region, the National Development Unit has had recourse to consultancy services for the study, design and supervision of drain works in the following regions –

- I. Malakoff Road, including a drain network from Cemetery Road to Malakoff;
- II. Junction Ally Lazer and Abée Laval Streets, in Charles Regnaud Curepipe Road, and
- III. Rue Naz, Cossigny and Remono Streets along Curepipe Road.

The detailed design is being finalised in consultation with the Land Drainage Authority. Drain works for the above regions are earmarked for implementation during the course of the next Financial Year.

With regard to the regions of Forest Lane, Accacia No.5, Camp Belin and Ramhotar Lane, the National Development Unit is finalising the Terms of Reference for the appointment of a Consultant to advise on a drain network as they are all located in the same catchment area. This project is also expected to be implemented during Financial Year 2021/2022.

I am informed that the National Development Unit has since Year 2015 implemented 16 drain projects amounting to Rs26.3 m. and has awarded contracts for –

- i) drain works at Camp Bombaye in Vacoas from La Boutique Tamaris to John Kennedy Street amounting to Rs3.8 m. in January 2021 and works have been completed on 23 June 2021.
- ii) urgent desilting works at Pont Tranquille and Tributary to St Martin River in April 2021 for an amount of Rs4.6 m. Works which are presently ongoing are expected to attenuate flooding in the upstream regions, including Malakoff.

I am further informed that National Development Unit has already launched bids for the following projects –

- Upgrading of Existing Drains and Resurfacing of Sadally Road and Framboisier Lane at Sadally in Vacoas and works are expected to start by end of November 2021 for duration of 6 months.
- Drain Network along Malakoff Road at La Marie and works are expected to start by end of November 2021 for duration of 6 months.

PRIVATE DEVELOPMENT PROJECTS - EIA LICENCES

(No. B/442) Ms J. Bérenger (First Member for Vacoas & Floréal) asked the Minister of Environment, Solid Waste Management and Climate Change whether, in regard to EIA licences for private development projects, he will state, since November 2019 to date, the number of applications therefor –

- (a) disapproved and rejected, and
- (b) requested to be submitted in respect of an undertaking to which a Preliminary Environmental Report relates.

Reply: Any undertaking listed under Part A and Part B of the Fifth Schedule of the Environment Protection Act 2002 (as amended), requires a Preliminary Environmental Report and an Environmental Impact Assessment, respectively.

With regard to part (a) of the question, since November 2019 to date, two Environmental Impact Assessment applications received for private development projects have been disapproved and rejected by the Ministry of Environment, Solid Waste Management and Climate Change.

As regards part (b) of the question, the Ministry of Environment, Solid Waste Management and Climate Change has, since November 2019 to date, not requested for the submission of any Environmental Impact Assessment application in respect of Preliminary Environmental Report applications for private development projects.

It is to be noted that regular post Environmental Impact Assessment and Preliminary Environmental Report monitoring for the projects for which Environmental Impact Assessment Licences or Preliminary Environmental Report approval have been issued is carried out by the Ministry of Environment, Solid Waste Management and Climate Change together with all concerned authorities. The objective is to ensure that all conditions stipulated in the Environmental Impact Assessment Licence or Preliminary Environmental Report approval are fully complied with.

RODRIGUES - VACCINATION - HERD IMMUNITY

(No. B/443) Mr J.B Léopold (Second Member for Rodrigues) asked Minister of Health and Wellness whether, in view of the fact that Rodrigues Island has not registered any case of the Covid-19 pandemic, he will state if consideration is being given for immediate mass vaccination in Rodrigues island, with vaccines from the COVAX facility, so as to reach herd immunity prior to the resumption of normal activities.

Reply: In my reply to previous Parliamentary Questions, I have already informed the House that my Ministry finalised the National Deployment and Vaccination Plan for COVID-19 vaccines with the support and collaboration of the World Health Organisation and other stakeholders. The plan which was approved by the Government in January 2021 highlights the target population, including Rodrigues and Agalega, which is as follows –

- Priority No. 1 covers 15,000 frontline healthcare workers; 5,000 frontline Police and Prison Officers and 25,000 other frontline workers;
- Priority No. 2 covers 9,000 healthcare workers from the public and private sectors; 10,000 personnel from the Mauritius Police Force and 52,000 other essential workers;
- Priority No. 3 covers persons above the age of 60 years, and

- Priority No. 4 covers adults with at least two comorbidities, residents of dedicated homes, teaching and non-teaching staff of educational institutions, fire fighters, staff of supermarkets, bank front office personnel and scavenging personnel.

The vaccination campaign in Mauritius started on 26 January 2021 and in Rodrigues on 06 February 2021 with the vaccination of these frontline workers. However, with the upsurge of the second wave of COVID-19 as from beginning of March 2021, my Ministry had to review the vaccination strategy, the more so as the country was in lockdown and movement of the population was restricted.

Priority for vaccination is, therefore, being given to other sections of the population who are considered to be at most risk. Thus, as from beginning of March 2021, patients undergoing dialysis treatment, cancer patients and senior citizens are also being administered the COVID-19 vaccines.

My Ministry has also started the vaccination of all personnel of educational institutions, kindergartens and nurseries, including the teaching and non-teaching staff as well as the drivers of school vans.

With regard to the agreement entered into with the COVAX facility, I wish to inform the House that the facility is not providing vaccines for mass vaccination. The COVAX facility is assisting countries to acquire vaccines in order to vaccinate frontline workers, including health workers who are the most at risk to contract the virus. In this regard, the facility is providing vaccines to cater for only 20 % of the population.

As I mentioned earlier, the vaccination campaign in Rodrigues started on 06 February 2021 with the vaccination of health frontline workers, Police Officers, Port and Airport personnel, hotel frontline workers and scavengers.

I am informed that 5,300 doses of AstraZeneca/Covishield vaccines, 2,000 doses of Covaxin vaccines and 1,920 doses of Sinopharm vaccines have already been made available to the health authorities in Rodrigues. As at date, 2,744 persons have been administered the first dose and 917 persons have received the second dose.

MAURITIUS - PFIZER BIONTECH COVID VACCINE - CHILDREN

(No. B/444) Mr J. B. Léopold (Second Member for Rodrigues) the Minister of Health and Wellness whether, in regard to the recent permits obtained by the Food and Drug Administration for the inoculation of children aged 12 and above with the Pfizer BioNTech Covid vaccine, he will state if a program will be established in Mauritius for the vaccination of the children.

Reply: I am informed that on 10 May 2021, the U.S. Food and Drug Administration expanded the emergency use authorization (EUA) for the Pfizer-BioNTech COVID-19 Vaccine for the prevention of coronavirus disease 2019 (COVID-19) caused by severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) to include adolescents 12 to 15 years of age.

The FDA amended the EUA originally issued on 11 December 2020 for administration in individuals of 16 years of age and older.

This decision has been taken following the publication by PFIZER, of a study carried out with children aged 12 to 15 years. The study concluded that the Pfizer BioNTech COVID-19 vaccine had a 100% efficacy with children aged 12 to 15 years, the antibody response was robust and even exceeded the response noted among those aged 16 to 25 years during former studies. The 12 to 15 years' age group also showed excellent tolerance following vaccination. It should be noted that studies are currently being carried out regarding the utilisation of this same vaccine among children aged 6 months to 11 years.

I am informed that there is, for the time being, no information following studies, regarding the efficacy of the vaccine for children aged 12 and more.

This Emergency Use Authorisation, nevertheless, constitutes a very important breakthrough as it paves the way for the possibility to offer COVID-19 vaccination to children in a near future. This will allow to better protect children against the virus and at the same time enhance and accelerate the obtention of a better herd immunity.

I am further informed that for the time being, the Pfizer BioNtech COVID-19 vaccine has not been rolled out in Mauritius. We should, therefore, wait for similar studies carried out with other vaccines, namely those which are currently in use in our Republic.

In Mauritius, it is the National Committee on COVID-19 Vaccination which grants authorisations for the use of any given COVID-19 vaccine. As soon as studies regarding the use of vaccines available in Mauritius with children are available, the results of those studies will be forwarded to the National Vaccination Committee on COVID-19 for its views.

PFIZER BIONTECH COVID-19 VACCINE – SURPLUS STOCK - REPRESENTATIONS

(No. B/445) Mr J. Léopold (Second Member for Rodrigues) asked the Minister of Land Transport and Light Rail, Minister of Foreign Affairs, Regional Integration and International Trade whether, in regard to the availability of a surplus of the Pfizer BioNTech Covid vaccine in the USA, he will state if representations have been made by Mauritius to obtain the required number of vaccines in the country from the said surplus stock.

Reply: I wish to inform the House that my Ministry has taken cognizance of the announcement of the US Government decision to share up to 60 million doses of AstraZeneca vaccines with developing nations.

Following this announcement, my Ministry has contacted officially the US Government through the Embassy of the United States in Mauritius on 30 April 2021 for special consideration to be given to Mauritius for the supply of 500,000 doses of vaccine of AstraZeneca to Mauritius.

The US Embassy has taken good note of the request of Mauritius and has informed that the distribution of the surplus vaccines will be based on criteria established by the US Government.

We have also pressed upon the US Embassy for Mauritius to be included in the list of priority countries, as we understand that the US authorities are now in the process of implementing the announcement.

We have also been informed that, in addition, the US plans to send 20 million doses of Pfizer, Moderna and Johnson & Johnson vaccines doses to help battle this global pandemic. My Ministry has reiterated its request for Mauritius to be included in the list of beneficiary countries.

My Ministry, including our Embassies, is also following up on other such initiatives offered by friendly countries.

COVID-19VACCINES - DONATION, PURCHASE, ORDERS & HERD IMMUNITY

(No. B/446) Mr P. Armance (Third Member for GRNW & Port Louis West) asked the Minister of Health and Wellness whether, in regard to the Covid-19 pandemic, he will state the –

- (a) number of vaccines received as donation, purchased and ordered since April 2021 to date, indicating in each case the country of origin and total cost incurred in relation thereto;
- (b) strategy to reach herd immunity by July 2021, and
- (c) number of persons having received
 - (i) only the first dose, and
 - (ii) both doses, as at to date.

Reply: Part (a) of the question is being placed in the Library of the National Assembly.

The World Health Organisation supports achieving 'herd immunity' through vaccination of at least 60 % of the population. Accordingly, my Ministry finalised the National Deployment and Vaccination Plan for COVID-19 vaccines with the support and collaboration of the World Health Organisation and other stakeholders in a bid to vaccinate 70% of our population by July 2021.

The plan approved by the Government in January 2021 highlights the target population, including Rodrigues and Agalega, and is as follows -

- Priority No. 1 covers 15,000 frontline healthcare workers; 5,000 frontline Police and Prison Officers and 25,000 other frontliners;
- Priority No. 2 covers 9,000 healthcare workers from the public and private sectors; 10,000 personnel from the Mauritius Police Force and 52,000 other essential workers;
- Priority No. 3 covers persons above the age of 60 years, and
- Priority No. 4 covers adults with at least two comorbidities, residents of dedicated homes, teaching and non-teaching staff of educational institutions, fire fighters, staff of supermarkets, bank front office personnel and scavenging personnel.

As part of the plan to achieve herd immunity, my Ministry actively worked on various mechanisms for procuring of COVID-19 vaccines through diplomatic channels or through pooled procurement channels, such as COVAX Facility/GAVI Alliance and Africa Medical Supplies Platform of the African Union.

Accordingly, Mauritius was able to secure 507,200 doses of AstraZeneca vaccines through the COVAX Facility, out of which 62,400 doses have already been received. Moreover, 100,000 doses of Covishield (AstraZeneca) vaccines from the Serum Institute of India and 200,000 doses of COVAXIN from Bharat Biotech International Limited were received in March 2021. My Ministry also received 100,000 doses of Covishield (AstraZeneca) vaccines and 100,000 doses of Sinopharm vaccines as donation from the Government of India and the Government of the Republic of China respectively. 5,000 doses of the Sinopharm vaccines will also be received as donation from the United Arab Emirates soon.

I wish to inform the House that orders have already been placed for additional vaccines with the different companies so that we can achieve vaccination of at least 60% of our population by July 2021. We are expecting a consignment of 500,000 doses of the Sinopharm vaccines manufactured by the China National Biotec Group Company Limited on 20 May 2021.

The vaccination programme started with the frontliners, that is, the medical staff, Port and Airport staff and staff of the tourism sector. It continued with the vaccination of the

senior citizens and patients with two comorbidities. However, with the lockdown, the vaccination programme was targeted for persons who had been granted the Work Access Permit.

With regard to part (a) of the question, 100,000 doses of Sinopharm vaccines were received as donation from the People's Republic of China on 13 April 2021. On 09 May 2021, 38,400 doses of AstraZeneca vaccines, out of the 507,200 vaccines ordered through the COVAX facility, was delivered. Moreover, 500,000 doses of Sinopharm vaccines have been purchased in May 2021 and additional 500,000 doses of Sinopharm vaccines have been ordered from the China Biotech Group Company Ltd.

I am informed that my Ministry, with the collaboration of the Ministry of Education, Tertiary Education, Science and Technology, embarked on a targeted vaccination programme for teaching and non-teaching staff on 24 April 2021. As at date, a total number of 12,071 staff working in the education sector has already received their first dose of the vaccine.

Furthermore, the vaccination programme is still ongoing at the different vaccination centres where administration of the second dose is being carried out.

As regards part (c) (i) and (ii) of the question, I am informed that as at 12 May 2021, 221,951 persons have received their first dose of the vaccine, while 102,250 persons have been administered both doses of their vaccines.

SMES MAURITIUS - BOARD - COMPOSITION

(No. B/447) Mr P. Armance (Third Member for G.R.N.W. & Port Louis West) asked the Minister of Industrial Development, SMEs and Cooperatives whether, in regard to SME Mauritius, he will, for the benefit of the House, obtain information as to the composition of the Board thereof and the name of the Chief Executive Officer thereof, indicating the remuneration and fringe benefits drawn in each case.

Reply: The requested information is being placed in the Library of the National Assembly.

RÉSIDENCE SIR GAËTAN DUVAL – ROAD RESURFACING & DRAIN WORKS

(No. B/448) Mr P. Armance (Third Member for GRNW & Port Louis West) asked the Vice-Prime Minister, Minister of Local Government and Disaster Risk Management whether, in regard to *Résidence* Sir Gaëtan Duval in Constituency No. 1, Grand River North West and Port Louis West, he will, for the benefit of the House, obtain from the Municipal City Council of Port Louis, information as to if consideration will be given for the

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- (a) re-asphalting of the roads thereat, and
- (b) carrying out of drains works thereat and, if so, when and, if not, why not.

Reply: With regard to part (a) of the question, I am informed by the Municipal City Council of Port Louis that on two occasions, it had mobilised its team at *Résidence* Sir Gaëtan Duval in Constituency No. 1, Grand River North West and Port Louis West, for undertaking patching works thereat, namely on 31 August 2020 and 12 January 2021 respectively.

However, the works could not be carried out following protests from the inhabitants who have requested for the resurfacing of the whole road network. As a matter of fact, the employees of the Council met with a hostile crowd of residents who prevented them from carrying out the works.

I am also informed that the costs of resurfacing would amount to around Rs8.3 m. and for which funds have to be identified.

In this regard, I am informed by the National Development Unit that a project for resurfacing and drain works at *Résidence* Sir Gaëtan Duval has been included in its proposed projects for the next Financial Year 2021/2022 at an estimated cost of Rs30 m.

NATIONAL HOUSING DEVELOPMENT COMPANY LTD - CASTING OF ROOF SLABS SCHEME

(No. B/449) Mrs A. Navarre-Marie (Fourth Member for GRNW & Port Louis West) asked the Deputy Prime Minister, Minister of Housing and Land Use Planning, Minister of Tourism whether, in regard to the Casting of Roof Slabs Scheme, he will, for the benefit of the House, obtain from the National Housing Development Company Ltd., information as to the –

- (a) eligibility criteria to benefit thereunder, and

- (b) number of applications received since January 2019 to date, indicating the number thereof which have been approved.

Reply: With regard to part (a), the information requested by the hon. Member is being placed in the Library of the National Assembly. Furthermore, the information is available on the website of the National Housing Development Company Ltd under the heading “*Aide financière pour couler la dalle*” and “*formulaire d’application pour la dalle*”.

In regard to part (b), I am informed that from January 2019 to 12 May 2021, the NHDC has received 3,351 applications under the Casting of Roof Slab and Purchase of Building Materials Scheme. Of that number, I am further informed –

- (i) 2,604 applications have been approved;
- (ii) 190 applications have been rejected because of non-compliance with the established eligibility criteria, and
- (iii) 557 applications are being processed, out of which, in 112 cases, applicants have been requested to submit additional documents which are still awaited.

**POINTE AUX SABLES, TERRASSON - MARTELLO TOWER PARKING -
SOUND POLLUTION**

(No. B/451) Mrs A. Navarre-Marie (Fourth Member for GRNW & Port Louis West) asked the Minister of Environment, Solid Waste Management and Climate Change whether, he will state if he is in presence of representations from the residents of Terrasson, at Pointe aux Sables, in regard to sound pollution on the Martello Tower parking, at Pointe aux Sables, causing nuisances thereto and, if so, indicate the actions taken or that will be taken in relation thereto.

Reply: On 06 May 2021, a complaint was received by the *Police de l’Environnement*, from a lady residing at Terrasson through a local Radio Station deploring nuisances arising from loud music constituting sound pollution at Martello Tower parking in Pointe aux Sables. Subsequently, patrols were carried out by the *Police de l’Environnement* on the parking of Martello Tower on 07 May 2021 at 23hrs 20. The area was also under watch from 00hrs 00 on 08 May 2021 to 01hrs 15 on 09 May 2021. However, no loud music or noise nuisance was discerned during those patrols.

Nevertheless, the *Police de l'Environnement* took the opportunity to sensitise several occupants of cars parked at Martello Tower on the Environment Protection (Control of Noise) Regulations 2008.

The *Police de l'Environnement* is monitoring the situation, especially during crack down operations on noise nuisance. Additionally, La Tour Koenig Police Station is collaborating with the *Police de l'Environnement* for further monitoring at that location. The complainant has been contacted and apprised of measures taken so far and has been reassured of further preventive patrols in the locality. The latter has expressed satisfaction with the actions initiated.

BANYAN TREE BANK (MAURITIUS) LTD - ACTION PLAN/TASK FORCE

(No. B/452) Mr D. Nagalingum (Second Member for Stanley & Rose Hill) asked the Minister of Finance, Economic Planning and Development whether, in regard to the Banyan Tree Bank (Mauritius) Ltd., he will state if an Action Plan/Task Force has been put in place to work on the refund of the capital to the tune of Rs2.4 billion injected by members of the public therein and, if so, indicate where matters stand.

(Withdrawn)

HORSE RACING SEASON – FUNDING & HORSE IMPORTERS

(No. B/453) Mr D. Nagalingum (Second Member for Stanley & Rose Hill) asked the Minister of Finance, Economic Planning and Development whether, in regard to the forthcoming horse racing season, he will, for the benefit of the House, obtain from the Mauritius Revenue Authority, information as to -

- (a) the name of the importer of each horse therefor, indicating the purchase price thereof;
- (b) if due diligence exercises have been carried out regarding the sources of funding thereof, and
- (c) the name of stable under which the horses will be running.

(Withdrawn)

GAMBLING REGULATORY AUTHORITY - HORSE RACING - ILLEGAL BETTING

(No. B/454) Mr D. Nagalingum (Second Member for Stanley & Rose Hill) asked the Minister of Finance, Economic Planning and Development whether, in regard to horse racing, he will, for the benefit of the House, obtain from the Gambling Regulatory Authority, information as to the actions taken to combat illegal betting in relation thereto, indicating if all bookmakers are connected to the central server of the Mauritius Revenue Authority and the penalty applicable for non-compliance therewith.

(Withdrawn)

STATE-OWNED NON-BANK DEPOSIT TAKING INSTITUTIONS

(No. B/455) Mr R. Woochit (Third Member for Pamplemousses & Triolet) asked the Minister of Finance, Economic Planning and Development whether, in regard to the State-Owned Non-Bank Deposit Taking Institutions operating under the aegis of his Ministry, he will state if his Ministry is envisaging to convert one or more of them into banking institutions and, if so, give details thereof.

(Withdrawn)

COVID-19 - PUBLIC STATEMENT & CIRCULAR - WORK FROM HOME

(No. B/456) Mr R. Woochit (Third Member for Pamplemousses & Triolet) asked the Minister of Public Service, Administrative and Institutional Reforms whether, in regard to the Covid-19 pandemic, he will state if his Ministry has issued a public statement and a circular to the effect that public officers will be allowed to work from home (WFH) and, if so, indicate the number of public officers currently working from home since beginning of April 2021 to date and table the list of public institutions currently applying WFH.

Reply: I wish to inform the House that Government has adopted, on 19 March 2021, as part of a proposed Business Continuity Plan for the Public Sector, the “Work from Home Protocol” developed by the UNDP Consultant, PricewaterhouseCoopers Ltd in an attempt to increase the resiliency of public administration and agility in public service delivery. Work from Home is applicable across Public Institutions, in general, where such pattern of work is possible and under certain specific conditions. It cannot, however, be imposed but should be subject to discussions and agreement by all concerned parties.

Consequently, my Ministry issued a Circular on 22 March 2021 inviting Supervising Officers of all Ministries/Departments to make appropriate arrangements for the

implementation of the Work-From-Home Protocol at their level and in Local Authorities/Parastatal Bodies/State-Owned Enterprises falling under their purview.

According to information compiled by my Ministry, out of 14,000 public officers providing non-essential services and excluding those in the Education Sector, 2,214 public officers are working from home in 42 Ministries/Departments, representing 16% of public officers in the non-essential sector.

I am tabling a list of Ministries/Departments where the Work-From-Home is currently being implemented indicating the number of officers working from home.

The list regarding Local Authorities/Parastatal Bodies and State-Owned Enterprises is presently being compiled and will be laid in the National Assembly.

AGRICULTURAL CALAMITIES SOLIDARITY SCHEME – COMPENSATION

(No. B/457) Mr R. Wochit (Third Member for Pamplemousses & Triolet) asked the Attorney-General, Minister of Agro-Industry and Food Security whether, in regard to the Agricultural Calamities Solidarity Scheme, he will state –

- (a) the number of small planters identified district-wise for compensation thereunder through the assessment carried out by the Food and Agricultural Research and Extension Institute and the Small Farmers Welfare Fund, following the recent torrential rainfalls
- (b) if additional funds will be allocated to the small planters to meet increases in production costs, and
- (c) the quantum of unspent funds allocated under this item for financial year 2020-21, giving the reasons therefor.

Reply: As the House is aware there are presently two schemes that have been put in place by the Government with a view to bringing relief measures and compensate registered planters in the event of crop loss occurred due to natural calamities. The two schemes are the Agricultural Calamities Solidarity Schemes (ACASS) and the Crop Loss Compensation Scheme (CLCS) which are implemented by the Small Farmers Welfare Fund in collaboration with the Food and Agricultural Research and Extension Institute and the Agricultural Services of my Ministry.

As regards part (a) of the question, following, the torrential rainfall which prevailed in the months of March and April 2021, a loss assessment exercise has been carried out by officers of the Agricultural Services of my Ministry, the Food and Agricultural Research and Extension Institute and the Small Farmers Welfare Fund, to identify plantations which have

suffered more than 50% damage. The number of small planters identified in the different regions are as follows –

- a) In the South Grand Port/Savanne, 913 planters cultivating an area of 1219 *arpents* have been affected covering the Southern region;
- b) In the Centre West, that is in the districts of Plaine Wilhems and Black River, 780 planters cultivating an area of 1290 *arpents* in the Centre West have been identified;
- c) In the Northern Region, that is in the districts of Pamplemousses and Rivière du Rempart, some 20.5 *arpents* cultivated by 55 planters, have been damaged, and
- d) In the District of Moka and Flacq, 846 planters cultivating 207.12 *arpents* have been affected.

Regarding part (b) of the question, due to the unprecedented adverse climatic conditions, planters affected will be exceptionally paid an amount of Rs6000 per *arpent* this year representing Rs2000 under Agricultural Calamities Solidarity Schemes and a one-off financial assistance of Rs4000 per *arpent* as relief measures, so that they can restart production in their fields.

Additionally, some 190 planters cultivating 313.96 *arpents* who had subscribed to the Crop Loss Compensation Scheme, will be paid compensation as per insurance cover subscribed to.

As regards part (c) of the question, in the Budget 2020/2021, an amount of Rs16 m. was provided and this voted item has already been exhausted for the purpose for which it was voted.

LAND DRAINAGE MASTER PLAN - IMPLEMENTATION

(No. B/458) Mr A. Ittoo (Third Member for Vacoas & Floréal) asked the Minister of National Infrastructure and Community Development whether, in regard to the Land

Drainage Master Plan, he will, for the benefit of the House, obtain from the Land Drainage Authority, information as to where matters stand as to the implementation thereof.

(Withdrawn)

COVID-19 PANDEMIC - ICT SECTOR – DIGITALIZATION REQUIREMENTS

(No. B/459) Mr A. Ittoo (Third Member for Vacoas & Floréal) asked the Minister of Technology, Communication and Innovation whether, in regard to the ICT sector, he will state the measures and initiatives being put in place to cope with future digitalization requirements of the country to the benefit of the citizens amid the Covid-19 pandemic.

(Withdrawn)

LAND DRAINAGE AUTHORITY – FLOOD PRONE AREAS

(No. B/460) Mr A. Ittoo (Third Member for Vacoas & Floréal) asked the Minister of National Infrastructure and Community Development whether, in regard to flood prone areas, he will, for the benefit of the House, obtain from the Land Drainage Authority, information as to the number thereof identified since the setting up thereof, indicating the number thereof having been removed from the said list on the recommendation of the Authority.

(Withdrawn)

CHAMAREL - FOOTBALL PLAYGROUND PROJECT

(No. B/461) Mrs S. Mayotte (Second Member for Savanne & Black River) asked the Vice-Prime Minister, Minister of Local Government and Disaster Risk Management whether, in regard to the football playground project at Chamarel, he will, for the benefit of the House, obtain from the Black River District Council, information as to where matters stand as to the implementation thereof.

Reply: In May 2019, the Ministry of Housing and Land Use Planning vested a plot of State Land of an extent of 13,540 m² (3A21p) situated at Chamarel in my Ministry for the construction of a football ground by the Black River District Council.

The project has been split into two phases consisting of -

(a) Phase 1 - Construction of the football playground, and

(b) Phase 2 - Construction of drains, retaining wall, parking, lighting and a cloakroom.

I am informed by the District Council of Black River that on 09 October 2020, following a bidding exercise, the contract for the construction of the football playground was awarded to the lowest evaluated substantially responsive bidder, Pybig Construction Co. Ltd for the sum of Rs4,228,469.89 inclusive of VAT.

The contract agreement was signed on 16 October 2020 and works started on 20 October 2020.

The project which should have been completed in 150 days has been delayed due to the recent confinement imposed in relation to the COVID-19 pandemic and the recent heavy rainfalls.

As at date, 85% of the project has been completed. The football ground has already been backfilled, provided with perforated drainage pipes, geotextile and topsoil layer. Turfing of the ground is actually in progress, but the site is currently not practicable pending the completion of the outstanding works by the contractor following recent heavy rainfalls.

Once grass planting is completed and fully grown on the whole area, the ground will be marked and goal posts will be fixed. This is expected to be completed in one month.

COVID-19 PANDEMIC – TOURISM INDUSTRY – STRATEGIC PLAN

(No. B/462) Mrs S. Mayotte (Second Member for Savanne & Black River) asked the Deputy Prime Minister, Minister of Housing and Land Use Planning, Minister of Tourism whether, in regard to the tourism industry, he will state if any strategic plan is being prepared for the revival thereof amid the Covid-19 pandemic and, if so, give details thereof.

Reply: As the House is aware, the tourism sector has been severely affected both economically and socially by the COVID-19 pandemic since March 2020 and the second wave has worsened the situation for the country.

With a view to preserving employment and enabling the smooth relaunching of the tourism sector at the time of re-opening of borders, the Government has been providing considerable support through the Wage Assistance and Self-Employed Assistance Schemes, whereby more than six billion rupees has been disbursed to over 50,000 beneficiaries up to

March 2021. In addition, the Mauritius Investment Corporation and the Development Bank of Mauritius have also been providing significant support to tourism enterprises.

Moreover, the MTPA and the AHRIM have been working in close collaboration since April 2020 to propose a comprehensive recovery plan to mitigate the impact of the COVID-19 on Travel and Tourism. They are currently working on a comprehensive strategy to reposition Mauritius as a sustainable destination in terms of both tourism and investment opportunities.

I further wish to inform the House that a Joint Working Group (JWG), comprising representatives of the public and private sectors, has been set up by Government under my Chairmanship. The Joint Working Group is currently working for the safe and early re-opening of our Borders and for the relaunching of the tourism sector. The Joint Working Group will submit its recommendations in the coming weeks.

TAMARIN - LA MAISON DES PÊCHEURS

(No. B/463) Mrs S. Mayotte (Second Member for Savanne & Black River) asked the Minister of Industrial Development, SMEs and Cooperatives whether, in regard to *La Maison des Pêcheurs*, located in Tamarin, which used to serve as a cooperative market for fishermen of the region, he will state the reasons why it is no longer operational.

Reply: The *Maison des Pêcheurs* at Tamarin was set up in the 1980's with the assistance of the European Union to provide fishers with facilities for the storage and sales of fish. The building was thus operated by the Mauritius Fishermen Cooperative Federation Ltd since 1983. However, due to lack of maintenance, the building reached such a derelict condition that it was left in an abandoned state. The building seems to be structurally sound but would require renovation to put it in a good working condition.

The renovation project was announced in the Budget Speech for Financial Year 2017-2018 as an incentive for fishermen to transform their catch into value added products.

The project will benefit the 22 fishermen cooperative societies regrouped under the Mauritius Fishermen Cooperative Federation Ltd, representing some 500 fishermen.

The proposed renovation project, which will cost around Rs13 m., will comprise upgrading of the infrastructure and facilities, modern equipment and provide sanitary norms for processing activities. The value could be revised upward to meet the new normal and to meet the post COVID challenges.

Consultations with relevant stakeholders have already been held and procedures have been initiated for the implementation of the project.

The objective of this project is to ensure that the *Maison des Pêcheurs* becomes a flagship for the fishermen cooperative and it will offer additional services like processed seafood and/or outlet for seafoods.

Annex G
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THE LOCAL GOVERNMENT (AMENDMENT) BILL
(No. VII of 2021)

Explanatory Memorandum

The object of this Bill is to amend the Local Government Act so as to provide that, at any time, when –

- (a) a period of public emergency is in force in Mauritius; and
- (b) there is, or there is likely to be, an epidemic of a communicable disease in Mauritius and a quarantine period is in force in Mauritius,

the President, acting in accordance with the advice of the Prime Minister, shall, by Proclamation, extend, during such periods, from time to time the life of 6 years of the entire Municipal City Council and Municipal Town Councils, or entire Village Councils, by not more than one year at a time, provided that the life of the Councils shall not be extended for more than 2 years.

2. Accordingly, the Bill provides that where the life of 6 years of the entire Municipal City Council and Municipal Town Councils, and the entire Village Councils, is extended –

- (a) every Councillor, including a District Councillor, other than the Lord Mayor and Deputy Lord Mayor, Mayors and Deputy Mayors, and Chairpersons and Vice-chairpersons of District Councils and Village Councils, shall continue to serve as such until the day preceding nomination day at the next general election of the entire Municipal City Council and Municipal Town Councils, and the entire Village Councils, as the case may be;
- (b) the Lord Mayor and Deputy Lord Mayor, Mayors and Deputy Mayors, and Chairpersons and Vice-chairpersons of District Councils and Village Councils, shall continue to serve as such until their successors are elected after the next general election of the entire Municipal City Council and Municipal Town Councils, and the entire Village Councils, as the case may be; and
- (c) every member of an Executive Committee of a Municipal City Council, Municipal Town Council and District Council shall continue to serve as such until the day preceding nomination day at the next general election of the entire Municipal City Council and Municipal Town Councils, and the entire Village Councils, as the case may be.

3. The Local Government Act does not prescribe a time limit for the President to issue writs of election after the dissolution of the entire Municipal City Council and Municipal Town Councils, and entire Village Councils. Accordingly, the Bill is addressing this issue by making provision for writs of election to be issued by the President, for the general election of Councillors to the entire Municipal City Council and Municipal Town Councils, and Village Councils, within 60 days of the date of any dissolution of the former Municipal City Council and Municipal Town Councils, and Village Councils.

4. Opportunity is being taken to provide that the time limit during which an application for a Building and Land Use Permit shall be determined shall not apply where that time limit, or part thereof, falls on or after the date on which a new Permits and Business Monitoring Committee is constituted after the general election of the entire Municipal City Council and Municipal Town Councils, and the entire Village Councils, as the case may be.

5. The Bill further provides for matters connected, incidental and related thereto.

DR. M. A. HUSNOO

*Vice-Prime Minister, Minister of Local Government
and Disaster Risk Management*

07 May 2021

THE LOCAL GOVERNMENT (AMENDMENT) BILL
(No. VII of 2021)

ARRANGEMENT OF CLAUSES

Clause

1. Short title
 2. Interpretation
 3. New section 10A inserted in principal Act
 4. Section 11 of principal Act amended
 5. Section 12 of principal Act amended
 6. Section 12A of principal Act repealed and replaced
 7. Section 48 of principal Act amended
 8. Section 115 of principal Act amended
 9. Section 117 of principal Act amended
-

A BILL

To amend the Local Government Act

ENACTED by the Parliament of Mauritius, as follows –

1. Short title

This Act may be cited as the Local Government (Amendment) Act 2021.

2. Interpretation

In this Act –

“principal Act” means the Local Government Act.

3. New section 10A inserted in principal Act

The principal Act is amended by inserting, before section 11, the following new section –

10A. Life of entire Municipal City Council and Municipal Town Councils, and Village Councils

(1) The entire Municipal City Council and Municipal Town Councils, and entire Village Councils, shall, unless sooner dissolved, continue for 6 years from the date on which the previous poll of the return of the entire Municipal City Council and Municipal Town Councils, and entire Village Councils was taken and shall then stand dissolved.

(2) Where, pursuant to subsection 12A(1), the life of 6 years of the entire Municipal City Council and Municipal Town Councils, or entire Village Councils, is extended, the entire Municipal City Council and Municipal Town Councils, or the entire Village Councils shall, unless sooner dissolved, continue for the period of extension and shall then stand dissolved.

(3) Notwithstanding this section, the President, acting in accordance with the advice of the Prime Minister, may, at any time, dissolve the entire Municipal City Council and Municipal Town Councils, and the entire Village Councils, for the holding of a general election of the entire Municipal City Council and Municipal Town Councils, and the entire Village Councils.

4. Section 11 of principal Act amended

Section 11 of the principal Act is amended –

- (a) by repealing subsections (1) and (2) and replacing them by the following subsections –

(1) For the election of Councillors to the entire Municipal City Council and Municipal Town Councils, the President shall, acting in accordance with the advice of the Prime Minister –

- (a) issue writs of election within 60 days of the date of any dissolution of the former Municipal City Council and Municipal Town Councils; and
- (b) appoint, where necessary, the date on which the poll is to be taken.

(2) The election of Councillors to the entire Municipal City Council and Municipal Town Councils shall be held in accordance with the Representation of the People Act.

- (b) by repealing subsection (5).

5. Section 12 of principal Act amended

Section 12 of the principal Act is amended –

- (a) by repealing subsections (1) and (2) and replacing them by the following subsections –

(1) For the election of Councillors to the entire Village Councils, the President shall, acting in accordance with the advice of the Prime Minister –

- (a) issue writs of election within 60 days of the date of any dissolution of the former Village Councils; and
- (b) appoint, where necessary, the date on which the poll is to be taken.

(2) The election of Councillors to the entire Village Councils shall be held in accordance with the Representation of the People Act.

- (b) by repealing subsection (5).

6. Section 12A of principal Act repealed and replaced

Section 12A of the principal Act is repealed and replaced by the following section –

12A. Extension of life of Municipal City Council and Municipal Town Councils, and Village Councils

- (1) At any time when –
 - (a) a period of public emergency is in force in Mauritius; and
 - (b) there is, or there is likely to be, an epidemic of a communicable disease in Mauritius and a quarantine period is in force in Mauritius,

the President, acting in accordance with the advice of the Prime Minister, shall, by Proclamation, extend, during such periods, from time to time the life of 6 years of the entire Municipal City Council and Municipal Town Councils, or entire Village Councils, by not more than one year at a time, provided that the life of the Councils shall not be extended for more than 2 years.

(2) Where, pursuant to subsection (1), the life of 6 years of the entire Municipal City Council and Municipal Town Councils, or entire Village Councils, is extended –

- (a) every member of the Councils, including a District Councillor, other than the Lord Mayor and Deputy Lord Mayor, Mayors and Deputy Mayors, and Chairpersons and Vice-chairpersons of District Councils and Village Councils, shall continue to serve as such until the day preceding nomination day at the next general election of the entire Municipal City Council and Municipal Town Councils, and the entire Village Councils, as the case may be;
- (b) the Lord Mayor and Deputy Lord Mayor, Mayors and Deputy Mayors, and Chairpersons and Vice-chairpersons of District Councils and Village Councils, shall continue to serve as such until their successors are elected after the next general election of the entire Municipal City Council and Municipal Town Councils, and the entire Village Councils, as the case may be; and

(c) every member of an Executive Committee of a Municipal City Council, Municipal Town Council and District Council shall continue to serve as such until the day preceding nomination day at the next general election of the entire Municipal City Council and Municipal Town Councils, and the entire Village Councils, as the case may be.

(3) (a) Where, subsequent to subsection (2)(a), a vacancy occurs in the office of a Councillor, other than in the office of a District Councillor, the vacant seat shall be filled in accordance with section 42.

(b) Where a vacant seat is filled pursuant to paragraph (a), that person shall hold office until the day preceding nomination day at the next general election of the entire Municipal City Council and Municipal Town Councils, and the entire Village Councils, as the case may be.

(4) (a) Where, subsequent to subsection (2)(a), a vacancy occurs in the office of a District Councillor, an election to fill the vacancy shall be held within 15 days of the occurrence of the vacancy by the Village Council concerned and conducted in the manner provided in section 13.

(b) A District Councillor elected pursuant to paragraph (a) shall hold office until the day preceding nomination day at the next general election of the entire Village Councils.

(5) (a) Where a vacancy occurs in the office of the Lord Mayor and Deputy Lord Mayor, Mayors and Deputy Mayors, and Chairpersons and Vice-chairpersons of District Councils and Village Councils, an election to fill the vacancy shall be held within 15 days of the occurrence of the vacancy and conducted in the manner provided in section 34.

(b) A Lord Mayor, Deputy Lord Mayor, Mayor, Deputy Mayor, Chairperson or Vice-chairperson elected pursuant to paragraph (a) shall hold office until his successor is elected after the next general election of the entire Municipal City Council and Municipal Town Councils, or entire Village Councils, as the case may be.

(6) In this section –

“communicable disease” has the same meaning as in the Quarantine Act 2020;

“period of public emergency” has the same meaning as in section 19(7) of the Constitution;

"quarantine period" has the same meaning as in the Quarantine Act 2020.

7. Section 48 of principal Act amended

Section 48 of the principal Act is amended by adding the following new subsection –

(7) Every member of an Executive Committee of a Municipal City Council, Municipal Town Council and District Council shall continue to serve as such until the day preceding nomination day at the next general election of the entire Municipal City Council and Municipal Town Councils, and the entire Village Councils, as the case may be.

8. Section 115 of principal Act amended

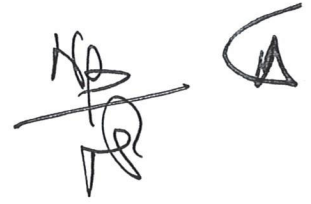
Section 115 of the principal Act is amended, in subsection (4), by inserting, after the word "sections", the words "12A(2)(a),".

9. Section 117 of principal Act amended

Section 117 of the principal Act is amended, in subsection (11), by adding the following new paragraphs –

(c) Paragraph (a) shall not apply where the time limit of 14 days referred to in subsection (7) or part thereof, or the time limit of 3 days referred to in subsection (8) or part thereof, falls on or after the date on which a new Permits and Business Monitoring Committee is constituted after the general election of the entire Municipal City Council and Municipal Town Councils, and the entire Village Councils, as the case may be.

(d) The time limit of 14 days referred to in subsection (7) or part thereof, or the time limit of 3 days referred to in subsection (8) or part thereof, which falls on or after the date on which a new Permits and Business Monitoring Committee is constituted after the general election of the entire Municipal City Council and Municipal Town Councils, and the entire Village Councils, as the case may be, shall lapse and a new time limit of 14 days or 3 days shall commence on the date the new Permits and Business Monitoring Committee is constituted.



REPUBLIC OF MAURITIUS

SEVENTH NATIONAL ASSEMBLY

PARLIAMENTARY

DEBATES

(HANSARD)

(UNREVISED)

FIRST SESSION

TUESDAY 23 MAY 2023

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Hon. Pravind Kumar Jugnauth	Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues, Outer Islands and Territorial Integrity
Hon. Louis Steven Obeegadoo	Deputy Prime Minister, Minister of Housing and Land Use Planning, Minister of Tourism
Hon. Mrs Leela Devi Dookun-Luchoomun, GCSK	Vice-Prime Minister, Minister of Education, Tertiary Education, Science and Technology
Dr. the Hon. Mohammad Anwar Husnoo	Vice-Prime Minister, Minister of Local Government and Disaster Risk Management
Hon. Alan Ganoo, GCSK	Minister of Land Transport and Light Rail Minister of Foreign Affairs, Regional Integration and International Trade
Dr. the Hon. Renganaden Padayachy	Minister of Finance, Economic Planning and Development
Hon. Mrs Fazila Jeewa-Daureeawoo, GCSK	Minister of Social Integration, Social Security and National Solidarity
Hon. Soomilduth Bholah	Minister of Industrial Development, SMEs

	and Cooperatives
Hon. Kavydass Ramano	Minister of Environment, Solid Waste Management and Climate Change
Hon. Mahen Kumar Seeruttun	Minister of Financial Services and Good Governance
Hon. Georges Pierre Lesjongard	Minister of Energy and Public Utilities
Hon. Maneesh Gobin	Attorney General, Minister of Agro-Industry and Food Security
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Hon. Soodesh Satkam Callichurn	Minister of Labour, Human Resource Development and Training, Minister of Commerce and Consumer Protection
Dr. the Hon. Kailesh Kumar Singh Jagutpal	Minister of Health and Wellness
Hon. Sudheer Maudhoo	Minister of Blue Economy, Marine Resources, Fisheries and Shipping

Hon. Mrs Kalpana Devi Koonjoo-Shah

Minister of Gender Equality and Family
Welfare

Hon. Avinash Teeluck

Minister of Arts and Cultural Heritage

Hon. Teeruthraj Hurdoyal

Minister of Public Service, Administrative
and Institutional Reforms

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MAURITIUS

Seventh National Assembly

FIRST SESSION

Debate No. 08 of 2023

Sitting of Tuesday 23 May 2023

The Assembly met in the Assembly House, Port Louis, at 11.30 a.m.

The National Anthem was played

(Mr Speaker in the Chair)

ANNOUNCEMENT**SITTING OF 16 MAY 2023 - HON. MRS NAVARRE-MARIE -
DISRESPECTFUL & DEROGATORY WORDS**

Mr Speaker: Hon. Members, I have an announcement.

At the sitting of Tuesday last, during the Second Reading of the Education (Amendment) Bill, after the intervention of hon. Mrs Navarre-Marie, Dr. the hon. Mrs Chukowry had the floor. While the hon. Member was intervening, hon. Mrs Navarre-Marie was behaving in a grossly disorderly manner by constantly interrupting the hon. Member and the proceedings of the House.

Consequently, the Chair had no alternative than to order the hon. Member to withdraw from the Chamber. The hon. Member continued in an argument with the Chair. At some point in time, hon. Minister Toussaint raised a point of order to the effect that hon. Mrs Navarre-Marie uttered the words “you are shouting like a dog” to the address of the Chair.

I asked hon. Mrs Navarre-Marie to withdraw the words if ever she had said so. Instead, she questioned as to the words she had uttered.

I undertook to verify the Hansard and ordered the hon. Member to comply with my prior order given to her to withdraw from the Chamber.

At that point in time, as I was not in a position to ascertain the words she had said, I could not name her.

Hon. Members, I have verified from the Hansard and it is clear that hon. Mrs Navarre-Marie had indeed uttered the words “you are shouting like a dog.”

I consider these words to be disrespectful and derogatory towards the Chair and offensive to the decorum of the House.

Neither did the hon. Member withdraw the words uttered by her nor has she up to now expressed any regret for having uttered those words.

In the light of the above, I leave the matter in the hands of the House for any action it may deem appropriate.

I thank you.

MOTIONS – S.O. 17(3) & S.O. 29(1)

The Prime Minister: Mr Speaker, Sir, in the light of your ruling, I beg under Standing Order 17(3) to take the time of the House for urgent business.

The Deputy Prime Minister seconded.

The motion was, on question put, agreed to.

The Prime Minister: Mr Speaker, Sir, having obtained your permission, I beg to move, under Standing Order 29(1), to present a motion without notice.

The Deputy Prime Minister seconded.

The motion was, on question put, agreed to.

The Prime Minister: Mr Speaker, Sir, in the light of your ruling, I beg to move that the hon. Fourth Member for GRNW and Port Louis West, Mrs Navarre-Marie, be suspended from the service of the Assembly for today's Sitting and the next four Sitings.

The Deputy Prime Minister seconded.

The motion was, on question put, agreed to.

Mrs Navarre-Marie: Shame on you!

PAPERS LAID

The Prime Minister: Mr Speaker, Sir, the Papers have been laid on the Table.

A. Office of the Speaker

The Third Report of the Public Accounts Committee for the First Session of the Seventh National Assembly.

**B. Prime Minister's Office
Ministry of Defence, Home Affairs and External Communications
Ministry for Rodrigues, Outer Islands and Territorial Integrity**

Certificate of Urgency in respect of the Local Government (Amendment) Bill (No. VIII of 2023). (In Original)

**C. Ministry of Housing and Land Use Planning
Ministry of Tourism**

(a) The Morcellement (Amendment of Schedule) Regulations 2023. (Government Notice No. 65 of 2023)

(b) The State Lands (Amendment of Schedule) Regulations 2023. (Government Notice No. 66 of 2023)

D. Ministry of Education, Tertiary Education, Science and Technology

The Education (Amendment No. 5) Regulations 2023. (Government Notice No. 69 of 2023)

**E. Ministry of Land Transport and Light Rail
Ministry of Foreign Affairs, Regional Integration and International Trade**

The Road Traffic (Crop Season) Regulations 2023. (Government Notice No. 68 of 2023)

F. Ministry of Finance, Economic Planning and Development

(a) The Financial Statements and Report of the Director of Audit on the Financial Statements of the Lotto Fund for the year ended 30 June 2022.

(b) The Income Tax (Angel Investor Allowance) Regulations 2023. (Government Notice No. 67 of 2023)

G. Ministry of Financial Services and Good Governance

- (a) The Annual Report and Report of Director of Audit on the Financial Statements of the Financial Reporting Council for the year ended 30 June 2022.
- (b) The Financial Services (Administrative Penalties) (Amendment) Rules 2023. (Government Notice No. 70 of 2023)

**H. Ministry of Labour, Human Resource Development and Training
Ministry of Commerce and Consumer Protection**

The Consumer Protection (Control of Price of Taxable and Non-taxable Goods) (Amendment No. 3) Regulations 2023. (Government Notice No. 71 of 2023)

ORAL ANSWERS TO QUESTIONS**RÉDUIT, MOKA - STATE LAND – CULTURAL CENTRES**

The Leader of the Opposition (Mr X. L. Duval) (*by Private Notice*) asked the Deputy Prime Minister, Minister of Housing and Land Use Planning, Minister of Tourism whether, in regard to the State land leased to various cultural centres in the region of Réduit, Moka, he will state –

- (a) if he has received communications from the Mauritius Tamil Cultural Centre Trust and the Indo Mauritian Catholic Association expressing their disagreement to the cancellation thereof and refusal as to the alternative sites offered thereto at La Vigie and, if so, indicate the action he proposes to take –
 - (i) in relation thereto, and
 - (ii) in regard to the leases held by the Urdu Speaking Union and the Hindi Speaking Union, and
- (b) the financial assistance, if any, which will now be offered to these organisations for the cost of construction of their respective cultural centres.

Mr X. L. Duval: I am a bit out of breath, but I will do my best, Mr Speaker, Sir.

The Deputy Prime Minister: Mr Speaker, Sir, I am duty-bound to inform the Leader of the Opposition and the House that I was away from the country last week, I returned this morning and I have only just been apprised of certain developments having occurred in my absence further to the Private Notice Question put by the Leader of the Opposition, certain developments and correspondences received in my absence. So, I wish to thank the hon. Leader of the Opposition for giving me the opportunity to shed light and I will provide whatever information is at my disposal at this stage.

Now, as I mentioned in my reply to PQ B/438 put by the Second Member for Stanley and Rose Hill recently, this question concerns the region of Réduit/Moka where in 2004, there was a planning exercise concerning development of State land acquired from Lonrho Sugar Corporation by Government in 2001 under the so-called Illovo Deal. But I must set the context. These planning proposals were reviewed in 2006 - another Government - and because there were new requests that had come in and from 2006 onwards, a number of different public and private

organisations were granted land in this region. These organisations range from Government bodies, ICAC, National Library, Electoral Commissioner's Office - I won't go through the whole list - to private organisations such as Emtel Ltd., retirement homes, medical clinic, diabetes centre, Mauritius Council of Social Service headquarters, and socio-cultural organisations such as the Maharashtra Bhawan and so on. So, this is why I explained in response to the question put to me last time that the House will agree that such haphazard and infelicitous use of State land is not in accordance with the principles of Land Use Planning and does not serve the national interest.

Now, in the meantime, the region of Réduit has acquired enormous strategic importance. So, my Ministry decided to go for a new survey and what was found was that, out of 24 plots of land allocated since 2006, 13 - the majority - were still undeveloped.

Mr X. L. Duval: On a point of order, Mr Speaker, Sir. I have a lot of respect for what the hon. Minister is trying to do but he is repeating word for word, a PQ he responded to two weeks ago. The time of the House is valuable, so, why repeat exactly what you have said two weeks ago? I have been quite capable of reading it myself.

Mr Speaker: It is no more a point of order; it is a debate now. Your point of order should be addressed to the Chair and give me time to answer. So, you are giving the answer for the point of order.

(Interruptions)

So, the question is yours and the answer is for the Minister.

The Deputy Prime Minister: Mr Speaker, Sir, I will not repeat but I need to set the context. The point is that the majority of the land offered has not been developed. There was an issue of compatibility of different uses for the different land allocated. Now, in the meantime, we have had extension of the Metro line which is coming up from Réduit onwards and there is plan for a new Metro Station in the vicinity of what is now the Wellkin Hospital. It is, therefore felt that judicious use must be made of the undeveloped plots of land in this region but at the same time, there must be some compatibility; it just cannot be a free-for-all.

So, there was a proposal made by my Ministry for a cross-clustering of compatible activities focusing on a medical hub. We already have two medical clinics there and an

educational hub. But we got to take into account what already exists. So, Government decided to proceed with retrieval of all the undeveloped land - as I explained last time - with the exception of the land which wasn't Illovo, which had been allocated to the Ministry of Education for a planetarium and to the Ministry of Arts and Cultural Heritage for the National Archives. So, the Ministry of Housing, with the agreement of Government, has retrieved land from different Ministries, Ministry of Labour, PMO, certain NGOs, like Association Alzheimer, private bodies like Emtel, Mauritius Diabetes Association.

In the case of the four organisations mentioned in the question, acting upon past legal advice and pursuant to specific and relevant provisions of the lease agreements, my Ministry issued a notice on 28 April 2023 to the four organisations: Hindi Speaking Union, Indo Mauritian Catholic Association, Mauritius Tamil Cultural Centre Trust and the Urdu Speaking Union. As I explained to the hon. Second Member for Stanley and Rose Hill, that notice was a legal formality inasmuch as the four organisations had already been consulted. For example, the Mauritius Tamil Cultural Centre Trust was consulted on 24 March 2023, two months ago, and they gave their agreement to the proposed exchange of land. For instance, the board of the Mauritius Tamil Cultural Centre Trust met on 27 March, I am informed and their agreement was duly minuted.

Now, being given that Government is fully committed to the promotion of culture and with a view not to cause any unnecessary hardship to these four organisations, Government decided to offer each of these organisations a plot of land in the region of La Vigie of approximately the same size, if anything, slightly more but not less. More importantly, La Vigie itself is equally an area of strategic importance that we could have more compatibility because on the main road, there is a pagoda and so, it was considered by the Ministry of Housing and Lands that in terms of land use planning, it would make more sense for the organisations to build whatever they wish to build there.

Now, on 09 May 2023, my Ministry informed the four organisations that Government is cancelling their lease agreement and is offering them a new lease over a plot of State land of an extent of approximately one arpent seventy-nine perches, I am informed, at La Vigie, for the same purpose of construction of a sociocultural centre as they may wish.

Now, as regards part (a) of the question specifically, I have been informed this morning that in a letter dated 17 May 2023 addressed to the Senior Chief Executive of my Ministry, the chairperson of the building committee of the Mauritius Tamil Cultural Centre Trust requested the Ministry of Housing and Land Use Planning to stay action on the proposed new lease. I stand informed that no communication expressing disagreement as to the cancellation of the previous lease and refusal of an alternative site at La Vigie has been received by my Ministry.

In the case of the Indo Mauritian Catholic Association, after the said association had been consulted on 29 March 2023 and again, on 15 April 2023 and had, on both occasions, given its verbal agreement to the proposed land exchange, a letter addressed to the Senior Chief Executive of my Ministry was received, I am informed, on 15 May 2023, last week.

So, I have only taken cognizance of the letter this morning and it contains a request, I quote

—

“To leave intact our portion of land.”

I have further been informed this morning that in my absence, the hon. Prime Minister as well as my colleague, the hon. Minister of Arts & Cultural Heritage, met with the representatives of the Hindi Speaking Union, the Mauritius Tamil Cultural Centre Trust and the Urdu Speaking Union whereas the Indo Mauritian Catholic Association, although invited, tendered apologies. The organisations present, I am informed, were offered alternative land at Côte d’Or, Hermitage, as an option to the land at La Vigie so as to offer them a choice.

Moreover, a site visit at the relevant location at Côte d’Or, Hermitage together with the four organisations concerned, was effected by my colleague, the hon. Minister of Arts & Cultural Heritage, this morning. I am further informed that the four organisations have expressed satisfaction at the offer and a formal response is now awaited.

As for part (b) of the question, as and when a formal detailed request is received by Government, it will be considered on a case-by-case basis and on the particular merits of the said request, having regard to financial support measures, past and present, extended to socio-cultural organisations or these particular organisations.

Mr X. L. Duval: Thank you, hon. Deputy Prime Minister. We are dealing with vulnerable institutions and communities which have contributed hugely to the development of this nation. I

would like to ask the hon. Deputy Prime Minister whether he is aware that these communities were shocked by the indecent haste, undue haste, with which his Ministry has acted in a space of six weeks to have sought to cancel, retrieve and reallocate land to these cultural centres has been surprising, Mr Speaker, Sir. Therefore, I would like to ask the hon. Deputy Prime Minister, why the haste? Why the speed? You said in your reply of two weeks ago that the land is being earmarked for senior living and medical hub. We know that next door, there is the famous Royal Green Development by Nundun Gopee Group. I want a straight answer from the hon. Deputy Prime Minister. Is the land being retrieved so that it will be given to this group or related groups for development of these businesses?

The Deputy Prime Minister: Are you done? Yes, Mr Speaker, Sir, the Leader of the Opposition refers to communities that would have been shocked by indecent and undue haste. I am not aware of such shock at the level of any community and I fail to understand how the Leader of the Opposition would be so aware. I do not agree that there has been any indecent or undue haste on the part of the Ministry of Housing & Land Use Planning. The survey of the land belonging to the State at Réduit has been underway for some time now. In fact, my Ministry, at the request of Government, is reviewing all State land around the island of Mauritius, allocated to various parties over the years to ensure firstly that the lease agreements have been respected because all lease agreements, as the Leader of the Opposition will be aware, normally carry a condition of development within a certain period of time and it is not for nothing that my Ministry is called the Ministry of Land Use Planning. In other words, we are a small island; we must make judicious use of land available and therefore, where there is incompatibility, it is the responsibility of the Ministry to report to Government and to act.

Now, in this particular case, each step was observed. Firstly, the survey was conducted. We ascertained precisely which had been developed, which had not been developed and at times, it is tricky. In the case of the National Library for instance, Mr Speaker, Sir, it had not been developed but things have moved on to tender analysis stage and it would not have been in national interest to go back on that. Things were too advanced.

Now, after all the information was obtained, consultations were held prior to any action being taken by Government and it is on the basis of the verbal agreement of each and every one of these four organisations that the Ministry acted in line with the law. And in certain cases, the

organisations were consulted anew as when I met the Indo Mauritian Catholic Association and confirmed yet again that they were fully agreeable.

So, there has been no indecent and undue haste. In fact there has been no haste at all given the number of years since that land was allotted to the various organisations.

Mr X. L. Duval: You seem to have missed the main part of the question, hon. Deputy Prime Minister, that is, whether the land is being allocated for senior living to the Nundun Gopee Group? That was the question.

The Deputy Prime Minister: Right. Mr Speaker, Sir, the Ministry does not allot land as such. Now, what was explained and I do not want to repeat but what was explained on the last occasion and in response to the PQ, was that we intended to earmark the land for an educational hub and a medical hub.

Mr X. L. Duval: What education?

Mr Speaker: Order!

The Deputy Prime Minister: We said for the development of a medical hub and related services such as senior living. And it was pointed out that adjacent to this area, on the other side of Rivière Cascade, there is an emerging educational hub. So, the area, as a whole, will be earmarked for educational on the one hand and medical hub including senior living. The hon. Leader of the Opposition is well aware of the promise of Silver Tourism, for instance, for the development of the country.

Now, how do we proceed in such cases? When there is land available, any application received by the Ministry of Housing and Land Use Planning will be referred or has been referred, I do not know whether that has already been done in my absence, to the Economic Development Board so that in its wisdom, the Economic Development Board can carry out due diligence, consider all applications that have been received; if it considers necessary issuing Expressions of Interest or whatever and then they will make recommendations with the support of various technical Ministries required; Environment, Housing and Land and Government will act there upon.

Mr X. L. Duval: Indecent haste, Mr Speaker, Sir, because the Ministry of Housing and Land Use Planning is well known for taking years to reply to any letter that it receives. I am

going to ask the hon. Deputy Prime Minister whether he telling us that he is not at all aware whether this group has or has not made any application for any land that is being retrieved. That is what the hon. Deputy Prime Minister is saying and I note that he is not aware. Neither yes nor no!

I would like to ask the hon. Deputy Prime Minister; now that he referred to some of those organisations that were protesting, rightly so, Mauritius Tamil Temples Federation, Tamil League, Indo Mauritian Catholic Association, he referred to them as a small group of trouble makers. Now, I am going to ask the hon. Deputy Prime Minister and give him the chance to say that he regrets his statement and that he wishes to withdraw what he said two weeks ago.

The Deputy Prime Minister: So, the first question was that the Ministry of Housing and Land Use Planning is slow as regards replying to any letter. This is very vague. I do not know what the Leader of the Opposition means and if there is any specific question, I am obviously very happy to answer the question.

Now, when I responded to the question of the hon. Second Member for Stanley and Rose-Hill – I do not have the date unfortunately, I believe it must have been a couple of weeks ago – at that point in time, to the best of my knowledge, there had been no protest either from the Mauritius Tamil Temples Federation or the Tamil League or the Indo Mauritian Catholic Association.

On the contrary, let me repeat that these organisations were consulted. I personally, in the case of the Indo Mauritian Catholic Association, met with the President and several members of their Executive Committee on the date I quoted earlier. I gave the date earlier and I do not want to repeat.

So, the Prime Minister met with the organisations, I met with them, my colleague, the Minister of Arts and Cultural Heritage, was in touch. As I said, when I responded to the hon. gentleman, none of the three organisations had taken a stand in opposition to the proposed land exchange. It was only a small group of individuals that had been expressing themselves in the media.

Mr X. L. Duval: I am sure you must therefore regret what you said! Firstly, I am just going to say to the hon. Deputy Prime Minister that when you meet people *préposés* from the

Mauritius Tamil Cultural Centre Trust, these are all Government appointees. They are not going to stand up to the Prime Minister or even to you. So, do not be surprised if they were in awe and accepted what was offered then, but when they consulted their communities, that is when the problem hits the fan!

I am going to ask the hon. Minister, when I say disrespectful to the organisation, I am going to talk first about IMCA, which I know the Minister knows well. On the retrieval letter that you sent to the IMCA on 28 April, barely one month after the famous meeting at the PMO, this is what the letter said –

“The above-mentioned plot of State land was found to be still underdeveloped.”

Are you aware, hon. Deputy Prime Minister, that from 2018, 2019, 2020 onwards, the IMCA has been seeking planning clearance from your very Ministry, have been begging for planning clearance from your very Ministry? And you have the cheek; your Ministry has the cheek to say, on 20 April 2023, that the land is being retrieved because it is still underdeveloped.

Mr Speaker: Let the Minister reply!

Mr X. L. Duval: This is what I am doing.

The Deputy Prime Minister: Mr Speaker, Sir, a word of friendly advice. The Leader of Opposition should not get excited. He was out of breath earlier and I am very concerned about his health.

Now, let me tell the House that according to the information I have been provided this morning, there were meetings for instance of the Board of the Mauritius Tamil Cultural Centre Trust and there was...

Mr X. L. Duval: IMCA!

The Deputy Prime Minister: I am sorry. I did not interrupt the Leader of the Opposition.

Mr Speaker: Come on, Leader of the Opposition! Be patient!

The Deputy Prime Minister: I have too much respect for him and I would pray that the Opposition shows the same respect. I was saying that in the...

(Interruptions)

Mr Speaker: Come on, Leader of the Opposition!

Mr X. L. Duval: Show some respect!

Mr Speaker: Come on, Leader of the Opposition, you are making an abuse!

The Deputy Prime Minister: Time is running, Mr Speaker, Sir, and I would like to provide answers if only the Leader of the Opposition wants answers.

Now, I was saying that this morning I was provided with a document testifying to the fact the Board of the Mauritius Tamil Cultural Centre Trust had met and had unanimously given its agreement to the proposed land exchange. So, it is not true to say that there was initially any disagreement. In my answer, I even quoted the letter to explain there was no disagreement. As regards IMCA, this organisation, Mr Speaker, Sir, is very well-known to me. I cannot state whether there have been protests concerning planning. I had not seen that letter.

Mr X. L. Duval: I will table it.

The Deputy Prime Minister: Does the Leader of the Opposition wish to listen to the question? If he is interested in a monologue for the media, fair enough, then I will not answer! But my duty to this House is to answer to questions and time is running. So, please allow me to answer!

This organisation is very well known to me, and never since I assumed the position of Ministry of Housing, have they informed me whether verbally or in writing that there was a planning clearance that was begging for attention at the Ministry of Housing.

Otherwise, I would certainly have ensured that any such request was dealt with promptly. Even when I met the organisation 2 or 3 weeks ago, this was never raised. There was no question whatsoever. They raised other issues such as their wish to have land in the region of Flacq and so on, and they were advised to make a formal application, but this point of planning clearance was not raised.

Mr X. L. Duval: We have the word of the Deputy Prime Minister, but there are letters, black on white, signed by the National President and the General Secretary dated 10 May 2023. I do not know how your Ministry works that you have not been briefed about these issues. So, we know that IMCA was never granted planning clearance.

The Deputy Prime Minister: May I be allowed, Mr Speaker, Sir, to respond to the last point made?

Mr X. L. Duval: No! No, I will continue with my question because you have to show respect to the communities who are listening massively to this PNQ.

The Deputy Prime Minister: Mr Speaker, Sir, I object! I object to that line of questioning.

Mr Speaker: Hon. Leader of the Opposition!

Mr X. L. Duval: What is the problem?

Mr Speaker: You have right for supplementary question! You do not have right for your opinion! This is question time and not debate!

Mr X. L. Duval: Okay! Just be patient, Mr Speaker, Sir.

Mr Speaker: You should be patient!

Mr X. L. Duval: I am extremely patient, believe me! My question is: as far as the Mauritius Tamil Cultural Centre Trust - we know that all the appointees are Government appointees.

Mr Speaker: Put your question!

Mr X. L. Duval: Even the board is fully appointed by Government.

Mr Speaker: I am waiting for your question!

Mr X. L. Duval: Be patient! Now, they had collected nearly Rs3 m. from what they call *oundi* donations. Rs3 m.! The Government insisted that this Rs3 m. be transferred for recurrent expenses and cut the grant of MTCCT, assuming therefore that MTCCT could not have any funds at all to start construction even though they already had a Building and Land Use Permit.

Mr Speaker: Put your question!

Mr X. L. Duval: Are you aware of that, hon. Deputy Prime Minister?

The Deputy Prime Minister: Now, I will answer to the questions that have been put.

Firstly, Mr Speaker, Sir, the Leader of the Opposition has referred to a letter, to contradict what I have said, from IMCA. But then, the letter he quotes, as he just said, is dated 10

May 2023, which is last week. So, where is the letter addressed to me? Where is the proof that I would have been informed of any issue pertaining to planning clearance? I have tried to be truthful and honest in my answers and I would pray that the same good faith and honesty be shown by the Leader of the Opposition before alleging lack of respect for any community.

This Government and my Prime Minister is fully committed to maintaining social harmony and respect to all communities and religions in this country.

Mr Speaker, Sir, I believe that in the history of independent Mauritius, no regime has done as much as the present regime since 2014 in terms of grants to sociocultural organisations of all communities in terms of the religious grant increase. And I am minded, Mr Speaker, Sir, if I can find the relevant document to quote figures to establish what increase there has been over the years ...

Mr X.L. Duval: The money you took from...

Mr Speaker: Order!

The Deputy Prime Minister: ... for different organisations, Mr Speaker, Sir, as per...

(Interruptions)

Mr Speaker: Be respectful! You are obstructing...

The Deputy Prime Minister: Will the Leader of the Opposition show some respect!

(Interruptions)

Will he show some courtesy! When the Leader...

(Interruptions)

Mr Speaker: Order!

Hon. Leader of the Opposition, you are making an abuse! A Minister is replying to your own question and you are abusing!

Continue!

The Deputy Prime Minister: Mr Speaker, Sir, I am afraid that the public will judge that this cannot go on. Questions are asked by the Opposition; they are given all the leeway and all citizens can see this. They are not interrupted. They use insulting words at times. They make all

sorts of empty allegations, lack of respect for communities. Haste, undue haste; all sorts of allegations unsubstantiated in any way whatsoever.

(Interruptions)

And when a Minister responds, they do not cease interrupting...

Mr X. L. Duval: You are wasting time!

The Deputy Prime Minister: ... to prevent appropriate answers to be provided.

Mr X. L. Duval: You are wasting time! There are so many questions...

Mr Speaker: Leader of the Opposition! Be respectful!

The Deputy Prime Minister: Mr Speaker, Sir, let me say again that there is no lesson to be learned from the Opposition concerning respect for communities – any community and all communities – by this present Government.

As regards the Mauritius Tamil Cultural Centre Trust, I have listed all the efforts, Mr Speaker, Sir, precisely because we have such immense respect for the work of all these organisations to meet with them, to talk, to support them in each and every way possible so that they can achieve their aims. And in this particular case, what has happened? Government decided to proceed with a new planning exercise. They were offered land at La Vigie. When it came to the attention of the Prime Minister...

Mr X. L. Duval: You are trying to justify...

The Deputy Prime Minister: ... that there were still some protests, he met again with these organisations and so did my colleague the Minister of Arts and Cultural Heritage. Now, each of these organisations has been offered ...

Mr X. L. Duval: Mr Speaker, Sir, on a point of order!

The Deputy Prime Minister: I will not give way, Mr Speaker, Sir.

Mr X. L. Duval: Mr Speaker, Sir, look at my face!

The Deputy Prime Minister: I will not give way and each of these...

Mr Speaker: Hon. Minister, give ...

Mr X. L. Duval: Hon. Minister, yes...

Mr Speaker: Please, please, listen to me first! Listen to this point of order! Mind well, if you don't have a point of order, you will have to apologise!

An hon. Member: *Ah bon?*

An hon. Member: What?

Mr Speaker: Sure! 100%!

Mr X. L. Duval: Mr Speaker, Sir, why are you threatening me?

Mr Speaker: I will now listen to you!

Mr X. L. Duval: Before you hear the point of order, why are you threatening me? What right do you have to threaten me? Before I ask my point of order you think it fit to threaten me?

Mr Speaker: I am not threatening you.

Mr X. L. Duval: Who are you?

Mr Speaker: I am just reminding you!

Mr X. L. Duval: Never threaten me!

Mr Speaker: If you have no point of order, Minister, continue!

Mr X. L. Duval: I have a point of order and I would advise you never to threaten me!

Mr Speaker: Ah, look, don't fight with the Chair!

Mr X. L. Duval: Never threaten me!

Mr Speaker: I am here to protect you!

Mr X. L. Duval: Yes! Never threaten me!

Mr Speaker: Put your point of order!

Mr X. L. Duval: My point of order is this: the Minister has considerably abused of his time, I would ask you to give me an additional time.

Mr Speaker: No, there is no point of order! There is no point of order! You put a question, the Minister is replying to a question. In Parliament, it is up to the Speaker to judge!

Minister, continue!

The Deputy Prime Minister: Mr Speaker, Sir, let me remind the Leader of the Opposition, who seems to be smiling and grinning *parce qu'il a voulu faire des effets de scene*, whatever that's called, for the television. He is an experienced parliamentarian. A point of order must be founded on a precise Standing Order and this is never the case. Points of order are taken left, right and center just to interrupt the response of a Government Minister precisely, because we know that time is running. The Leader of the Opposition was not and is never interrupted in his questions but then, he makes all sorts of allegations and when it is time for an answer, then they are not happy.

So, let me again say what I said, Mr Speaker, Sir, that this is an attempt by the Opposition to use all sorts of political ploys. This Government is fully committed to respecting, first of all, each of the communities of our nation and to support all the sociocultural organisations in their work, and this is not just mere talk. The financial contributions, budget after budget, are there to prove what I am saying. Whatever the Opposition may think and this campaign of theirs will go nowhere.

Mr Speaker: Time Over! Hon. Members, the table has been advised that PQs B/650 and B/658 will be replied by the hon. Prime Minister, time permitting.

MP Nagalingum!

FREEDOM OF INFORMATION BILL – INTRODUCTION

(No. B/579) Mr D. Nagalingum (Second Member for Stanley & Rose Hill) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues, Outer Islands and Territorial Integrity whether he will state if consideration will now be given for the introduction of a Freedom of Information Bill in the House and, if so, when and, if not, why not.

The Prime Minister: Mr Speaker, Sir, in my replies to Parliamentary Questions B/83 on 30 March 2021 and B/216 on 12 April 2022, I elaborated extensively on the reasons why Government does not intend to go ahead with a Freedom of Information Bill.

I did in fact bring out the far-reaching implications of such a piece of legislation, especially its negative impact on public service delivery and on our public finance, particularly at

this juncture, and the apprehended unintended negative consequences of such a piece of legislation.

Mr Speaker, Sir, it is apposite for me to remind the House that the Freedom of Information Bill, which had been proposed initially, made provisions, *inter alia*, for the following –

- (i) the setting up of an adequate mechanism for access to public information and its pro-active disclosure, as well as record keeping and archiving;
- (ii) additional human resources, for example creation of a new grade of Public Information Officer in all Ministries/ Departments or the assignment of the duties of the latter grade to serving officers, creation of a new post of Information Commissioner, recruitment of staff for the Information Appeal Tribunal;
- (iii) creation of new institutions, such as Office of Information Commissioner and Information Appeal Tribunal;
- (iv) additional workload/burden/pressure to meet statutory deadlines to provide the information requested, and
- (iv) training of staff to successfully implement the legislation.

These provisions would inevitably have huge impact not only on Government recurrent budget but also on public service delivery.

Mr Speaker, Sir, the objective of a Freedom of Information legislation is mainly to reduce corrupt practices by enhancing transparency and accountability. However, such a legislation is only one among several other instruments available to enhance transparency and accountability in public institutions.

I must remind and emphasise that Government has taken numerous other initiatives to attain that same objective. It is opportune for me to update the House on the bold and effective measures which the Government has been taking to consolidate and improve our overall governance framework, in fulfilment of our commitment taken in the Government Programme 2020-2024 to enhance transparency and accountability within our institutions.

Mr Speaker, Sir, these measures include the following –

(i) Introduction of the Citizen Support Portal.

Government has introduced the CSP as an innovative internet platform, accessible on the web and CSU mobile app, which enables any citizen to either register a complaint or a suggestion or make a query online and track progress on his query and complaint at any time. Since its inception in April 2017 to 18 May 2023, the portal has registered 268,723 cases, out of which 245,897 cases have been resolved. The activities of the CSU provide our citizens with the possibility to seek information or assistance regarding Government policies and programme and they can also provide suggestions. The CSU is currently collaborating with the Ministry of Information Technology, Communication and Innovation on the Chatbot Project which will further assist citizens to register their tickets or ask for information. This project is nearing finalisation.

(ii) The mandatory use of Electronic Procurement System in the Public Sector.

With a view to modernising the public procurement system and enhancing transparency and accountability in the process, the Procurement Policy Office has taken the following measures –

- (1) mandatory use of e-Procurement System whereby bidders receive notifications about bidding opportunities by e-mail in real time. They can view the published procurement plan online, as well as submit bids electronically and attend the opening of bids online;
- (2) the Public Procurement Regulations 2008 have been amended to require public bodies to publish, not only on their website but also on the public procurement portal of the Procurement Policy Office, a copy of the signed contract agreement form, letter of acceptance, bid submission form, addenda, if any, special or particular conditions of contract and any amendments or variations made during the course of implementation of the contract, and
- (3) the list of disqualified and debarred bidders as well as the decisions of the Independent Review Panel are published on the website of the Procurement Policy Office and are accessible to the public.

(iii) The implementation of the National Open Data Portal.

Mr Speaker, Sir, the Ministry of Information Technology, Communication and Innovation has, in line with the e-Government Strategy, implemented the National Open Data Portal which houses and provides links to data pertaining to Government processes. This initiative empowers citizens and businesses to carry out data-driven projects, such as development of mobile apps, data analysis, creation of innovative products and research among others. By opening up data through the Open Data Portal, Government aims precisely at promoting transparency inasmuch as citizens are able to freely access information on what the Government is doing. In line with the Public Sector Business Transformation Strategy, 39 Transformation Implementation Committees were set up in Ministries and Departments.

(iv) Implementation of the Public Sector Transformation Strategy.

The Government has approved the implementation of the Public Sector Transformation Strategy with a view to modernising our public service and providing efficient and effective services to our citizens. The strategies are based on 10 pillars, one of which is precisely strong governance, which provides for the right oversight and guidance for ethics, compliance, integrity, transparency and accountability. Another pillar of the strategy relates to Public and Customer Satisfaction, which emphasises easy access to information on Government services by the public and clients.

(v) The live broadcast of the proceedings of the National Assembly.

Another powerful measure to enhance transparency is the introduction of live broadcast of the proceedings of the National Assembly as from March 2017, including the live telecast on the Appropriation Bill and Committee of Supply. This live broadcast has significantly enhanced parliamentary democracy in Mauritius and demonstrates the commitment of Government to transparency and openness.

Mr Speaker, Sir, in the same vein, the Government Information Service has taken a number of initiatives for greater openness and wider and more effective dissemination of information to the public. These measures include the following –

- (1) presence on social media platforms such as Facebook, Instagram and YouTube to provide to the public at large timely official communiqués, notices, Press releases and news items/photos regarding Government activities;
- (2) according to Facebook insights, GIS Mauritius has the following statistics for the period 20 April 2023 to 18 May 2023 –
 - People reached: more than 314,000;
 - Post engagements, that is, sharing of post: 282,000.
- (3) setting up of a Media WhatsApp Group, which includes all newsrooms, for accurate and timely dissemination to the media of official communiqués, notices, Press releases and news items and photos regarding Government activities;
- (4) disseminating communiqués of the Mauritius Meteorological Service and those of the National Emergency Operations Command during cyclones and heavy rain warnings, and
- (5) dissemination of Government functions on a daily basis and the highlights of Cabinet decisions on a weekly basis on the Mobile App of the GIS “SearchGov”.

Although, it is also pertinent that the Facebook page of GIS Mauritius has never been sponsored through digital marketing, the increasing engagement between the public and the Facebook page of GIS Mauritius is indicative of the fact that the GIS is considered as a trusted source of accurate and official information.

Mr Speaker, Sir, this Government stands committed to pursue its transparency, accountability and corruption-free agenda with renewed vigour and determination. In fulfilment of this commitment, Government has taken several additional measures, over and above those I have just enumerated. Let me mention a few of these additional measures –

- (1) following the enactment of the Declaration of Assets Act, certain information on the declaration filed by Members of the National Assembly and the Rodrigues Regional Assembly and Local Councillors are made accessible to the public through the website of the Independent Commission Against Commission. As from April 2022, the application of the Declaration of Assets Act has been

- extended to cover every officer of the Departmental grade in the Mauritius Prisons Service, as recommended by the Commission of Inquiry on Drug Trafficking;
- (2) a host of measures was taken by Mauritius to comply with the Financial Action Task Force requirements following which, on 07 January 2022, the European Commission has removed Mauritius from its list of high-risk third countries;
 - (3) the launching of the Corporate Governance Scorecard for Mauritius, which is a major milestone in the journey of governance development for the country;
 - (4) the Statutory Bodies Accounts and Audit Act has been amended so that all Statutory bodies have to prepare their accounts under the International Public Sector Accounting Standards (IPSAS) Accrual Framework. The IPSAS Framework is a fair and transparent mode of reporting;
 - (5) the Finance and Audit Act was amended to require every Ministry and Government Department to prepare an Annual Report on performance and to make it mandatory for Ministries and Departments to include an implementation plan in the Annual Report for preventing recurrence of shortcomings reported by the Director of Audit;
 - (6) to further strengthen accountability and transparency in the management of public funds, as from Financial Year 2021/2022, the Budget Estimates Document includes strategic overviews of Ministries. It provides an overview of their strategic directions for public service delivery over the next three fiscal years with the funds appropriated by the National Assembly. Information on public debt, reports on Mauritius published by the IMF, by the World Bank, and by the African Development Bank are also available on the website of the Ministry of Finance, Economic Planning and Development;
 - (7) the Ministry of Public Service, Administrative and Institutional Reforms, in collaboration with the Independent Commission Against Corruption, has, since October 2020, developed a set of guidelines on the exercise of discretionary powers to prevent any potential risk and uphold integrity, transparency and accountability in the public sector, and
 - (8) the conduct of two Corruption Risk Assessments at the level of each Ministry and Department has started in Financial Year 2020-2021, in collaboration with the

Independent Commission Against Corruption, with a view to enhancing transparency and promoting an ethical work culture in the public service. This exercise is currently being implemented in all Ministries and Departments. The conduct of the two Corruption Risk Assessments has been extended to Parastatal Bodies and State-owned Enterprises in Financial Year 2021-2022.

Mr Speaker, Sir, in the light of all these salient facts, Government maintains its decision not to go ahead with a Freedom of Information Bill at this stage. However, Government shall resolutely continue to take all such measures as are deemed necessary to further consolidate our overall good governance framework.

Mr Nagalingum: Mr Speaker, Sir, if I can remind the hon. Prime Minister, in their *manifeste électoral 2014*, he mentioned the Freedom of Information Act *sera introduit pour garantir la transparence. C'est dans le manifeste électoral du MSM*. I will ask the hon. Prime Minister, how does he reconcile his answer with the following: our promise in the latest Mauritius report to the African Union to pass the Freedom of Information Act and the observation of the African Union as this has not been fulfilled yet. As stated by Geoffrey Robertson –

“FOI is part and parcel of the definition of democracy and an important pillar of transparency and good governance.”

Is the hon. Prime Minister aware that several prominent members of SADC, including South Africa, Tanzania, and Mozambique have already enacted a Freedom of Information Act? Out of 193 countries, 125 have a Freedom of Information Act according to UNESCO.

The Prime Minister: Mr Speaker, Sir, maybe the hon. Member reads only some of our manifestos; he does not read all the manifestos. Is he aware that in our last political manifesto and in our last Government Programme after winning the General Elections in 2019, there is no mention of any introduction of a Freedom of Information Bill? None! I think he should have a look at this one also.

The hon. Member is talking about the SADC countries, I think he has been in previous Governments and SADC countries have also been discussing about freedom of information.

M. le président, ce que j'admire avec l'opposition, et je dois le dire que quand cette opposition est au gouvernement, elle parle un langage et quand elle est dans l'opposition, elle parle un langage qui est totalement contraire au langage qu'elle parle quand elle est au gouvernement. Je vais rafraîchir surtout la mémoire de l'honorable Nagalingum du MMM.

Let me refer him to a question that was asked on 31 October 2000, when the MSM/MMM were in Government. We just won the election and Question B/136 was asked by hon. Dr. Arvin Boolell, Member of the Labour Party, to the Acting Prime Minister, that is, hon. Paul Bérenger. He was replying as to whether legislation on Freedom of Information would be introduced in the House, and the reply was, and I quote –

“Sir, as the hon. Member is aware, the idea of a Freedom of Information Act appeared in the electoral manifesto of the previous Government, that is, the Labour Party/MMM Government. Nearer to us, during the Beau Bassin & Petite Rivière by-election, in September 1999, the Labour Party/PMXD Alliance campaigned intensively on this basis and promised that, as a matter of urgency, they would introduce a Freedom of Information Bill. We all know the dubious circumstances in which that by-election was fought and won. However, it is to be noted that the then outgoing Government had done nothing during its mandate. On this issue also, there has been a lot of talk, but no action.”

This is what the MMM said to the address of the Labour Party, and I quote -

“a lot of talk, but no action.”

Now let me quote another part. Hon. Bérenger continued to say, and I quote –

“This Government has promised to govern in full transparency, but, unlike the previous one, we are going to put into practice what we have promised.”

And he further stated, and I quote –

“This Government believes in freedom of information. The whole idea is to enable members of the public to have access, without difficulty, to information which is in the public domain. A number of measures will be taken to guarantee such access. Some of these measures include provision of information about the operations and functions of public authorities, and provision of access to official documents in the possession of such authorities.”

And hon. Bérenger concluded by saying, and I quote –

“I can assure the House, Mr Deputy Speaker that we mean business. Legislation to provide the necessary framework for better access to information will be introduced at the opportune time and in that context, I have been informed that a Bill had already been prepared and had been submitted to the former Government, but there had been no action taken on that piece of information.”

In 2000! Five years, and not even a Bill had been circulated. I can quote other instances, Mr Speaker, Sir, where the Opposition had been saying all the time that it would be coming with a Freedom of Information Bill. The Labour Party, in particular, had been saying so on so many occasions and nothing had been done.

So, when you are in Government, you advocate, you say...

Dr. Boolell: *Li ti ar nu li.*

The Prime Minister: *Mo ti ar twa lerla!*

(Interruptions)

Mo ti atas to lame?

Mr Speaker: Hon. Member ...

The Prime Minister: *To lame ek to lipie, mo ti met kadna?*

(Interruptions)

Mr Speaker: Order!

(Interruptions)

Order! Order!

An hon. Member: *Met li dan kofor!*

The Prime Minister: *Mo ti met ene kadna ar li, Mr Speaker, Sir.*

(Interruptions)

Mr Speaker: Order!

The Prime Minister: *Mo ti atas twa!*

Mr Speaker: Hon. Dr. Boolell, you just came back!

The Prime Minister: *Erezman mwa ki dikte twa!*

(Interruptions)

An hon. Member: *To pe kroir tomem patron la?*

Mr Speaker: Hon. Dr. Boolell, you just came back! Be patient! Be patient!

An hon. Member: *Pa presse pou retourne!*

The Prime Minister: It should not thus be that, when you are in the Opposition, you start to ask where is the Freedom of Information Bill, and so on, and so forth. You have to be consistent. This is what I am pointing out.

Mr Speaker: Hon. Mrs Luchmun Roy!

Mrs Luchmun Roy: Thank you, Mr Speaker, Sir. With regard to the Freedom of Information legislation in other jurisdictions, if ever the Prime Minister has the information, can he shed some light as to the costs implied? I have been looking around and I can see that Australia does have one and I think there are some costs associated, if the hon. Prime Minister can just provide some further information with regard to that.

The Prime Minister: Mr Speaker, Sir, this is one of the issues that have to be considered and it has been considered by different Governments before. From figures that have been provided, I see that in the United Kingdom, for the year 2005, the cost was 35.5 million Pounds, that is, almost Rs2.1 billion. In Canada, for year 2000-2001, the cost was 28.8 Canadian Dollars, that is, Rs1.1 billion. In the United States, for the year 2005, the cost stood at 382.2 million Dollars, that is, about Rs19.1 billion. In Australia, for the year 2008-2009, the cost was 30.3 million Australian Dollars, that is, Rs910 m. In Iceland, in the year 2009, the cost was 6.9 million Euros, that is, some Rs350 m.

Mr Nagalingum: Mr Speaker...

Mr Speaker: Last question, hon. Ms Tour!

(Interruptions)

Ms Tour: Thank you, Mr Speaker, Sir. At the beginning of his reply, the hon. Prime Minister...

(Interruptions)

Mr Speaker: Order!

Ms Tour: ... mentioned the fact that the implementation of a Freedom of Information legislation can have unintended negative consequences. Can he provide any tangible example of such unintended consequences, please?

Mr Speaker: Hon. Prime Minister, before you reply to this question, let me remind the House that when you put a question, for the next supplementary question you should show sign, expression of interest.

Mr Nagalingum: I did, Mr Speaker, Sir!

Mr Speaker: Please, listen! Listen to the Speaker!

Mr Nagalingum: You go and check it!

Mr Speaker: This is very bad manners. The Speaker is on his feet, speaking and you are trying to rebut. Rebut what? Listen to Standing Orders!

Mr Nagalingum: Okay, I will listen to you!

Mr Speaker: After putting the question, you should, for the next supplementary question, express your interest.

Mr Nagalingum: I did!

Mr Speaker: You did not!

Ms J. Bérenger: He did! He did!

Mr Speaker: Hon. Ms Bérenger, you don't have the right to discuss with me!

Ms J. Bérenger: He did!

Mr Speaker: I am on my feet!

An hon. Member: *Avocat!*

Mr Speaker: This is bad manner!

Ms J. Bérenger: You can check on the video!

Mr Speaker: This is very bad manner. You don't talk! You have nothing to talk to the Speaker! So, next time! Next time! For now, the hon. Prime Minister will be replying to this question!

Mr Nagalingum: Mr Speaker, Sir, go and check it and then you come to the House!

(Interruptions)

The Prime Minister: Mr Speaker, Sir, in its 2016 Public Access to Information for Development Report, the World Bank in fact highlighted the following three cases of those unintended negative consequences –

1. In India, the legislation has led to greater public mistrust of Government and has damaged democracy;
2. The American democracy has become dysfunctional partly because of excess in transparency. Too much openness has undermined the effectiveness and legitimacy of Government;
3. In UK, the former Prime Minister, Tony Blair, who introduced the Freedom of Information Act in the year 2000, has himself admitted that he regrets the Act. He described the Act as dangerous and utterly undermining of sensible Government.

Now for his part, the former Prime Minister, David Cameron stated, and I quote –

“We spend, or the system seems to spend, an age dealing with freedom of information requests which are all about processes and actually what the public or the country want to know is how much money are you spending, is that money being spent well and what are the results.”

Mr Speaker, Sir, I am not going to mention what has also been published in 2012 by the Ministry of Justice; following research that was conducted precisely to establish what were the impact and the effect of freedom of information. Let me just, for the benefit of the House, quote what was concluded -

“The Freedom of Information Act has failed to increase understanding of Government, may have reduced trust and has done little to improve decision-making in Westminster.”

Mr Speaker: The Table has been advised that PQs B/580, B/583, B/588, B/589, B/590, B/592, B/593, B/594, and B/595 have been withdrawn. Time over!

Hon. Members, let me remind the House that question of catching the eyes, the Standing Order clearly stipulates that in order for any Member to have the right to put a question, he should catch the eye of the Speaker. So, abide by this principle instead of shouting – Speaker, Speaker, Speaker. This is not the principle. Check with the House of Commons, check with Erskine May and you will learn the principle.

Dr. Boolell: But our eyes have to catch up your eyes.

Mr Speaker: My eyes were on hon. Dr. Boolell. I was concentrating there.

Mr Mohamed: *Si pou met visièrè, pa pou trouve zame!*

Mr Speaker: So, PQ B/597 will be replied by the hon. Minister of Information Technology, Communication and Innovation.

PQ B/605 will be replied by hon. Minister of Blue Economy, Marine Resources, Fisheries and Shipping.

PQ B/624 will be replied by the hon. Minister of Labour, Human Resource Development and Training, Minister of Commerce and Consumer Protection.

Now, I call hon. Osman Mahomed.

CÔTE D'OR – METRO EXPRESS LINE EXTENSION – FEASIBILITY STUDY

(No. B/596) Mr Osman Mahomed (First Member for Port Louis South & Port Louis Central) asked the Minister of Land Transport and Light Rail, Minister of Foreign Affairs, Regional Integration and International Trade whether, in regard to the extension of the Metro Express line to Côte d'Or, he will, for the benefit of the House, obtain from the Metro Express Ltd., information as to if a feasibility study has been conducted thereinto and, if so, table copy thereof and, if not, why not.

The Minister of National Infrastructure and Community Development (Mr M. Hurreeram): Mr Speaker, Sir, with your permission, I shall reply to question B/596.

For all major and National Strategic Projects bringing substantial transformation, a feasibility study is essential. The same principle applies to the Phase 4 of the Metro Express Project. A feasibility study has been carried out.

I wish to reassure the House that the Feasibility Study adopted a rigorous methodology and comprehensive approach, including an extensive Stakeholder Management Plan.

Mr Speaker, Sir, in view of the fact that a procurement exercise in respect of Phase 4 of the Metro Express Project is on-going and the feasibility study obviously contains a number of propriety and commercially sensitive information; it cannot be disclosed at this stage. Thank you.

Mr Osman Mahomed: Thank you. The procurement exercise started last year, it must have been completed by now. Anyway, this is not my question. My question is - being given that during the last debate on the subject in PQ B/223 of 18 April 2023, the hon. Ganoo admitted, notwithstanding the fact that a feasibility study was done for Phase 3, Rose Hill-Réduit, only 2,000 passengers per day albeit not paying because students and senior citizens instead of 15,000 passengers, therefore meaning a total failure. In light of this, can I ask the hon. Minister to at least give us some indication of the elements contained because public funds are involved? Phase 3 is a total failure; Phase 4 looks like it is going to be a total failure. Can I ask him to provide at least some figures of the expected number of passengers?

Mr Toussaint: *Pa to responsabilite sa.*

Mr Hurreeram: Mr Speaker, Sir, I don't think I have to reply to something that does not pertain to this question. That is the hon. Member's own observation. All I can say at this stage, in respect of the fact that I mentioned again, a tender exercise is in process and commercially sensitive information cannot be given but an estimation of passengers has been made and it will start at 16,000 passengers and may end up to 30,000 passengers. Thank you.

Mr Speaker: Now, make sure you don't give your opinion. You don't state your opinion.

Mr Toussaint: Failure. Failure. *Travay si p fer dan sa pei...*

Mr Speaker: Put your question directly! This is supplementary question. If you want to check your Standing Order, please.

Mr Osman Mahomed: If it is in the national interest, I have to give my opinion.

Mr Speaker: No, no, no, the Chair is not interested in national or international interest; the Chair is interested in rules and regulations of the National Assembly.

Mr Osman Mahomed: Yes.

Mr Speaker: Don't invent Parliament!

Mr Osman Mahomed: I just want to quote the hon. Prime Minister. He said just now –

« Quand nous sommes de ce côté de la Chambre, nous parlons d'un certain langage mais quand nous sommes de l'autre côté ... ».

Mr Speaker: No, this is. No, come on.

Mr Osman Mahomed: No.

Mr Speaker: Do you have a question?

Mr Osman Mahomed: Yes, I do.

Mr Speaker: Others, you see on this Order Paper how many questions are waiting for replies.

Mr Osman Mahomed: Yes, okay.

Mr Speaker: Don't make an abuse of your rights to put question and don't lose the time of the House.

Mr Osman Mahomed: Okay. Can I ask the hon. Minister whether these 15,000 passengers per day, that he has just mentioned, will be sufficient to finance back the Rs13.5 billion that this line is touted to cost tax payers?

Mr Hurreeram: Mr Speaker, Sir, the question is about the feasibility study conducted and if a copy can be tabled, I have already replied to the question, Mr Speaker, Sir.

Mr Speaker: Next question!

WIRELESS LAN DEPLOYMENT – MAURITIUS & RODRIGUES SECONDARY SCHOOLS

(No. B/597) **Dr. M. Gungapersad (Second Member for Grand' Baie & Poudre d'Or)** asked the Vice-Prime Minister, Minister of Education, Tertiary Education, Science and Technology whether, in regard to the deployment of wireless local area network in the 155

secondary schools in Mauritius and Rodrigues as announced in the Budget Speech 2021-2022, she will state where matters stand.

The Minister of Information Technology, Communication and Innovation (Mr D. Balgobin): Mr Speaker, Sir, I humbly request you to bear with me. I have a lengthy reply; just to be able to give all the details.

Following the announcement made in the Budget Speech 2020-2021 for the deployment of wireless local area network in 155 secondary schools in Mauritius and Rodrigues, my Ministry initiated discussions with the main stakeholder, the Ministry of Education, Tertiary Education, Science and Technology in August 2020 for the latter Ministry to submit its concise requirements.

Consequently, meetings were held with officers of the Ministry of Education, Tertiary Education, Science and Technology in August, September and November 2020 where it was agreed that the project would consist of procurement of relevant equipment as well as provision of connectivity services to cater for the entire secondary schools, that is, all classes, Specialist Rooms that is, Home Economics, Design & Technology, Computer Labs, Administrative blocks among others.

Mr Speaker, Sir, it is to be noted that during the period 10 March to 30 April 2021, the country was in total lockdown and thereafter further sanitary restrictions were in place, resulting in lesser economic activities and only a limited number of public officers were called upon to ensure service delivery and business continuity. This had an impact on the whole process of the project.

Nevertheless, the Central Informatics Bureau, CIB, which is the technical team of my Ministry, worked on the specifications of this project along with the stakeholders concerned and given its project value which was Rs170 m., the bidding documents were submitted to the Central Procurement Board for vetting and floating of tenders on June 2021.

Various meetings were held at the level of the CPB during which a number of clarifications were sought and agreed upon. Thereafter, in line with the recommendations from the CPB, the tender was amended and launched in January 2022, with a closing date fixed for 09 March 2022

and extended till 06 April 2022. However, several queries were received from potential bidders and upon request of the latter, the closing date was extended till 12 April 2022.

Mr Speaker, Sir, on 27 May 2022, my Ministry was informed by the Central Procurement Board that none of the bids received, was found to be responsive after the evaluation exercise carried out.

Mr Speaker, Sir, taking into consideration the urgency of the project, on June 2022, an alternative solution was approved at the level of my Ministry for the project to be implemented in two parts that is, the connectivity part and the infrastructure part, as in the meantime, on 09 June 2022, my Ministry had signed a Framework Agreement for the Government Intranet System that we called the GINS with Mauritius Telecom Ltd after a tender procedure. Therefore, the project would have been broken into two components, that is –

- (i) provision of the wireless LAN infrastructure in secondary schools by a potential supplier, and
- (ii) the connectivity services provided under the GINS Framework as I mentioned above.

Mr Speaker, Sir, consultations were held anew with stakeholders concerned and a new bidding document for the provision of wireless LAN infrastructure in secondary schools were prepared by the CIB and sent to the Central Procurement Board in October 2022 for its vetting prior to the launching of the tender. Subsequently, additional clarifications were sought on specific items of the bidding documents, including the cost estimates and various meetings were held in November and January to finalise the bidding documents.

Further clarifications were submitted again in February 2023 on the bidding documents and on March of this year, the Central Procurement Board requested my Ministry, for additional information including the revised cost estimates taking into account the external factors which have impacted on the increase in the price of various commodities including IT equipment, that is, the fluctuations of foreign exchange, the COVID-19 pandemic, increase in the cost of freight and shortage of chips or semi-conductors and non-availability of specific IT equipment on the international market among others. This was reiterated in a meeting held at the CPB in March 2023.

Mr Speaker, Sir, in this regard, in March, a committee was set up at the level of my Ministry with the technical team and representatives of the Ministry of Education, Tertiary Education and Science and Technology to work out an updated cost estimate. Meetings were held again in March and April 2023 and I was informed that there has been a considerable increase in the project value due to the reasons I mentioned above.

Therefore, in line with established procedures in such cases, my Ministry has approached the Ministry of Finance in April 2023 for financial clearance on the revised project value. A reply is currently awaited.

Mr Speaker, Sir, pending completion of the tender procedure for the main project, connectivity has been successfully deployed in the computer rooms of 47 secondary schools, through the GINS project on a temporary basis. It should be noted that the required infrastructure was already in place in those schools and I am tabling the list of these 47 schools.

Dr. Gungapersad: Mr Speaker, Sir, in reply to PQ B/430 dated 22 May 2018 by hon. Osman Mahomed, the Minister of Education asserted that she was informed by the then ICT Minister that the connectivity project would be completed by the end of June 2018. Now, the new Minister of ICT is further extending the year for the completion of the work. Will the Minister inform parents and students how soon we are going to have this connectivity in schools, because they have been waiting for long?

Mr Balgobin: Mr Speaker, Sir, I mentioned in my reply that the deployment of wireless Local Area Network in 155 secondary schools including Mauritius and Rodrigues was announced in the Budget 2020-2021. I cannot reply to the Member as to what was said in 2018 as this particular project is not comparable to the previous one because the previous one was connectivity in certain classes only.

This new project announced in 2020-2021 provides for connectivity in all classes in all premises of the school. So, this is a new one. The idea is the same to have connectivity, but not in a specific area, but in the whole compound. I explained in my reply; that is why I took time of the House to give a lengthy reply of the procurement exercise, and that it takes time. We have had discussions. A survey has to be done in all the schools to understand the infrastructure of the school because there are civil works to be done in the schools. Connectivity will come

afterwards. We have gone for the process of the tendering exercise through the CPB and that is the status as at now.

Dr. Gungapersad: Mr Speaker, Sir, given that the Director of Audit has been very critical regarding the way this connectivity project has been mishandled, especially financially, will the hon. Minister inform the House what is the estimated amount of public funds which will be invested in this project, because since its inception, it has been going on; we mentioned 170 million in 2021-2022? Also, to inform the House if any sum has been recouped from the liquidated damages.

Mr Balgobin: Mr Speaker, Sir, the question that has been put by the Member is where matters stand for this current project. What he is referring to is a project that was initiated in 2013 by the then government. We have a lot to say on that particular project if he comes with a question, and if he has the courage to come with that particular question about how the seed was put then, and the tree grew up very badly.

On this particular project, I have mentioned that in the financial year, the budget voted was 170 million and due to the various external factors which we do not control, the team - the Central Informatics Bureau and other stakeholders - has worked a new revised estimate which has been sent to the Ministry of Finance to have a clearance. Eventually, once we have all the exact information, we could give all details to the House.

Mr Speaker: The Table has been advised that PQs B/611, B/641 and B/646 have been withdrawn. Hon. Members, I suspend the Sitting for one and a half hour.

At 1.07 p.m., the Sitting was suspended.

On resuming at 2.42 p.m. with Mr Speaker in the Chair.

Mr Speaker: Please be seated! Next question!

NOTRE DAME RELAY SHELTER – BABY C. P. – ADMISSION PROTOCOL

(No. B/598) Ms S. Anquetil (Fourth Member for Vacoas & Floreal) asked the Minister of Gender Equality and Family Welfare whether, in regard to the Notre Dame Relay Shelter, she will state since when Baby C. P. is admitted thereat, indicating if the admission protocol has been respected and, if so, give details thereof and, if not, why not.

Mrs Koonjoo-Shah: Mr Speaker, Sir, I am informed by the Child Development Unit of my Ministry, that Baby C.P. was admitted to Notre Dame Relay Centre on 24 February this year following the issuing of an Emergency Protection Order which was issued on 08 February this year by the Children's Court and that the protocol has been duly observed.

I also wish to reassure the House that the admission protocol has been complied with, the details of which are as follows –

- (i) When a case of the child is reported with protection concerns, the Officer of the CDU, while determining whether the child has to be removed to a Place of Safety, has the duty to report the matter to the Children's Court for an Emergency Protection Order (EPO) to allow admission in a Residential Care Institution (RCI). In this case, an EPO for the child was issued by the Children's Court.
- (ii) Prior to conveyance and admission of the child to a RCI, the Officer has the duty to convey the child to the nearest regional hospital for a thorough medical examination to ensure that the child is fit for admission in a RCI and this was also undertaken in the case of Baby C. P.
- (iii) Upon full medical examination and medical discharge, the Officer should ensure that the hospital provides all the medical reports and appointment cards as well as full medical history and medical support, inclusive of treatment and medications provided to the child so that he can avail of those during his/her stay at the shelter. All documents in the case of Baby C.P. needed for the support have been provided.
- (iv) While processing for medical support to the child, arrangement is usually made for a smooth placement of the child to the RCI through proper networking of the Officer and the Shelter Manager. I am apprised that this is a regular practice and was undertaken in the case of Baby C.P.
- (v) The Shelter Manager is briefed on the child that he/she is welcoming at the RCI level, and

- (vi) Once admitted to the RCI, the Officer ensures that all documents he/she has at his/her level are deposited with the Shelter Manager for further reference at the RCI level.

Mr Speaker, Sir, I am informed that my Ministry is following up on the minor. That's it. Thank you.

Ms Anquetil: M. le président, la ministre pourrait-elle indiquer à la Chambre pour quelle raison un signalement a été fait au poste de police de Notre Dame 48 jours après l'admission du bébé C. P. par deux *caregivers* et non le *officer-in-charge* ?

Mrs Koonjoo-Shah: Mr Speaker, Sir, as I said in my main reply, it is within the protocol to have the Police informed if there is any suspicion that the child has been in danger or there is anything criminal linked, any abuse or harm done to the child. This is when the investigation is ongoing.

Ms Tour: Thank you, Mr Speaker, Sir. Can the hon. Minister enlighten the House on the conditions prevailing at Notre Dame Relay Centre and if the RCI is able to cater for the children thereat?

Mrs Koonjoo-Shah: Mr Speaker, Sir, indeed the Residential Care Institute, the Notre Dame Relay Centre is adequately equipped to be able to provide care and support for the currently ten residents at Notre Dame. As a matter of fact, Mr Speaker, Sir, I wish to inform the House that I personally undertook a visit on 10 May, last week that was, and a full report has been submitted to the administrative level of my Ministry regarding minor shortcomings that we have noticed.

Mr Speaker: Next question!

MALAKOFF – DRAIN PROJECT

(No. B/599) Mr A. Ittoo (Third Member for Vacoas & Floreal) asked the Minister of National Infrastructure and Community Development whether, in regard to the implementation of the drain project at Malakoff, he will, for the benefit of the House, obtain from the Land Drainage Authority, information as to where matters stand.

Mr Hurreeram: Mr Speaker, Sir, I wish to thank the hon. Member for providing me the opportunity to inform the House on the drain project being implemented by the NDU in the region of Malakoff.

Mr Speaker, Sir, the region of Malakoff has been declared as a high-risk flood prone area by the LDA on 31 July 2020.

The NDU had appointed a Consultant to carry out the design and the supervision of the project. The Detailed Design Report was finalised based on the recommendations of the LDA to consider the whole region of Malakoff holistically with a view to mitigating the incidence of flooding thereat. The LDA had, subsequently, recommended that the project be implemented in two phases.

Mr Speaker, Sir, the scope of works for the first Phase comprises, *inter-alia* –

- a) Upgrading of existing drain along Malakoff Avenue over a length of approximately 110 metres;
- b) Construction of drain along Malakoff Avenue over a length of approximately 55 metres to connect to the upgraded drain to discharge in River Tatamaka;
- c) Construction of a new drain at Malakoff Off Road over a length of approximately 75 metres which connects to another existing drain including asphaltting of road;
- d) Desilting of River Tatamaka along a stretch of approximately 100 metres downstream the discharge point;
- e) Upgrading of existing drain over a length of 70 metres along Off La Marie Road, and
- f) Cleaning of existing drains, replacing reinforced concrete covers by reinforced concrete formers and metal gratings along Off Malakoff Road over a length of 200 metres.

A contract was awarded to Safety Construction Ltd. on 01 August 2022 under the Framework Agreement for the construction of drain for an amount Rs52.4 m. for implementation of the first phase of the project.

Works started on 24 August 2022 and as at date 75% have been completed.

Mr Speaker, Sir, we are all aware of the very high volume of traffic in the region of Malakoff. Despite the efforts made by my Ministry to ease the traffic and ensure the safety of the public in getting the works done in a timely manner, there are certain issues which are beyond our control. Delays in the implementation of the project have been encountered.

Phase 1 of the project is now expected to be completed by the end of July 2023.

As regards Phase 2 of the project, land acquisition procedures are presently ongoing. Letters of offer have been issued on 30 March 2023 to the 18 land owners concerned. 10 replies have been received out of which 3 owners are agreeable to the offer, 3 owners are agreeable with conditions, 2 owners requested for a site visit prior to submitting their decision and 2 owners are not agreeable. I am informed that as at date, 8 replies are still awaited.

Once the land acquisition procedure is completed, bids will be invited for the appointment of a contractor for the implementation of the works.

Thank you, Mr Speaker, Sir.

Mr Ittoo: Thank you, Mr Speaker, Sir. It would appear that Phase 1 of the project is experiencing some delays. Inhabitants of Malakoff have not seen the contractor on site for some weeks now. May the Minister please enlighten the House as to what are the reasons for these delays for Phase 1?

Mr Hurreeram: Mr Speaker, Sir, as I have mentioned in my reply, yes, we have encountered some delays and which are due to –

- a) There has been a site closure from 15 December to 15 January 2023 in order not to cause any inconvenience to the inhabitants and in view of the New Year festivities;
- b) There has been a site closure from 11 to 20 February 2023 in the context of the Maha Shivratri festival for the safety of the pilgrims;
- c) There has been relocation of services by the Telecom and CWA and CEB which caused some delays;
- d) Once again, adverse weather conditions;

- e) Difficulty in obtaining wayleave to access River Tatamaka through private properties for desilting purposes;
- f) Water cut for connection works of a newly relocated pipe line to the main pipe line along La Marie Road was granted by the CWA after the Ramadan period so as not to cause any inconvenience to our brothers and sisters of the Muslim faith during that period, and
- g) Unavailability of flexible flange adaptors for connection of the newly relocated pipe line to the main pipe line along La Marie road.

I must say that all these are now behind us and the Contractor has resumed work since yesterday.

Ms Anquetil: Je vous remercie, M. le président. Le ministre est-il d'accord d'admettre qu'il y a eu une très mauvaise planification et c'est la raison pour laquelle les travaux ont été stoppés ? Merci.

Mr Hurreeram: No, Mr Speaker, Sir, I will not agree. If the hon. Member is saying that we should have continued the works during the period of Maha Shivratri to cause inconvenience to pilgrims, if she is saying that we should have water-cut during the Ramadan period, if this is wrong planification, so be it.

Mr Speaker: Next question!

GREEN AGRICULTURE PROMOTION – INITIATIVES

(No. B/600) Mr R. Wochit (Third Member for Pamplemousses & Triolet) asked the Attorney-General, Minister of Agro-Industry and Food Security whether, in regard to Green Agriculture, he will state the initiatives taken by his Ministry –

- (a) for the promotion thereof, and
- (b) to attract the youth towards this sector.

Mr Gobin: Mr Speaker, Sir, the promotion of Green Agriculture is one of the strategic objectives of my Ministry and in this context, all agencies under the purview of my Ministry are fully engaged in the promotion of Green Agriculture and sustainable agriculture.

A series of measures and incentives have been provided for production of fruits and vegetables under organic and other sustainable production systems which are resilient to impacts of climate change.

My Ministry has implemented various schemes to encourage farmers to adopt sustainable agricultural practices, namely through –

- subsidies for purchase of bio-fertilisers;
- sheltered farming scheme, and
- rain water harvesting scheme.

Since 2014, some 273 planters have benefitted from the sheltered farming scheme for the construction of greenhouses for an amount of Rs80.4 m. To further encourage growers to adopt this method of production, which reduces the use of insecticides and pesticides considerably, VAT exemption is granted on the purchase thereof. A chemical-free bio-foods promotion programme is also being implemented among growers, youth, women, as well as in the hospitality sector.

The Green Agricultural Certification of fresh Agricultural Produce is being undertaken by the Mauritius Standards Bureau following the launching of the MAURIGAP certification initiated by my Ministry in collaboration with the Ministry of Business and Cooperatives. An integrated Pest Management Programme which comprises release of sterile fruit flies, training and sensitisation of planters and free distribution of fruit fly bait is also being implemented.

In addition, planters are being supported to shift from conventional farming to sustainable production systems. Farmers are being sensitised to use Leguminous Crop Cover as green manure to improve soil quality and crop yield 15 weeks after planting. Solar-powered pumps and refrigeration units, Soil and Water Conservation techniques, Permaculture, Agro-forestry, Zero-Budget Natural Farming are also being implemented. Integrated Soil Fertility Management is being promoted to reduce the volume of fertilisers being applied for production namely, through compost including sea weed compost and bio fertilisers, amongst others. Bee keeping is also being promoted so as to preserve the biodiversity and strengthen the eco system.

As regards part (b) of the question, in addition to existing support for the farming community, the FAREI has one unit dedicated to support the youth as well as women. For this

year 2023, there are 17 youth clubs that have been registered including 12 secondary schools. Members of the clubs consist of 440 boys and 250 girls. These youth are below 20 years and they receive trainings and receive support to initiate school garden projects. FAREI is also supporting the primary schools garden project in collaboration with the Ministry of Education. FAREI provided gardening knowledge and skills to some 252 pupils at primary level.

Mr Speaker, Sir, as at now, 125 farmers are engaged in producing fruits and vegetables through organic and other sustainable production systems over an area of 90 hectares. In this respect, organic fertilisers have been developed for 15 crops. In doing so, crop rotation and mixed cropping as well as conservation practices are being promoted. My Ministry is also working on the forthcoming Organic Bill so as to regulate and promote Green Agriculture.

Finally, Mr Speaker, Sir, my Ministry has always been on the side of the farmers to build their capacity to face the challenges related to climate change. As such, some 123 training sessions and 24,000 field visits have been effected by the Extension Services of the FAREI. This in itself gives an indication of the dedication and commitment of my Ministry to ensuring Green Agriculture and a safe food system for a healthier tomorrow for the population.

Thank you, Mr Speaker, Sir.

Mr Wochit: Thank you, Mr Speaker, Sir. Can the hon. Minister inform the House what assessment his department has made of the number of farms at risk of closing down due to the increase in price of fertilisers and fuel cost in the recent years?

Mr Gobin: Mr Speaker, Sir, I do agree that the price of fertilisers and fuel cost have increase dramatically, especially during COVID and post-COVID for a number of reasons which I will not explain now.

However, in view of the specific nature of the question of the hon. Member, I will need notice of this question to give specific details in reply thereof.

Mr Wochit: Okay. Has the Government formulated any scheme to run the food processing industries for excess vegetables which are on the market?

Mr Gobin: Yes, agro-processing is at the core of the policy of the Ministry. In fact, the Ministry of Agro-Industry and Food Security is working in collaboration with the experts of the African Development Bank on agro-processing. Recently we have launched the handbook for

agro-processing but once again, I will need notice of the question to give specific details in reply thereto.

Mr Speaker: Next question!

“PRIME À L’EMPLOI” SCHEME – BENEFICIARIES

(No. B/601) **Mr S. Nuckcheddy (Third Member for Flacq & Bon Accueil)** asked the Minister of Finance, Economic Planning and Development whether, in regard to the “Prime à L’Emploi” Scheme, he will state the number of young persons and women, respectively, having benefitted thereunder since the implementation thereof.

Dr. Padayachy: M. le président, je remercie l’honorable membre pour cette question. Nous savons combien la question de l’emploi est centrale tant d’un point de vue économique que social. A cet égard, le programme de la "Prime à l'emploi" a été annoncé dans le dernier Discours budget du 2022-2023.

Ce dispositif ciblé a pour objectif d'aider nos jeunes à obtenir un emploi et d’inclure davantage de femmes sur le marché du travail. Le cadre et le mode de fonctionnement du programme ont été définis dans la Finance (Miscellaneous Provisions) Act 2022. Dans le cadre de ce programme, le gouvernement, par l'intermédiaire de la MRA, verse une prime mensuelle pendant la première année d'emploi des jeunes âgés de 18 à 35 ans et des femmes âgées de 50 ans ou moins. La prime équivaut au salaire de base d'un employé, dans la limite de 15 000 roupies par mois.

En outre, elle couvre également le paiement de la prime de fin d'année pour la première année d'emploi. Les employeurs, quant à eux, sont tenus de préserver l'emploi de ces salariés pendant au moins trois ans. La MRA m'a informé qu'à ce jour, 2 551 employés ont bénéficié de ce régime, dont –

- (i) 2 130 jeunes employés, hommes et femmes, âgés de 18 à 35 ans, et
- (ii) 421 sont des femmes âgées de 36 à 50 ans.

M. le président, je tiens à souligner que ces nouvelles personnes en activité ont contribué à la baisse du chômage à Maurice. Merci.

Mr Nuckcheddy: Thank you, Mr Speaker, Sir. Can the hon. Minister inform the House if he intends to further extend the scheme for one or two years to come?

Dr. Padayachy: M. le président, nous sommes actuellement en train de travailler sur la préparation du budget et la question pour l'emploi des femmes est centrale et aussi pour l'emploi des jeunes. Donc, nous travaillons pour la mise en place de plusieurs mesures qui peuvent inciter les femmes à rejoindre le marché du travail et aussi à donner des opportunités aux jeunes.

Mr Speaker: Next question!

SMART CITY PROJECT, ROCHES NOIRES - NATIONAL PARK/SPECIAL NATURAL RESERVE

(No. B/602) Ms J. Bérenger (First Member for Vacoas & Floréal) asked the Attorney General, Minister of Agro-Industry and Food Security whether he will state if consideration will be given for the designation of the area earmarked for a Smart City project at Roches Noires as a National Park/Special Natural Reserve in view of Mauritius being signatory to the Conventions for the protection of biodiversity, wildlife, flora and fauna and wetlands and if not, why not.

Mr Gobin: Mr Speaker, Sir, I am informed by the Economic Development Board that PR Capital (Mauritius) Ltd was issued with a Letter of Comfort by the EDB on 23 March 2022 to develop a mixed-use commercial cluster (office, retail), 1,480 residential units, 2 hotels, R&D Campus sports centre, 2 golf courses and a plant nursery on freehold land of an extent of 850 arpents 92 perches at Roches Noires in the District of Rivière du Rempart and Flacq under the Smart City Scheme.

The EDB, I am informed, adopted a very prudent approach in assessing and considering this project by balancing the need for development and ensuring that environmental risks are mitigated to ensure conservation and preservation of the site.

I am also informed that additional conditions were included in the Letter of Comfort and PR Capital (Mauritius) Ltd was required to provide, *inter-alia*, the following prior to the submission for the application of the Smart City Certificate –

- i. EIA Licence for the components to be developed in Phase I;
- ii. approval from the Land Drainage Authority for the Land Drainage Impact Assessment Report, and

iii. a Building and Land Use Permit for infrastructure works.

Mr Speaker, Sir, I am also informed that the promoter was also required to undertake a survey of wetlands and barachois, mangroves, flora and fauna.

On 30 March 2022, PR Capital (Mauritius) Ltd had submitted an application for EIA Licence to the Ministry of Environment with respect to its hotel project.

On 11 May 2022, PR Capital (Mauritius) Ltd was advised by the Ministry of Environment to undertake a full EIA report on the whole extent of the property planned for development to better assess the environmental impact of the project and the measures proposed.

PR Capital (Mauritius) Ltd is planning, so far as I am informed, to submit a new EIA application covering the whole site and for all the components of the project by end of May of this year.

Mr Speaker, Sir, pending the submission of the EIA Report and being given that the site earmarked for the Smart City project at Roches Noires over a total extent of 850 arpents 92 perches is of freehold nature, it is premature at this stage for me state specifically whether designation will be approved for National Park/Special Nature Reserve.

Ms J. Bérenger: Le ministre est-il au courant que dans un document produit par son ministère et intitulé '*Protected Area Network Expansion Strategy (2017-2026)*', dans ce document définissant la stratégie de son ministère, il prévoit d'étendre, à la page 163, les zones à être protégées, c'est-à-dire, les zones où la biodiversité est riche ? Cette zone où ce gouvernement prévoit de permettre le développement d'une *Smart City* se trouve dans les zones qui sont supposées être protégées et les zones qui devraient être étendues ? Donc, le ministre peut-il nous dire s'il est au courant de cette stratégie que son ministère a produit et est-ce qu'il compte l'implémenter ?

Mr Gobin: I am aware of the document, generally speaking, but I would prefer to have a look at the specific reference made by the hon. Member on the specific page prior to giving a specific reply, Mr Speaker, Sir.

Ms J. Bérenger: Est-ce que le ministre compte demander ou au moins s'informer auprès du directeur de Service des parcs nationaux et de la conservation, s'il ne serait pas dans l'intérêt

public que de considérer la possibilité d'une acquisition obligatoire comme le prévoit la section 13 du Native Terrestrial Biodiversity and National Parks Act de 2015 ?

Mr Gobin: I believe the hon. Member is referring to section 12, because section 13 states that the ownership remains with the owner. I do propose to have consultations with the Director of the National Parks, under section 12 of Native Terrestrial Biodiversity and National Parks Act 2015.

Mr Speaker: Next question!

CUREPIPE AREA HEALTH CENTRE – PROPOSED CONSTRUCTION

(No. B/603) Mr S. Dhunoo (Third Member for Curepipe & Midlands) asked the Minister of Health and Wellness whether, in regard to the proposed construction of the Curepipe Area Health Centre, he will state where matters stand.

Dr. Jagutpal: Mr Speaker, Sir, I have been informed that the new Area Health Centre will be constructed in Curepipe, that is, Cossigny Road. The new infrastructure will replace the existing one. The latter will be demolished following recommendations from the Ministry of National Infrastructure and Community Development. The new structure will be a two-storey building.

The Ministry of National Infrastructure and Community Development has submitted scope of works and drawings. The bidding document is at vetting stage at the level of the Central Procurement Board. Once the bidding document is finalised, tender would be launched and, the contract would be awarded for its implementation. The whole process is expected to take around 15 weeks.

Mr Dhunoo: Thank you, Mr Speaker, Sir. The building is very old. Can you inform the House about the cost of this project?

Dr. Jagutpal: Mr Speaker, Sir, the cost of this project is Rs137.3 m.

Mr Dhunoo: Can the Minister also inform the House as to what will be the services that will be provided at the Area Health Centre of Curepipe?

Dr. Jagutpal: Mr Speaker, Sir, an Area Health Centre essentially –

- provides the basic health care;

- promotes preventive care, especially early detection of health issues;
- provides community health education;
- coordination of health care resources, and also
- contributes to improve health outcomes of individuals.

The Area Health Centre, if we look at it based on an individual lifespan, it provides care from pre-conception stage to the antenatal care, postnatal care, early childhood, adolescence, also to NCDs, and all different care, especially putting a lot of emphasis on geriatric care as well.

Mr Speaker: Next question!

PAILLES-GUIBIES SEWERAGE PROJECT – PHASE 2

(No. B/604) Mr F. David (First Member for GRNW & Port Louis West) asked the Minister of Energy and Public Utilities whether, in regard to the Pailles-Guibies Sewerage Project – Phase 2, he will, for the benefit of the House, obtain from the Wastewater Management Authority, information as to the –

- number of houses connected thereto;
- number of foreign and local workers mobilised therefor, and
- expected date for launching of bids for the completion of the remaining works thereat, if any.

Mr Lesjongard: Mr Speaker, Sir, I had informed the House at our Sitting of 16 May 2023 in reply to PQ B/523 that the Pailles-Guibies Sewerage Project Phase 2 was awarded to Sinohydro Corporation Limited by the Wastewater Management Authority on 31 July 2019. The original completion date of the project was revised to 21 July 2023. As per the updated work schedule, the progress of work as at end of April was 37.1%.

I had also informed that the surveys of the trunk sewers and street sewers had been completed. With regards to house connections, 90% of surveys have been completed, 17 km of trunk sewer and street sewer laid and 12.3 km of CWA pipes have been replaced.

Mr Speaker, Sir, with regard to part (a) of the question. I am informed that 130m of the trunk sewer of 600mm diameter Glass Reinforced Pipes (GRP) at an average depth of 6m along A1 road must be completed to enable house connections to be effected.

These works are currently ongoing by the Contractor and I understand that as at date, only 15 metre of trunk sewer remains to be laid and this will be completed within two weeks' time and then house connections will start.

Mr Speaker, Sir, with regard to part (b) of the question, the Ministry of Labour, Human Resource Development and Training had conveyed its in-principle no objection to the Contractor for the recruitment of some 210 workers from China and Nepal by Sinohydro Corporation (Mauritius) Ltd in December 2019.

The Bid submitted by the Contractor provided for its existing professional staff and local labour to be employed as many as possible.

I am informed that the Contractor had indicated to the Wastewater Management Authority in November 2022 that it was encountering difficulties to import labour due to closure of borders first in China and then in Mauritius in 2019 and for most of 2020; as well as the difficulty faced by the Contractor to import foreign labour, equipment and machinery among others. My Ministry and the Wastewater Management Authority had facilitated the process at the level of the Ministry of Labour, Human Resource Development and Training in October 2021 to enable the Contractor to mobilise adequate resources on site. On re-opening of borders in Mauritius, the Contractor was again requested to ensure adequate labour force.

I am informed by the Wastewater Management Authority that in April 2021, the labour count stood at 120 with 40 foreign workers and 80 local ones. Since the beginning of the contract, the attention of the Contractor has been drawn by the Wastewater Management Authority that it is a requirement of the contract that he mobilises sufficient resources for the performance of the works in order to reach the completion date. Despite several contractual warnings and letters of concern, the number of foreign workers on site has reached 31 as at date. This has significantly affected the rate of advancement of the project.

Mr Speaker, Sir, I am informed that the Wastewater Management Authority has made a request for funding in respect of some of the remaining works under the Pailles-Guibies Sewerage Project in the forthcoming budget. The bidding process is expected to start soon after provision of funds. A programme of works has also been worked out by the Wastewater Management Authority for the phased implementation of the remaining works.

I thank you, Mr Speaker, Sir.

Mr David: M. le président, la Chambre notera que le ministre nous informe aujourd'hui que 44 mois après le début des travaux qui devaient durer 40 mois, le nombre de maisons connectées au système de tout-à-l'égout est de zéro sur les 3,000 maisons prévues. Puis-je demander au ministre sur la valeur initiale du contrat de R 979 millions, quel est le montant total qui a été payé à ce jour au contracteur Sinohydro ?

Mr Lesjongard: Mr Speaker, Sir, let me find the amount which has been paid. I do understand the concern of the hon. Member because this is the second time that he is putting this question to me and I can tell the House hon. Dr. Mrs Chukowry also has expressed the same concern. We agree that the contractor has not been able to catch up *le retard qu'il a eu sur ces travaux de Pailles-Guibies, M. le président. Mais de là à dire que nous notons qu'après tous ces travaux, il n'y a pas eu de house connection, c'est vrai ; j'ai dit ça dans ma dernière réponse que j'ai répondue au Parlement* which is true, if you don't have the main sewer line, there is no point in connecting to the houses in that area. Where will the wastewater go if we don't have the main sewer pipe? That is why in my reply, I have stated that once we complete the A1 crossing and I did state that in two weeks' time, because there are only 15 metres of the main sewer pipe left to be completed, once this is completed then house connections will start.

With regard to payment, Mr Speaker, Sir, I understand that the amount paid to the contractor till date is Rs307,047,824.31.

Mr David: M. le président, le ministre nous explique quelque chose de technique et j'ai une formation d'ingénieur comme lui ; je comprends tout à fait qu'on ne peut pas connecter les maisons tant qu'il n'y a pas de connecteurs principales. Ce n'était pas une question de technique mais contractuelle...

Mr Speaker: Put your question! This has already been canvassed! Put a new question!

Mr David: Et alors justement par rapport au contrat, en réponse à la PQ B/750 en 2019, posée par mon collègue Osman Mahomed...

Mr Osman Mahomed: *Clown! Clown !*

Mr David: ... le ministre des Utilités publiques de l'époque...

(Interruptions)

Mr Speaker: Order!

Mr David: Le ministre des Utilités publiques de l'époque, l'honorable Collendavelloo...

An hon. Member: Point of order!

Mr Toussaint: Mr Speaker, Sir, a point of order, please!

An hon. Member: *Enkor* point of order?

Mr Toussaint: *Mo drwa sa, mete to si.* I am very happy to hear that honourable, very intelligent person, Mr Osman Mahomed, is calling me a *clown*. Okay, I accept I am a *clown* but I don't know if this is parliamentary, Mr Speaker, Sir.

(Interruptions)

An hon. Member: Shame! Shame! *Laont!*

An hon. Member: *Ki* standing order?

Mr Speaker: Order!

An hon. Member: *Laont lor twa!*

Mr Speaker: Order!

(Interruptions)

Order everywhere! Both sides!

(Interruptions)

Order!

(Interruptions)

Order! If you have said these words, be a gentleman and withdraw and we finish with that.

Mr Osman Mahomed: Mr Speaker, Sir, I have said this and he has replied that he is very happy to be a clown.

Mr Speaker: No! No!

Mr Osman Mahomed: Did you say it? You said so! So, it's a compliment to him!

Mr Speaker: Stop joking! Stop joking!

(Interruptions)

An hon. Member: *Insilte dimounn!*

Mr Speaker: Order!

An hon. Member: *Pena respe pou dimounn!*

(Interruptions)

Mr Osman Mahomed: Did you say or not that you were happy today?

Mr Speaker: No discussion!

(Interruptions)

Order! I am ruling! I am ruling! The point is that the hon. Minister asked me whether this is parliamentary. I am ruling; it is not parliamentary. Being a gentleman, I know you personally, I know you will withdraw. Why are you resisting me?

Mr Osman Mahomed: Okay!

Mr Speaker: You never resisted me!

An hon. Member: *Pa insilte bane dimounn.*

Mr Speaker: Now, whose turn was it? Whose question was it?

Mr Assirvaden: *M. le président*, on a point of order!

Mr Speaker: Are you sure you have a point of order?

Mr Assirvaden: Yes! Yes!

Mr Speaker: Wait! Wait! Wait! Last time, you made a fraudulent point of order.

Mr Assirvaden: No!

Mr Speaker: Wait! Wait! Wait! Listen to me. I am on my feet! I have not ruled yet on that fraudulent point of order. I did ask you whether you had a point of order. You said: “yes, I have.” And are you prepared to present your apology? You said “yes”. But so far, I stayed quiet. It would be the second time.

Mr Assirvaden: I have a point of order!

Mr Speaker: If you really have a point order, not a fraudulent point of order, then you may go ahead!

Mr Assirvaden: Tous comme le ministre Toussaint vient de...

Mr Lesjongard: Mr Speaker, Sir, can I have the floor?

Mr Speaker: Just one.

Mr Lesjongard: With regard to what you just said, is it not the practice of this House that whenever a Member wishes to raise a point of order, he has to make reference to which point of order as provided for in our Standing Orders?

(Interruptions)

Mr Speaker: Wait! Wait! Wait!

(Interruptions)

Order!

(Interruptions)

Order! Let somebody rule!

In fact, the hon. Member is right. Although at times I do allow, okay you said you have a point of order, I don't squeeze you to ask you which number, which point of order because I know you will not be able, but check your Standing Orders!

Mr Assirvaden: 41

Mr Speaker: Check! You have a Standing Order in front of you, check it there.

Mr Assirvaden: M. le président, j'ai un *point of order* tout comme le ministre Toussaint vienne de le faire. Selon la Section 41 du Standing Order, pas besoin de *check*, j'ai entendu le ministre Bobby Hurreeram utilisé le mot *bourik* à l'intention des membres de l'Opposition. Je vous demande de *rule* si le mot *bourik* est parlementaire.

Mr Speaker: Good! You have a point of order. If this word has been used then, I am asking hon. Bobby Hurreeram to withdraw that word but if this has not been used, then I will check and at the same time you will have to present apologies to the House for last time, you did something very very,...

(Interruptions)

Wait! Wait! Wait! There is one Speaker. You have no right, you have no floor!

An hon. Member: *Li pe retire la.*

(Interruptions)

Mr Speaker: What is it? You have no floor! So, you will have to apologise. Okay hon. Bobby Hurreeram.

Mr Hurreeram: Yes, Mr Speaker, Sir, I apologise. I used the word but not as he is saying – *à l'égard des Membres de l'Opposition* – he is insinuating this one. Thank you.

Mr Speaker: So, now this is an opportunity for me.

Mr Osman Mahomed: He is resisting!

Mr Speaker: Last time, you made a fraudulent point of order. You said hon. Dhunoo said something. When I checked in Hansard; I reviewed the recording, there was nothing of the sort. So you have to apologise.

Mr Dhunoo: You have to apologise. Apologise!

Mr Osman Mahomed: No. No. He said so.

Mr Dhunoo: Apologise!

Mr Assirvaden: J'ai entendu ce que j'ai entendu ...

Mr Osman Mahomed: Moi aussi!

Mr Dhunoo: *Be* apologise!

Mr Assirvaden: ... mais j'apologise.

Mr Osman Mahomed: No, he said so!

Mr Speaker: No. You refresh my mind. This is like conditional. It should be unconditional apologies.

(Interruptions)

Mr Dhunoo: Apologise!

Mr Assirvaden: I apologise.

Mr Speaker: Gentleman! So, everybody is a gentleman so far.

An hon. Member: *Bien bon!*

Mr David: M. le président, ma question n'est pas terminée.

Mr Speaker: Go ahead please!

Mr David: Merci, revenons aux eaux usées de Pailles-Guibies et en référence à mon collègue Gentleman, l'honorable Osman Mahomed, il avait interrogé le ministre des Utilités publique de l'époque, l'honorable Collendavelloo, au sujet de ce projet et le ministre de l'époque avait répondu que la supervision de ce projet *will be*, je cite –

“Carried out in-house by WMA staff backed up by a Contract Advisor”.

Puis-je demander au ministre du jour si ce *Contract Advisor* avait bien été choisi et si oui, de mentionner son identité car il s'agit au final d'un projet qui prend le chemin d'un litige contractuel ?

Mr Lesjongard: Mr Speaker, Sir, the supplementary question asked by the hon. Member does not form part of the main question. I would wish to reply to that question but unfortunately I do not have the information with me but with regard to whether, the officers of the Wastewater Management Authority did supervise the ongoing works, the answer is yes, Mr Speaker, Sir.

Mr Speaker: Next question!

REGIONAL FEEDER VESSELS – CHARTERING – DETAILS

(No. B/605) Mr R. Utem (Second Member for Port Louis South & Port Louis Central) asked the Minister of Finance, Economic Planning and Development whether, in regard to the chartering of two regional feeder vessels to support industries in exporting to the region as announced in the Budget Speech 2022-2023, he will state the –

- (a) name of the owner of the vessels;
- (b) procurement method used therefor;
- (c) number of trips undertaken to date, and
- (d) aggregate amount paid in relation thereto.

The Minister of Blue Economy, Marine Resources, Fisheries and Shipping (Mr S. Maudhoo): Mr Speaker, Sir, I wish to inform the House that with the prevailing COVID-19 pandemic since March 2020, all countries have significantly faced several challenges such as –

- (a) disruptions in the supply chains;
- (b) reduction in cargo volumes;
- (c) increased cost of freight, and
- (d) delays in shipment, amongst others.

The Republic of Mauritius was not spared from these challenges.

In the second half of 2021, Mauritius was missing approximately 10 to 14 services per month and this decline continued in the first quarter of 2022.

Even in the short term, the shipping line supply shortage was not expected to be resolved in view of China's continued Zero COVID Policy during that period.

High rates, capacity constraints and blank sailings were creating problems for shippers particularly in secondary markets outside major East-West trade lines. In fact, rate levels had increased and were six to eight times higher compared to 2019-2020. In fact, on Europe to Asia trades this equated to USD7,000 to USD8,000 per TEU compared to USD1,200 in 2020. In addition, bunker prices in 2022 were 2.3 times that of 2020 and 1.5 times that of 2021 levels.

In view of these major challenges and the merit to support importers and exporters in Mauritius, it was resolved to support the Regional Feeder Vessels project.

The objectives of the Regional Feeder Vessel project were *inter alia* to support importers and exporters in Mauritius; ensure maritime independence; contain the high maritime transport costs, and improve regional connectivity so as to enhance regional trade cooperation.

Mr Speaker, Sir, the Mauritius Shipping Corporation Ltd was entrusted to initiate a feasibility study for the implementation of the regional shipping line project.

In March 2022, MSCL appointed the Trade and Transport Group, an Australian consultancy firm, to conduct a feasibility study of the Regional Shipping Line project.

The consultant firm submitted its report in May 2022 and was paid an amount of USD15,000. The consultancy firm recommended engaging into a 12-months time charter arrangement for a 700 to 1000 Twenty-foot Equivalent Unit containers' vessel to support connectivity between Mauritius, India and Asia to provide a bridge to cover the gap of the supply change until normal capacity returns and stabilisation of freight and charter rates.

Mr Speaker, Sir, with a view to supporting our industries in exporting to the region, Government, in the Budget Speech of 2022-2023 as mentioned by the hon. Member, announced that two Regional Feeder Vessels would be chartered in connection with the creation of two new maritime routes in two phases as follows –

- (a) phase one – the South Asian route to serve India, Sri Lanka and the Seychelles,
- (b) Phase two – the East Africa route to serve East Africa countries including Madagascar, Tanzania and Kenya.

Accordingly, on 01 July 2022, MSCL launched an Expression of Interest for the time chartering of two multipurpose container vessels, with carrying capacity of 700 containers.

At the closing date of the EOI exercise on 15 July 2022, 11 companies had submitted their offers, out of which, one company was retained following an assessment. The company offered the services of two vessels and the daily charter rates were USD24,000 and USD25,000, respectively. With these figures, the breakeven freight rate was calculated at USD3,200 per container. The freight rate varies obviously with the charter rate, that is, when the freight rate is high, the charter rate is also high.

Mr Speaker, Sir, it is worth noting that the freight rate started to decline as follows – from USD8,000-USD9,000 in July 2022 that is, at the time of the launch and the EOI to less than USD7,000 in August 2022.

Moreover, this trend continued in the subsequent month, reaching an amount of less than USD4,000 in September 2022, and further down to less than USD2,000 actually now in May 2023 which is less than 30% of the pre-COVID freight rate. I am tabling a copy of the World Container Index indicating the weekly freight rate assessment of eight major East-West Trades.

In view of the substantial decrease in trend of the freight rates, the project had to be put on hold awaiting the stabilisation of the market trend as the charter rate offered was, as I said,

USD25,000 and the breakeven was USD3,200. It was considered not reasonable to proceed in such circumstances.

Mr Speaker, Sir, the Regional Shipping Line project is indeed an essential budgetary measure to boost export in general and also to tap into the new opportunities through the CECPA Agreement and obviously to also ensure prompt supply of raw materials for our local manufacturing industries.

The project is still under consideration and it is being reassessed by the MSCL, in consultation with all stakeholders based on the current freight and charter rates and other associated costs. The MSCL is expected to finalise the new assessment report by mid-June 2023, and subsequently launch a procurement exercise for the chartering of feeder vessels for both Phase one and Phase two of the project.

Mr Speaker, Sir, according to parts (a), (b), (c) and (d) of the question, the question does not arise as the project has not yet been implemented.

Mr Uteem: Thank you, Mr Speaker, Sir. Can the hon. Minister confirm that the reason that this project, which is a good project, in fact, did not take off is because at the level of the Mauritius Shipping Corporation Ltd, they do not have the knowledge, competence, manpower to operate a cargo vessel? They do not have the training; they do not even know how to market this product to local producers and importers.

Mr Maudhoo: Mr Speaker, Sir, the Mauritius Shipping Corporation Ltd. has been operating two only for Agalega and Rodrigues, but not international routes. The project has been worked by the consultants. With regard to manpower, a lot of consultations have been done with all the existing international shipping lines in Mauritius and also local operators being MEXA, MCCI. The project is being worked out and skilled labour is required. Obviously, they will recruit such people.

Mr Uteem: The hon. Minister says that the project is still under consideration and there is going to be a new feasibility study by mid of June 2023. Would the hon. Minister consider a possibility of a joint venture between the Government of Mauritius, be it Mauritius Shipping Corporation Ltd. or elsewhere, with the private sector to operate that vessel and make it commercially feasible, because as he rightly pointed out, we need maritime independence.

Mr Maudhoo: Mr Speaker, Sir, indeed the collaboration and involvement of the private sector to operate a Regional Feeder Vessel project is highly encouraged. Obviously, MSCL and Government will welcome a proposal from the private sector with regard to this project.

Mr Speaker: Next question!

CONSTITUENCY NO. 4 – NDU PROJECTS – 2020 TO MAY 2023

(No. B/606) Mrs S. Luchmun Roy (Second Member for Port Louis North & Montagne Longue) asked the Minister of National Infrastructure and Community Development whether, in regard to the National Development Unit projects in Constituency No. 4, Port Louis North and Montagne Longue, since 2020 to date, he will, for the benefit of the House, obtain information as to the number thereof –

- (a) completed;
- (b) in progress, and
- (c) proposed.

Mr Hurreeram: Mr Speaker, Sir, I am informed that the NDU has completed a total of 23 projects in Constituency No. 4 for the period of January 2020 to date. These include the construction and upgrading of –

- (i) 9 drains for amount of Rs213 m.;
- (ii) de-silting of 2 rivers for an amount of Rs15 m.;
- (iii) upgrading of 11 roads for an amount of Rs61 m., and
- (iv) construction of 1 mini soccer pitch for an amount of Rs3.3 m.

I am further informed that the NDU is currently implementing 5 drains projects in Constituency No. 4 for a total amount of Rs100 m. Likewise, two road projects for a total amount of Rs16 m. are being implemented and two amenities projects to the tune of Rs9 m.

Mr Speaker, Sir, with regard to part (c) of the question, I wish to inform the House that the list of proposed projects for implementation during Financial Year 2023-2024 is being worked out by the Parliamentary Private Secretary in consultation with Members of the National Assembly of the constituency in the context of the forthcoming Budget. Thank you.

Mrs Luchmun Roy: Thank you, hon. Minister. In the list of pending projects, I guess there is the road of surfacing of Crève Coeur, Upper Crève Coeur, Lallmand which is still there. I did raise the matter at adjournment matter. I would appeal once again to the hon. Minister to look into the matter as people of Crève Coeur are really suffering. Thank you very much.

Mr Hurreeram: Noted, Mr Speaker, Sir.

Mr Speaker: Next question!

MEDICINES PROCURED – 2020 TO 2023 – COST

(No. B/607) Mr E. Juman (Fourth Member for Port Louis Maritime & Port Louis East) asked the Minister of Health and Wellness whether, in regard to medicines, he will state the –

- (a) amount of money disbursed for the procurement thereof for each of the financial year 2020 to 2022 and 2023 to date, and
- (b) quantity thereof expired for the same period, indicating the cost thereof.

Dr. Jagutpal: Mr Speaker, Sir, to start with, let me thank the hon. Member to give me the opportunity to highlight what this Government is doing to address the issue of expired drugs.

In reply to part (a) of the question, I am informed that the Ministry procured medicines, drugs and vaccines as follows –

- (i) Rs 1,333,428,249 for financial year 2020-2021;
- (ii) Rs 945,402,455 for financial year 2021-2022,
- (iii) Rs 917,837,577 for financial year 2022-2023 as at 30 April 2023.

Mr Speaker, Sir, regarding part (b) of the question, I am informed that the quantity of the pharmaceutical products expired for the same period, and the corresponding costs are as follows –

- (i) 1,562,272 items expired in July 2020 to June 2021, amounting to Rs17,299,968.10 – items mean tablets, syrups, ampules, injectables and so on;
- (ii) 13,065,831 items expired in July 2021 to June 2022, amounting to Rs65,949,810.10, and
- (iii) 21,272,729 items expired in July 2022 to April 2023, amounting to Rs88,136,359.00.

Mr Speaker, Sir, let me draw the attention of the House that the above figures include products procured before the said periods.

Mr Speaker, Sir, in addition, in case any medicine with shorter life is accepted, upon expiry of the product, the Ministry returns same to the same supplier for exchange of another supply order.

Now, it is good Mr Speaker, Sir, to inform the hon. Member who is interested in the issue of expired drugs, since 2020, when I started my mandate at the Ministry of Health, I wish to point out that expiry of drugs is a recurrent issue for the past 50 years. It is not only when this Government is in power or any other previous government, they face the same challenge/ issue. This is also a worldwide phenomenon in all the public and private service health delivery points, even at household levels as well.

In respect to purchase of medicines, the quantification, that is, the quantity that we have to purchase is done at the level of hospitals by the user department, that is, by the doctors, through the pharmacy cadres. That quantification of medication is based on estimates and estimates are based on current consumption and the pattern of prescribing. So, this is how a procurement exercise with the quantification is done.

Let me remind the hon. Member that National Audit Office has on several occasions, highlighted the financial loss brought to Government in its report; if I go back to 2006, 2010, 2011, 2015 and 2016 for procurement of drugs and its expiry which have occurred in 2005, 2009, 2010 and 2014 and so on.

For example, the National Audit Report of 2009 highlighted a wastage of funds to the tune of millions of rupees incurred for expired drugs due to excessive purchases, poor stock monitoring and shorter shelf-life of pharmaceutical products such as Multi-Vitamins and Famotidine among others. These are only the few items. The same year, the National Audit Office reported that a total of some 115,000 doses of trivalent Influenza vaccines of H1N1, worth again millions of rupees expired. Despite the fact that the issue had been raised in previous Audit Reports, and at that time, no remedial action was taken by the then government.

Now, I know that the hon. Member was not present at that time, but no action was taken. So, what is happening now, Mr Speaker, Sir? In the past, no government has addressed this issue

of expired drugs. This Government, under the strong leadership of the hon. Prime Minister, has taken the initiative and commitment to resolve this persistent issue and has come up with the Central Medical Procurement Authority Bill 2022 which has already been introduced in the National Assembly and is expected to be debated shortly. So, I am sure the hon. Member will intervene during the debates and rest assured I will give all the reply to the questions.

Allow me, Mr Speaker, Sir, to highlight some of the objectives of the Central Medical Procurement Authority Bill 2022 which, *inter alia*, are as follows –

- (i) undertaking a proper effective procurement;
- (ii) developing strategies for an efficient procurement;
- (iii) arranging for, manage and oversee real-time inventory management – that’s where we can end up with expired drugs, and
- (iv) ensuring that stock level are maintained and available at all time.

So, again, this Government has taken the bold decision to come up with this new legislation, especially in regard to expiry of drugs.

Mr Speaker: Let us allow supplementary questions. Thank you.

Mr Juman: Mr Speaker, Sir, can the hon. Minister inform the House whether there is an online system now actually at the level of the central pharmacy which can be consulted by other stores and pharmacies, and if doctors are regularly updated about availability of medicines, stocks and date of expiry?

Dr. Jagutpal: Mr Speaker, Sir, there is one system put in place by the Ministry of Finance which is called the EIMS, that is, the Electronic Inventory Management System. This system is applied at the Central Supply Division, that is, where the drugs are stored. But what is happening at the user site, we haven’t come up with an electronic system. This project will be with the e-health system and for the e-health system I have previously already given replies on the procedures that we have undertaken for the e-health. So, in this system of EIMS, there is the stock monitoring that that does not reflect the reality of the stock situation of any drug.

Mrs Luchmun Roy: Thank you, Mr Speaker, Sir. Can the hon. Minister provide information as to how the expired drugs are being disposed as at now? Thank you.

Dr. Jagutpal: Mr Speaker, Sir, expired drugs are considered and classified as hazardous waste under the First Schedule of Environment Protection (Standards for Hazardous Wastes) Regulations 2001. Expired drugs are disposed by Solid Waste Management Division of the Ministry of Health. So, there is a specific procedure on how to dispose these drugs.

Mr Speaker: Next question!

FOREIGN NATIONALS – RECRUITMENT IN MAURITIUS

(No. B/609) Dr. F. Aumeer (Third Member for Port Louis South & Port Louis Central) asked the Minister of Labour, Human Resource Development and Training, Minister of Commerce and Consumer Protection whether, in regard to foreign nationals, he will state the number thereof recruited, over the last four years to date, sector wise, indicating the –

- (a) nationality thereof, and
- (b) companies registered at his Ministry for the recruitment thereof, further indicating the number thereof they are allowed to recruit.

Mr Callichurn: Mr Speaker, Sir, I am informed that 34,184 new permits have been issued to employers over the last four years in relation to recruitment of foreign workers. The sectors concerned are manufacturing, textile, export-oriented enterprises, Freeport, other manufacturing activities, bakery, food processing, and printing and publishing.

As regard to the information requested for in part (b), I am tabling same.

Mr Speaker: Have you finished?

Mr Callichurn: Yes.

Dr. Aumeer: Thank you Mr Speaker, Sir. Obviously, I have not had the list of the companies. My question to the hon. Minister is the reasons as to why it is being made obvious that a ban has been put in place with regard to the recruitment of Bangladeshi workers despite the difficulty encountered to recruit workers of similar skills in various sectors?

Mr Callichurn: Mr Speaker, Sir, it is not true that a ban has been imposed for the importation of Bangladeshi workers. What has happened, Mr Speaker, Sir, is that previously, foreign workers were primarily being sourced from Bangladesh but with time we have signed

MoUs with different countries. Employers are being encouraged to diversify source country of foreign workers.

Dr. Aumeer: Can the hon. Minister inform the House as to measures his Ministry has put in place in order to mitigate the discrepancy between requests for foreign workers in these non-white collar sectors and the demands that are put to his Ministry? Thank you.

Mr Callichurn: Well, Mr Speaker, Sir, the demands come from all sectors and there is a ratio that is applicable to each sector. As regard to... What was the last part of your question?

Dr. Aumeer: The discrepancy between demand and supply of specific workers.

Mr Callichurn: Yes. There is a technical committee working which is being presided over by the Secretary to Cabinet and we will come with a solution, that is, we are considering of removing ratio for sectors which are in well demand.

Mr Speaker: By the way, those were two good questions!

Dr. Aumeer: If they are compliments, I take them.

Mr Speaker: So, we move to the next question.

SUBRAMANIAM BHARATI MOKA EYE HOSPITAL & SOUILLAC HOSPITAL – CORNEAL GRAFTS

(No. B/610) **Mr R. Doolub (Third Member for Mahebourg & Plaine Magnien)** asked the Minister of Health and Wellness whether, in regard to Corneal grafts, he will state the number thereof performed at the Subramaniam Bharati Moka Eye Hospital and Souillac Hospital, respectively, over the past two years.

Dr. Jagutpal: Mr Speaker, Sir, the corneal grafting is a surgical procedure where a damaged or diseased cornea is replaced by a donated corneal tissue. At present, corneal tissues are made available through donations from foreign visiting teams and through the Lions Club, whom I would like to thank personally for their valuable contribution.

During the COVID-19 pandemic, no corneal grafting was carried out in our hospitals due to a global shortage of corneal grafts. In addition, due to the prevailing sanitary situation at that material time, all foreign team visits were brought to a halt.

Mr Speaker, Sir, in the year 2022, 10 cases of corneal graft were performed at Subramaniam Bharati Moka Eye Hospital and 15 cases at New Souillac Hospital, that is, a total of 25 cases.

Mr Speaker, Sir, for the year 2023, five cases of corneal grafts have already been performed at Subramaniam Bharati Moka Eye Hospital as at 14 May 2023. It is anticipated that during the next visit of Professor Wajid Ali Khan, Dean of Al Shifa Trust Eye Hospital, Pakistan and Dr. Sirikishan Ramkishan Shetty, Assistant Professor of Ophthalmology, Weill Cornell Medical College, New York, in or around August and September 2023, additional cases will be performed at New Souillac Hospital depending on the number of corneal grafts that will be made available.

Mr Doolub: Thank you, Mr Speaker, Sir. Can the hon. Minister inform the House about the number of patients on the waiting list for 2023?

Dr. Jagutpal: Mr Speaker, Sir, the number of cases on the waiting list as at now is 68.

Mr Speaker: Next question!

**MINISTRY OF NATIONAL INFRASTRUCTURE AND COMMUNITY
DEVELOPMENT – PAYMENT OF OVERTIME – 2021-2023**

(No. B/611) **Mr P. Armance (Third Member for GRNW & Port Louis West)** asked the Minister of National Infrastructure and Community Development whether, in regard to the payment of overtime in his Ministry, he will state the amount due for the years 2021, 2022 and 2023 to date, if any, giving a breakdown for each Department grade-wise.

(Withdrawn)

**DEFINED BENEFIT PENSION SCHEMES/FUNDS – UNION OF EMPLOYEES –
REPRESENTATIONS**

(No. B/612) **Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière)** asked the Minister of Finance, Economic Planning and Development whether he will state if he is in presence of representations from unions of employees of State Corporations/companies and the private sector for the protection of the Defined Benefit Pension Schemes/Funds on account of same facing deficits and, if so, indicate the actions, if any, he proposes to take in relation thereto.

Dr. Padayachy: M. le président, mon ministère a en effet reçu une demande de syndicat représentant des employés de certaines sociétés d'Etat et d'entreprises du secteur privé pour une réunion concernant les déficits auxquels sont confrontés les fonds de pension à prestations définies.

Les syndicats ont fait part du fait que plusieurs fonds de pension à prestations définies étaient confrontés à des déficits dans différents secteurs. Ils ont fait référence aux fonds de pension des secteurs suivants – banque, aéroport, port, hôtellerie, manufacturier, commerciales, éducation, société d'état, les autorités locales.

Suite à la demande de réunion de la FPU qui représentait les différents syndicats, une rencontre s'est tenue à mon ministère en février 2023. L'objectif de cette réunion était de comprendre les préoccupations des syndicats concernant les déficits des fonds de pension à prestations définies, les entreprises privées, des entreprises publiques et des autorités locales et de prendre connaissance de leurs enjeux relatifs.

Lors de la réunion, les représentants de la FPU ont été informés qu'un comité technique sur les fonds de pension des organismes statutaires avait été créé au niveau du ministère des Finances, de la planification économique et du développement.

À la suite des recommandations du comité technique, le gouvernement a pris un certain nombre de mesures pour améliorer le niveau de financement des fonds de pension des organismes statutaires. Ces mesures comprenaient la fusion des fonds de pension, l'augmentation des taux de contribution et des injections de liquidité.

Pour aller de l'avant la FPU a été invitée à partager les informations dans le cadre du processus initial de collecte d'information concernant ces préoccupations spécifiques et il a été convenu d'organiser d'autres réunions par la suite.

M. le président, je voudrais également informer la Chambre que pour les entreprises du secteur privé, il incombe aux entreprises de présenter un plan de financement pour combler tout déficit conformément aux dispositions de la loi sur les régimes de retraite privées. Les sociétés d'Etat qui disposent de fonds de pensions privées sont également réglées par les dispositions de la loi sur les régimes de retraite privées et il leur incombe de combler tout déficit de financement.

Les organismes statutaires générateurs de recette sont tenus de prendre les mesures appropriées pour financer tout déficit de leurs fonds de pension sur leur fond propre.

En ce qui concerne les déficits des fonds de pension des organismes statutaires ne générant pas de recettes, la Chambre se souviendra que dans ma réponse à la PQ B/796 du 27 juillet 2021, j'ai indiqué qu'un comité technique avait été créé au niveau de mon ministère pour examiner la question. Ce comité a formulé plusieurs recommandations et en particulier, nous avons augmenté les taux de cotisations pour certains fonds de pension d'organisme statutaire, fusionné les fonds de pension de certaines institutions qui ont été fermées, contribué à l'amélioration du niveau de financement sur une période de dix ans à partir de l'exercice 2022-2023 des fonds de pension des organes statutaires dont le niveau de financement est inférieur à 60 %, injecté des liquidités dans les fonds de pension qui ne sont pas en mesure d'honorer leurs obligations en matière de pension et fournir un montant de R 225 millions pour l'exercice financier en cours afin de combler les déficits de certains fonds de pension, d'organismes statutaires et d'améliorer leur niveau de financement.

Merci.

Mr Bhagwan: Est-ce que le ministre peut nous dire s'il est satisfait du progrès accompli à ce stade pour régler ces problèmes de déficit au niveau des fonds de pension? Est-ce que le ministre est satisfait ?

Dr. Padayachy: M. le président, en tant que ministre des Finances, bien sûr que je vais dire que tout déficit n'est pas bon pour l'économie en général, mais je dois aussi rectifier en précisant que nous sortons de cette période difficile qu'est la crise économique que nous avons vécue en 2020 et 2021 et que s'il y a une amélioration et amélioration il y a; nous pensons que nous sommes en train d'aller dans la bonne direction avec le taux de croissance qui est en train d'arriver et la seule façon de combler ces déficits, c'est d'améliorer la performance de ces entreprises.

Mr Bhagwan: Est-ce que le ministre qui est aussi responsable du SIC, est au courant que par exemple, au niveau des casinos, la SIC n'a pas contribué presque 50 % de ce qu'elle devait contribuer pour ces deux dernières années au niveau du fonds de pension et qu'il y a un montant de R 56 millions que la SIC a pris avec le fonds de pension du casino? Est-ce que le ministre est

au courant de cet état de chose et est-ce qu'il compte rencontrer la direction de la SIC pour régler ce problème ?

Dr. Padayachy: M. le président, je ne suis pas au courant de tout ce qui se passe au niveau de ces institutions. Je vais regarder ce qu'il en est et apporter les clarifications par la suite.

Mr Speaker: Next question!

AGRICULTURAL LAND – VEGETABLE CULTIVATION – ACREAGE

(No. B/613) **Dr. A. Boolell (First Member for Belle Rose & Quatre Bornes)** asked the Attorney-General, Minister of Agro-Industry and Food Security whether, in regard to agricultural land, he will state the acreage thereof under vegetable cultivation.

Mr Gobin: Mr Speaker, Sir, I am informed that as at date, the total acreage of land under vegetable cultivation is about 6,000 hectares and this includes open field cultivation as well as cultivation under protected structures.

Thank you.

Dr. Boolell: Could the Minister state whether the land suitability index is still available?

Mr Gobin: I would need a specific question for that. I can come back to the House at a later stage.

Mr Speaker: Next question!

AUTIST PATIENTS – REPORTED NUMBER

(No. B/614) **Mrs S. Mayotte (Second Member for Savanne & Black River)** asked the Minister of Health and Wellness whether, in regard to patients suffering from autism, he will state the reported number thereof as at to date.

Dr. Jagutpal: Mr Speaker, Sir, autism spectrum disorder is one of the neurodevelopmental disorders. The diagnostic criteria are defined in two symptomatic dimensions which are –

- i. The persistent deficits in communication and social interactions observed in various contexts, and

- ii. The restricted and repetitive nature of behaviors, interests or activities.

So, this definition is dimensional and is completed by a level of severity according to the level of assistance required.

In fact, we do not speak of autism today *per se* but of spectrum disorders, given that the abilities and needs of people with autism vary and may change over time since the pathology is in social behaviour and communication. While some people with autism are able to live independently, others have severe disabilities that require lifelong care and support. Autism often impacts education and job opportunities. In addition, the demands on families providing care and support can be significant. Societal attitudes and support from local and international authorities are important factors that determine the quality of life of people with autism.

People with autism often have comorbidities, including epilepsy, depression, anxiety, attention deficit hyperactivity disorder and challenging behaviours like sleep disturbances and self-harm. The level of intellectual functioning is extremely variable and can range from profound impairment to superior cognitive abilities.

Based on the WHO publication on autism dated 29 March 2023, around one in 160 persons in the world has an autism spectrum disorder. Hence, according to this estimate, approximately 7,000 persons may suffer from autism spectrum disorders in Mauritius.

Mr Speaker, Sir, I wish to inform the House that there are 379 patients suffering from autism who are known cases following treatment in our public hospitals. They are as follows –

- 73 at Brown Sequard Mental Health Care Centre;
- 37 at Dr A.G. Jeetoo Hospital;
- 80 at Victoria Hospital;
- 150 at Jawaharlall Nehru Hospital;
- 5 at Dr. Bruno Cheong Hospital, and
- 72 at SSR National Hospital.

However, there are patients suffering from autism who are following treatment in private as well. So, we have another group of patients following treatment in private.

I am informed by Autisme Maurice that the SEDAM (*Service d'Evaluation et de Diagnostique de l'Autisme à Maurice*), the evaluation service of Autism Mauritius, has

diagnosed around 191 patients suffering from autism since 2018 to date. The CEDAM, the previous autism diagnosis service of Autism Mauritius diagnosed around 180 individuals from 2012 to 2016 and in total; Autism Mauritius has diagnosed 371 patients suffering from autism. There are many undiagnosed cases of autism as people are still reluctant to disclose or are unaware that they have children who are in fact suffering from autism.

In the context of the World Autism Awareness Day, my Ministry has proceeded with the opening of a first Autism Day Care Centre at Ex-Triolet Area Health Care Centre under the aegis of SSR National Hospital on 01 April 2022. The multidisciplinary centre provides psychological support to children and adults living with autism spectrum disorders as well as their caregivers. The Centre has an Occupational Therapist who helps them to increase their autonomy and equip them with daily life skills. The Centre also has a Speech Therapist to help people with autism spectrum disorders to develop their social and communication skills.

The Autism Day Care Centre became operational on a full week basis as from 30 May 2022. The services available at the Autism Day Care Centre include general consultation, occupational therapy, speech therapy, psychiatry and psychology. There are 31 children who follow treatment for autism at that Centre.

Mr Speaker, Sir, it is clear that in Mauritius as well as several other countries, autism spectrum disorders are underdiagnosed, for multiple reasons such as –

- lack of training of healthcare employees;
- lack of experience of normal child development for parents;
- varying, confusing and misleading symptoms, and
- erroneous diagnosis.

As such, the Ministry is coming up with additional measures in the National Action Plan for Mental Health, which is currently under preparation.

The National Action Plan includes –

- training of caregivers at all levels;
- training of supervisors, teachers and educators;
- public awareness campaign, and

- mental health screening which will be included during general screenings in schools by the Health Promotion and Research Unit.

Thank you, Mr Speaker, Sir.

Mr Speaker: This question has been sufficiently canvassed. We move to the next question.

TERRAGEN CO. LTD – 60% RENEWABLE ENERGY – TARGET

(No. B/615) Mr P. Assirvaden (Second Member for La Caverne & Phoenix) asked the Minister of Energy and Public Utilities whether, in regard to the resumption of operation of Terragen Co. Ltd., he will state if the targeted sixty per cent renewable energy in our energy mix by 2030 will be attained and, if not, why not.

Mr Lesjongard: Mr Speaker, Sir, with a view to achieving the Government target of integrating 60% of Renewable Energy in the electricity mix by 2030 and to phase out coal by the same time frame, my Ministry has published the Renewable Energy (RE) Roadmap 2030 for the electricity sector in May 2022. The target of 60% set has taken into account, *inter-alia*, the expiry dates of the current ongoing coal/bagasse Power Purchase Agreements, the future energy demand as well as the maturity and efficiency of different renewable energy technologies. It must be outlined that the last expiry date of ongoing coal/bagasse Power Purchase Agreement is 31 July 2027.

The RE Roadmap details the different initiatives to be taken to attain Government's objectives in the renewable energy sector and the pathway to continue realising emission reductions up to 2030. The contribution of renewable energy technologies such as hydro, solar, wind, hybrid, biomass, offshore and ocean energy are spelt out year by year up to 2030 with an indication of their respective share of contribution in the renewable energy mix.

Mr Speaker, Sir, in my reply to PQ B/1106 on 09 May 2023, I had explained the circumstances for Terragen Ltd to resume operations on coal under the existing terms and conditions of its Power Purchase Agreement following its disconnection from the grid in April 2022. It will be recalled that, in June 1998, the Power Purchase Agreement between the Central Electricity Board and Terragen (ex CTBV) was signed for the operation of a coal/bagasse fired

steam power plant at Mapou for an initial duration of 20 years, with expiry on 30 June 2020. The Power Purchase Agreement was extended on two occasions until June 2025, on the same terms and conditions.

The RE Roadmap published in 2022 had duly taken into consideration the continued operations of the coal fired and coal bagasse power plants until the end of their Power Purchase Agreements.

Mr Speaker, Sir, with regard to production of renewable energy, the House may wish to note that the Central Electricity Board has already commissioned over 100MW of solar PV farms and currently, 175 MW of solar PV projects are under implementation. In addition, the Central Electricity Board has committed solar PV farm projects of capacity of around 150 MW under various renewable energy schemes such as CNIS and small-scale, medium-scale and utility-scale facilities Carbon Neutral Industrial Sector (CNIS) RE Scheme in the medium term. In the medium term, the Central Electricity Board has Renewable Energy Projects for an investment therein will amount to about Rs31 billion.

As regards the target of sixty per cent of renewable energy in the electricity generation mix by 2030, Mr Speaker, Sir, we are confident to meet the target. I thank you, Mr Speaker, Sir.

Mr Assirvaden: Merci, M. le ministre. Nous parlons ici de 60% d'énergies renouvelables jusqu'à 2030, c'est l'engagement pris par le Premier ministre au COP26. Le 05 mai de cette année-ci, M. le ministre, vous déclarez à la presse que d'ici 2025, 35% d'énergies renouvelables seront de notre production énergétique - vous déclarez ceci le 05 mai 2023. Les chiffres du CEB, avec l'entrée en opération de Terragen brûlant le charbon, l'énergie renouvelable est à 17.35% dans notre énergie mix – 17.35%. Et vous parlez de 2025, 35%.

Est-ce que le ministre peut expliquer à la Chambre et à la population où ira-t-il trouver les 20.35% manquants pour arriver aux 35% en 2025 ? À un an et demi de 2025, où allons-nous avoir des projets et quel projet est en cours suppléant les 20.35% pour les 35% ?

Mr Lesjongard: Mr Speaker, Sir, the figures that have been put forward by the hon. Member, that is, 17.35, is in fact 17.4, that is, the percentage of renewable energy in the energy mix.

The reasons, Mr Speaker, Sir, are mainly attributed –

- (i) to the decrease in the production of energy from bagasse. In fact, from 2021, we produced 250.86 GWh of energy from bagasse as compared to 187.71 GWh of energy in 2022, to the fact that there has been a considerable drop in bagasse production, that is, from 861,755 tonnes in 2021 to 728,581 tonnes in 2022, and
- (ii) to the fact that there has been an increase in demand after two years of pandemic.

Mr Speaker, Sir, our Roadmap clearly indicates how we will progress over the years to attain the 60%. In fact, when I look at the figures, the projection for 2023 is around that figure. It will increase year after year to reach 60% by 2030.

Mr Assirvaden: Nous parlons ici de mégawatt, et non de kilowatt. Le seul projet – faut bien dire la vérité telle quelle – actuellement en construction, M. le ministre, qui sera inauguré prochainement le 07 juin 2023, dans quelques jours, est le projet *solar* de 8 mégawatt à Henrietta, initié par votre prédécesseur, l'honorable Collendavelloo avec le *Green Energy Company Ltd.* Depuis trois ans, vous êtes le ministre de l'Énergie. Est-ce que le ministre peut nous dire clairement – depuis trois ans – combien de mégawatt d'énergie renouvelable, vous en tant que ministre, vous avez mis sur la ligne du CEB pour contribuer à ce mirage de 60% d'énergies renouvelables en 2030, comme l'a dit le Premier ministre au COP26 ?

Mr Lesjongard: M. le président, je n'ai pas la liste des projets en ma possession. Mais n'empêche je rassure la Chambre, M. le président, qu'effectivement, nous allons atteindre les 60%. Ce qui est intéressant avec les questions des membres de l'opposition, ils omettent de prendre en considération qu'on est passé par le Covid. Le pays était fermé pendant presque une année ou même plus qu'une année.

Alors, il faudrait quand même prendre cela en considération mais même, M. le président, en prenant cela en considération dans ma réponse principale, j'ai informé la Chambre que nous avons presque 30 milliards de projets en chantier actuellement.

Mr Speaker: Next question!

NLTA - FREE TRAVEL SCHEME - CASHLESS BUS TICKETING SYSTEM

(No. B/616) Mr A. Ameer Meea (Third Member for Port Louis Maritime & Port Louis East) asked the Minister of Land Transport and Light Rail, Minister of Foreign Affairs, Regional Integration and International Trade whether, in regard to the Free Travel Scheme, he

will, for the benefit of the House, obtain from the National Land Transport Authority, information as to where matters stand as to the implementation of the Cashless Bus Ticketing System.

The Minister of National Infrastructure and Community Development (Mr M. Hurreeram): Mr Speaker, Sir, with your permission, I shall reply to PQ B/616.

As mentioned in the reply to PQ B/396 on 19 April 2022, in the light of the complex nature of the project, an optioneering exercise had to be carried out by the Ministry with a view to determining the most plausible course of action for the execution of the Cashless Bus Ticketing System.

I am informed that various consultations were held by the Ministry in addition to the extensive desk research with regard to the Cashless Ticketing System in place in foreign jurisdictions. It has been found that there are several models and mechanisms under which the Cashless Ticketing System can be implemented, each with their own merits and drawbacks.

I wish to reassure the House that the Cashless Bus Ticketing System is indeed high on the agenda of the Ministry as the Government is keen on modernising the fare collection mechanism while also enhancing the administration of the Free Travel Scheme.

However, as there are wide technical, financial and legal implication associated with a Cashless Bus Ticketing System, there is need to thoroughly assess all the components thereof prior to implementing the project. The more so that it has been found that cashless ticketing solutions once implemented remain in operation for some 15 to 20 years. Moreover, the system should be designed in such a way that the Cashless Bus Ticketing System can also interface with the Electronic Ticketing System of the Metro Express Ltd which is already operational.

In fact, I am informed that arrangements were made a few years ago for the implementation of the project but no further actions were taken due to the bids for the consulting services exceeding the approved budget while other exercise had to be discontinued due to the wrong procurement methodology restored at that time.

This demonstrates, Mr Speaker, Sir, that we should exercise with due care when formulating the project requirement so that we do not undermine the successful implementation and subsequently, the operation of the system. Accordingly for a project of this magnitude and

level of intricacy, there is need to secure the most optimal technology solution adapted to conceptualise, to meet the local specificities in terms of fare structures, integration of fares in case of multimodal travel and nature of our bus routes.

Mr Speaker, Sir, I am informed that these issues are being looked into at the level of the Ministry in order to determine the best implementation model for the Cashless Ticketing System following which, relevant clearances and approvals will be sought for the execution of the project.

Thank you.

Mr Ameer Meea: Mr Speaker, Sir, answering a PQ by myself in 2021, that is, PQ B/182, the same one as this one, the hon. Minister stated that there is a number of options that is being explored including implementation of Cashless Bus Ticketing System under a Public/Private Partnership Framework. So, therefore can I ask the hon. Minister if this PPP is still on the cards?

Mr Hurreeram: Yes, Mr Speaker, Sir. My hon. friend will appreciate that this is a very complex issue; you have individual buses involved, you have several private companies involved and there is high cost implication for the Government and for the Private Operators. So, definitely we are looking into several options as I said in my reply. We are analysing all the possible options and try to tailor-made the best requirement for the country.

Mr Ameer Meea: Mr Speaker, Sir, in fact, this is a complex issue. It has been debated in this House since 2021 when it was first announced. Can I ask the hon. Minister *quel est l'ordre de grandeur qu'on est en train de parler ?* Do we have an estimate about how much this project will cost and also if whether, it will be possible to include it in the new identity card system, that is, if consideration could be given that this be amalgamated in the new ID card system as is the case in some developed countries?

Mr Hurreeram: Yes, Mr Speaker, Sir. I am trying to see what I have got in terms of information. My hon. friend will appreciate that I am not the substantive Minister. So, I think it has been said in the Budget Estimates 2022-2023, an amount of Rs20 m. was earmarked for the CTS project under the vote item of NLTA, CTS System Project. This Ministry made a proposal in the context of Budget 2022-2023 for a sum of Rs20 m. to cater for the enlistment of a

Transaction Advisor. So this is consultancy services; this is not the project and we do take note of his concern and suggestion. We will certainly look into the matter. Thank you.

Next question!

FOREIGN WORKERS – SECTORS CONCERNED – PERMITS

(No. B/617) Mr N. Bodha (Second Member for Vacoas & Floréal) asked the Minister of Labour, Human Resource Development and Training, Minister of Commerce and Consumer Protection whether, in regard to the foreign workers, he will state the number thereof who have been in the country for more than ten years, indicating the –

- (a) sectors concerned, and
- (b) number thereof whose permits have not been renewed and are still in the country.

Mr Callichurn: Mr Speaker, Sir, according to data available at the Ministry, the number of foreign workers who have been in the country for more than 10 years stands at 325. These workers are mostly employed in the manufacturing, textile and export-oriented companies followed by religious, medical and ICT sectors.

As regard to part (b) of the question, I am informed that the permits of all 325 workers are valid as to date.

Mr Bodha: The first question is: may I ask the hon. Minister whether we can have a breakdown of the 325 as regard to men and women?

Mr Callichurn: Yes, we can but I don't have it with me. I can table it at a later stage.

Mr Bodha: My other question, Mr Speaker, Sir, is: what is the policy of Government to keep workers staying in the country for more than 10 years or are we phasing out this group in the years to come?

Mr Callichurn: Mr Speaker, Sir, the policy for work permit allows the foreign worker to hold a permit for a maximum period of 4 to 8 years depending on the sector of employment. However, workers in some specific fields are exceptionally allowed to stay beyond the maximum allowable period in instances where their services are still required by the employers. These include expats working in specific projects, professionals, carers, religious, medical and manufacturing sectors as well.

Mr Speaker: The Table has been advised that PQ B/626, B/634, B/635, B/637, B/645, B/648, B/651, B/654, B/663, B/670, B/671 have been withdrawn.

Next question!

AGRICULTURAL MECHANISATION UNIT - WHEEL & CRAWLER TRACTORS

(No. B/618) Mr D. Ramful (First Member for Mahebourg & Plaine Magnien) asked the Attorney-General, Minister of Agro-Industry and Food Security whether, in regard to wheel and crawler tractors, he will, for the benefit of the House, obtain from the Agricultural Mechanisation Unit, since January 2022 to date, information as to the –

- (a) number thereof currently operational and table copy of the historical breakdown thereof, and
- (b) number of applications for the hiring thereof -
 - (i) received, and
 - (ii) approved.

Mr Gobin: Mr Speaker, Sir, the Agricultural Mechanisation Unit of the MCIA has the responsibility of providing and maintaining a pool of agricultural machines and equipment for planters' community for the derocking and land preparation works prior to plantation of their respective fields. As at date, the MCIA is providing for these two services over an extent of 6,563 arpents.

With regard to part (a) of the question, I am informed by the MCIA that the AMU has a fleet of 16 wheel tractors, out of which, 6 are in operation. Out of the 6 in operation, 2 are dedicated to food crop planters. 12 of the 16 tractors were purchased in 2006 in the context of the Field Operations and Regrouping Project but have also been utilised for other projects such as Agricultural Land Management System (ALMS). The 10 wheel tractors are not in operation as they have passed their economic lifetime and are thus beyond repair. I am tabling a list of these 10 tractors.

The AMU also has a fleet of 28 crawler tractors, out of which 5 are not operational as they are beyond repair. I am also tabling the list accordingly.

Mr Speaker, Sir, I am informed that additionally, 4 tractors are being purchased by the MCIA and the expected date of delivery would be June and October of this year.

With regard to part (b) of the question, I am informed that since January 2022, 690 applications were received for wheel tractors and 2,523 applications for crawler tractors and the numbers approved thereof are 687 and 2,513, respectively.

In view of the high demand of the services and the limited number of tractors of the AMU, the services of 3 private contractors were enlisted for a total extent of 200 hectares; out of which, 118 hectares have been completed. Therefore I am tabling the two lists, accordingly. Thank you, Mr Speaker, Sir.

Mr Ramful: Mr Speaker, Sir, I have received complaints from small planters that they are having difficulties to get the applications approved at the level of the AMU. Will the hon. Minister confirm that the AMU has put on hold applications? Is it the case that they have put on hold applications because of the backlog due to the shortage of tractors?

Mr Gobin: No, I would not say so, Mr Speaker, Sir, but I would agree that there is a very high demand for the services. This is why the services of three private contractors have been enlisted to assist the AMU and this is also why Government has implemented other schemes. For example, the schemes implemented by the Small Farmers Welfare Fund namely, the Agricultural Mechanisation Scheme where a subsidy is provided to the small farmer for a subsidy of Rs3,000 per *arpent* in order to hire from the private sector and to pay for the services and there are other schemes to assist the planters in that regard but I agree that there is a very high demand.

Mr Ramful: Will the hon. Minister also confirm that recently, in February this year, three tractors have been purchased by his Ministry and two of which...

Mr Gobin: Please say it again.

Mr Ramful: Yes, can the hon. Minister confirm that in February this year, three tractors have been purchased by his Ministry and put into operation; two of which are not in use because of regular breakdowns?

Mr Gobin: I will have to refer to the list I have tabled because all the tractors are numbered accordingly; maybe these tractors are not in those lists. I need to check but maybe there is a confusion. What has happened in February but this is not February of this year, it was

in February 2021 that there was Expression of Interest to hire the services of the private contractors and may be the hon. Member is referring to that. No?

Mr Ramful: No, the service providers

Mr Gobin: I will need to check that, Mr Speaker, Sir.

Mr Ramful: I am trying to help the hon. Minister for the benefit of the small planters.

Mr Gobin: Yes, please do. Please do.

Mr Ramful: With regards to the private service providers, is the hon. Minister aware that some of those private service providers are reluctant to develop mechanised land that are in difficult topography conditions? Can the hon. Minister look into the matter?

Mr Gobin: I will definitely look into the matter and I thank the hon. Member for drawing my attention. For what I have at hand now is that, after the publication of the Expression of Interest, four private contractors had expressed their interests; all of them were retained. However, one of them backed out. So we are left with three private contractors who are continuing to provide their services.

Mr Speaker: PQs B/620, B/621 B/622, B/628, B/629, B/631, B/632, B/633, B/638, B/644, B/653, B/659 and B/664 have been withdrawn.

Time is over!

MOTION

SUSPENSION OF S.O. 10(2)

The Prime Minister: Mr Speaker, Sir, I move that all the business on today's Order Paper be exempted from the provisions of paragraph (2) of Standing Order 10.

The Deputy Prime Minister seconded.

Question put and agreed to.

PUBLIC BILL*First Reading*

On motion made and seconded, the Local Government (Amendment) Bill (No. VIII of 2023) was read a first time.

*Second Reading***THE LOCAL GOVERNMENT (AMENDMENT) BILL****(NO. VIII OF 2023)**

Order for Second Reading read.

4.27 p.m.

The Vice-Prime Minister, Minister of Local Government and Disaster Risk Management (Dr. A. Husnoo): Mr Speaker, Sir, I move that the Local Government (Amendment) Bill (No. VIII of 2023) be read a second time.

The purpose of introducing the Local Government (Amendment) Bill (No. VIII of 2023) is to amend the Local Government Act so as to empower the President acting in accordance with the advice of the Prime Minister to further extend the lives of the entire Municipal City Council and the Municipal Town Council or the entire Village Council for a period of two years.

Mr Speaker, Sir, this Government has always been clear that there is a need for electoral reform in Mauritius and this concerns reforming the election of local authorities as well. We have inherited a colonial era system of administration which continues to exist today. While the actual system was in line with the requirement of the Mauritian population in the past, unfortunately, with emerging trends, especially in a post pandemic era, it is imperative to reform the way local election are carried out in Mauritius and the local administration in general.

The local authorities constitute an essential component of our democratic architecture as it promotes people's direct participation and engagement in public life. For this very reason, it is more than necessary for our local Government framework to be occasionally reassessed and reviewed so that it remains responsive to the evolving needs of our citizens and fits the 21st

Century. Besides, there is unanimity over the fact that the physical, social, demographic and economic landscape of Mauritius has changed drastically for the better over the last few decades.

Our local Government framework also needs to be reformed and aligned to the new realities and exigencies of modern Mauritius. The Government has decided that a ministerial committee be set up, supported by a technical committee to examine and to make recommendation on –

- (i) the local Government reform in Mauritius;
- (ii) the advisability of creating additional municipal council;
- (iii) the need to redefine the local Government boundaries, and
- (iv) the advisability of holding local council election concurrently with or with the wake of General Elections amongst others.

The Municipal City Council and the Municipal Town Council election will be postponed for two years so as to enable nationwide consultation with the members of the Government, Parliamentary and extra Parliamentary Opposition, local authorities and members of the public.

Mr Speaker, Sir, at present there is a legal requirement for at least one-third of woman representation for parties contesting the elections. If we have taken a first step in woman representation, unfortunately, this is not the case for youth representation. Across the world, young people are having their say in different spheres of activities. For example, environmental issues, be it at the climate change level or their own immediate living environment on democracy and good governance just to give a few examples.

Encouraging the young people to take an active part on these critical societal issues would not only give the Government an additional and different input on policy matters, but would also help to nurture these young people for future responsibilities. Therefore, to ensure more female and youth participation in local politics, the Ministerial Committee will have to consider different options to encourage their higher participation. This Government has the courage to bridge these inequalities which others have overlooked.

Other issues which must be considered are the functioning of the local government level. For example, there is a problem with the lock-in of a Village Council member in the Executive Committee of the District Council. The Executive Committee is appointed by the Chairperson of

the District Council and he can nominate any District Councilor as a member. Once a member is appointed in the Executive Committee, he cannot be removed even when other members of the Village Council want to remove him, thus creating an unhealthy situation at the Village Council level.

Another issue being faced by many councils is where a Councillor is elected in a particular party and after some time he is working against his own party. This hampers the proper functioning of the council. The law has to be reviewed to prevent such situations from occurring.

Mr Speaker, Sir, with the shift in population in the last decade, we have to review the number of electors in the different council areas and even the boundaries of these councils. As you are aware, with the policy of this Government, especially with a creating of the National Development Unit, there has been a massive improvement in the facilities given to the villages over the years such that now there is a shift in population from urban to rural areas.

New smart cities are coming to the rural areas. 8,000 houses will be built and that is mainly in the rural areas as well. Is it not time for us to reassess the whole concept of the District and Municipal Councils? All these issues would have to be discussed by the Ministerial Committee.

Beside these structural changes, we have to look at the quality of service provided at the different council. As you are aware, we are working on the I-Council for the proper project management. Similarly, the I-Council would improve the basic service provided by the local authorities regarding, for example scavenging, lighting, road maintenance, not to forget cleaning of drains once we have geographically tagged all these structures.

For its successful operation and sustainability in the emerging new structures of my Ministry and the local authorities, a new framework is required to empower the I-Council operational structure within the Ministry and other Government bodies. The project also aims at integrating with other existing and emerging digital system of the government, crucial for good governance and transparency for a seamless real time exchange such as the e-Procurement, CSU portal, e-Licencing, IPMIS Financial Management, LDA, NECA, NDU, CWA and other service agencies.

We should also consider additional service provided by the local authorities. For example, nowadays, we have only 46 pre-primary schools run by the local authorities. There is not enough kindergarten run by the local authorities. Now that we have so many mothers going out to work, especially with the decrease in fertility and we are going to have a shortage of people working in the future, we need to encourage a lot of other woman to go to work. Now that we have so many mothers, as I mentioned, going out to work, is it not important for all local authorities to provide *crèches* facilities and pre-primary school service to the community?

Mr Speaker, Sir, with the climate change, we have to look at the structure and services provided by the local emergency operation command, that is, the LEOC to make them more responsive in case of disaster. Similarly, the Mauritius Fire and Rescue Services are setting up new and additional service stations to cover the whole country in a spirit of providing an improved response time.

Nowadays, we have to face the reality of climate change. We have all witnessed the damage that has happened in the last few years with flash floods. The Municipal and District Councils should be prepared for disasters and to be able to act efficiently during disasters to save lives and properties of the population.

The changes which this Government wish to bring are not only meaningful, but radical. A fundamental shift of culture throughout local government is essential so as to increase the response time of council and to ensure consumer satisfaction. This will enable council to fulfil their potential and contribute to the wellbeing of their communities. The strategy is to build councils with are in touch with the local inhabitants and to ensure that they get high value service.

The current legal provision do not allow for a Member of Parliament and other nominees to contest both general and local elections simultaneously and to hold office as a Councillor and a Member of Parliament at the same time. Request to look into same has been made by Members of both side of the House and this is yet another important reform which will have to be considered. This will not only help the senior accolades to mentor the young Councillors, but would eventually help to improve the overall service of the local authorities.

Mr Speaker, Sir, it is a widely known fact that elections are resource intensive and there is a need to ensure that Government resources are spent judiciously. To this effect, an important

aspect which will have to be considered during discussions would be the possibility to hold both Municipal and General Elections simultaneously. However, in order to ensure that this is feasible, extensive consultations will have to be carried out with the office of the Electoral Commissioner.

Mr Speaker, Sir, reforming local government is a colossal task, not only for Government, but also for the local authorities themselves. It is difficult and will take time, but the Government is committed to it. The Government will provide opportunities and incentives to the Municipal and District Councils for change. It will activate its support and motivate transformation through legislations or regulations where necessary and will work in partnership with the different stakeholders to ensure successful reform.

Moreover, no one can deny that new political structures are fundamental for the modernisation process of local authorities. Finding the right structure to run the council is paramount if the councils want to be responsive to the communities and work in the best interest of the local inhabitants. Councils will need to think if they need to put in place new structures which would guarantee more transparency and improve accountability. This would result in the efficient delivery of high quality local service.

Mr Speaker, Sir, the citizens have the right to know who to complain to, who takes the decision and who to hold accountable when they have a problem. This right of the local inhabitant will be fully met only if a structural reform is implemented. However, Members of the other side would agree that proper discussions would have to be carried out before deciding on any reform.

Local democracy will remain deficient if there is no clear and close relationship between the Councillors and their communities. All those involved need to develop their skills and need the right facilities and support to be able to operate effectively. The reforms will have to consider the need to develop and to adopt effective tools for Councillors to actively engage with the local inhabitants and to ensure that the former are properly trained and equipped for same.

The conduct of everyone in local authorities needs to be of the highest standard. This essentially rests on the bond of trust subsisting between the Councils and the local inhabitants. Therefore, reforms are indispensable if Councils are to play their parts in leading communities and improving people's quality of life.

Before concluding, Mr Speaker, Sir, I wish to bring some clarification on the Miscellaneous Provision (Local Government Reform) Act 2022 of the Republic of Trinidad and Tobago. The Act provided for an amendment to the duration of the term of office of the councillors, that is, increasing the term from three years to four years. I am advised that this amendment was not held to be unconstitutional by the Privy Council. The main issue before the Privy Council was whether the extended period from three years to four years applied to the incumbent councillors. The Privy Council held that the extension did not apply to the incumbent councillors as the law was unclear on that issue. I have, therefore, been advised that the Privy Council judgment does not apply in the present case, as clear and unambiguous provision has been provided in section 12A of our Local Government Act so that further extension will apply to the incumbent councillors.

Mr Speaker, Sir, I have heard recently the Leader of the Opposition saying: “*nous ne sommes pas pour la politique de la chaise vide*”. That is laudable of him, but I am sorry, when it suits them, they close the Council, disband all Councillors and appoint Commissioner to run the Council.

Mr Speaker, Sir, to conclude, I wish to reassure the House and the population in general that this major initiative of this Government to bring about this amendment will enable proper and in-depth discussion at different levels. And obviously, this is going to take time. That is why this Government is coming up with this present amendment. Unfortunately, the post COVID-19 situation delayed the start of this discussion.

Mr Speaker, Sir, I once again reassure the House that the decision of the Government to amend the Local Government Act is to bring proper reform to the local authorities so that in the future, the Councils would be able to provide enhanced quality service to the country.

With these words, Mr Speaker, Sir, I commend the Bill to the House.

The Deputy Prime Minister seconded.

(4.43 p.m.)

Mr X. L. Duval (Leader of the Opposition): Mr Speaker, Sir, I must start my speech to protest against the very short time that is being given to Members of Parliament on the Opposition side mainly, to comment on this extremely important, extremely dangerous Bill that

is being proposed today. The population will be shocked, Mr Speaker, Sir, to learn that Members of Parliament, apart from the Leader of the Opposition, will have from 8 minutes to 13 minutes each to talk and to expend on their worries regarding this Bill. So, it is a terrible thing to happen to us.

Secondly, Mr Speaker, Sir, I am trying to recover from a very bad flu. So, I won't be staying for the rest of the afternoon. With your permission, I will try to stick to the main points this afternoon.

Mr Speaker, Sir, I have listened very carefully to what the hon. Vice-Prime Minister had to say on this Bill. What I will say at the outset – I will come back to it in a moment – is this is the first time we have details of what he is proposing; it was not public before. But my reaction is that hardly any of the so-called reforms that he wants to bring, affects the election process. Hardly any!

He is talking about I-Council. He is talking about cleaning and all. These do not affect the electoral process and so, there are a few that will affect the electoral process like whether MPs or not are able to stand; whether we should have Municipal Councils in Goodlands, Grand Baie, etc. These, Mr Speaker, Sir, - I am suggesting showing respect to the electorates - can be dealt with at the end of the next mandate. Make it coterminous at the end of the next mandate with the general elections, but not for this time. It does not justify the taking away of the most important right in a democracy, that is, the right to vote, because, Mr Speaker, Sir, they can be lots of types of democracies but what is sure and certain is that you cannot have a democracy without an election. It isn't possible. You can have a fake election; you can have a rigged election; you can have a single party election but you cannot have a democracy of any type without elections. And when you take away the right to vote, the right for the people to express themselves, then you are in fact denying democracy. You are, in fact, cancelling democracy and this time, of course, we are talking about local democracy.

And of course, our Constitution, - the Minister talked about the Trinidad case, I can come back to that - the Constitution of Mauritius does say that Mauritius shall be a sovereign democratic State. So, obviously, the first part of my speech will have to relate to this: what is our conception of democracy? And I will say it later why I think the Municipal elections ought to be in our Constitution on the same level as general elections to, in fact, deny Government's

temptation to play around with democracy. Because democracy is not only having elections when you think you would win, it is having elections full stop, whether you think you will win or whether you think you will lose. And I will say, in the past too, there have been other instances but it has to stop. It has to stop.

Now, we think that this Bill is clearly unconstitutional and I will tell you at the outset that the Opposition will meet in the light of the Trinidad judgment and we have some very good lawyers inside and outside Parliament who will look at whether or not we should – I am not committing myself at the moment – bring something to the Supreme Court for the Supreme Court to decide.

Mr Speaker, Sir, the last Municipal elections were in 2015. It had, in fact, at that time been brought forward. It was meant to be in 2018, I was in Government with the MSM and we decided to bring forward the election. I was, in fact, in charge of the committee. And again, Mr Speaker, Sir, why was it done? Let's be frank. Why was it done? We thought that we could, in fact, gain from the momentum generated by the general elections. No one will deny that, that was what happened. And again I say, Mr Speaker, Sir, I don't think it should happen anymore. Now, the result of that Municipal election was 120-0. At that time, no Opposition councillor was elected; the then Government won all the seats. And the next election which was for a six-year period, was meant to be for June 2021. As we know, it was postponed once to 2022, postponed again to 2023 and now postponed to, a maximum I hope, 2025. So, we are talking about a Municipal mandate which was meant to last six years which is, in fact, going to be 10 years. In fact, it is a type of retrospective law. People end up being in the Council much longer than was envisaged by the electorate or by the councillors themselves.

Now, Mr Speaker, Sir, let's take this happening today in the light of the extremely important V-Dem report – V-Dem standing for Varieties of Democracy – an extremely pertinent and respected report. Mr Speaker, Sir, as you know, being a former ambassador yourself, there are 193 countries in the United Nations. 193 countries! Mauritius was found to be one of the worst autocratic countries amongst the top 10 of these 193 countries.

Imagine little Mauritius being the top 10 of the worst performers in terms of democracy; in terms of anti-democracy in fact because people do not really understand what autocratisation is. It is not a word that you use when you go home and say autocratisation is happening. What is

it? In fact, it is about losing your civil liberties, losing your freedom of expression, arbitrary arrest, independent institutions no longer exist and Government having control over all aspects of our lives.

In fact, if you listen to Parliament, every week, new agencies, new authorities, new laws are being passed all the time without this ever having any effect in terms of the efficiency of running the Government or *Maurice, c'est un plaisir*, making our lives more pleasurable. It does not have. All it does, Mr Speaker, Sir, in effect, is increase the power of civil servants and ultimately increase the power of Government over all aspects of lives of Mauritians and that is why Mauritius has found itself in the infamous list of the worst 10 autocratic countries according V-Dem in 2021.

And, Mr Speaker, Sir, we do not want to live in a society like this. We do not want to! Look at the people who are leaving Mauritius every week, every year by the thousands. There is something to be done and we do not want to continue like this. And so, Mr Speaker, Sir, this postponement of the elections comes in, inserts itself, in this autocratisation of the Government, Mr Speaker, Sir.

Now, at least, the Government could have given a valid reason. I tried to search what a valid reason would be to postpone the elections again this time. There is no valid reason and the Vice-Prime Minister has not proposed any valid reason. He has given reasons but none of them are valid. But it is good, perhaps everyone would have forgotten that when I was in Government in 2015, we chaired a committee and most senior Members of the House at the time were members of that committee. And what was the committee for? The committee, sitting since 2015, was to review the Local Government Act and to review the Rodrigues Regional Assembly Act and we did. We sat and we brought two laws as I remember, one on Local Government to enable the elections a few months later and one for Rodrigues to again enable their elections in Rodrigues at that time.

Mr Speaker, Sir, when I left in 2016, that committee continued. I understood it was chaired by Sir Anerood Jugnauth himself. How can a committee sitting from 2015 to date, eight years later, come up with a list of things to do, still not yet done and we are told that in fact, it will not take eight years, it would take ten years for this committee which – unless I am wrong, it was disbanded maybe, I am not aware – I chaired, which brought a number of things, in

particular, at least one lady having to sit in any council election, a number of other things. So, the point to be made is that if the Government was at all serious in bringing a reform to the Local Government, it should have been through that committee, sitting since 2015 and not for a new committee – I was Deputy Prime Minister - then chaired by the Prime Minister of the time himself and not now, to be a simple Ministerial committee as I can see.

And the other thing, Mr Speaker, Sir, what have we witnessed in that time? We have witnessed constant erosion of the Municipality's powers. We have got Government Ministers often chairing committees in the Municipalities themselves; we have MPs doing the same, giving instructions to Councillors. We have the famous Private Parliamentary Secretaries who are in charge of the NDU and who also think they should run the Municipality. Sometimes they oppose the Ministers who were there because there is a power play as to who is going to *parraine* which project. That happened in my Constituency I think and you also got the Government departments like Land Draining Authority (LDA) etc. which have taken over powers, I mentioned the NDU.

So, in fact, the trend of this Government has been to take away powers from the Municipalities and not the other way. So, it is dreadful. We are dreading any particular reform, so-called reform that will be brought because, in fact, if it was to follow the trend, then it would be totally counterproductive. Especially now, we understand that you will let Government Ministers and Government MPs and Opposition MPs to sit and so, you will have *plus d'ingérence* encore, this time officially not *de facto* but *de jure*; by right they will be there to impose Government's will.

So, Mr Speaker, Sir, the most urgent reforms that have to be dealt with in Local Government have nothing to do with electoral reform, – nothing is too dramatic – has little to do with the electoral reform. It has everything to do with reform of how our local Municipalities and District Councils function and that does not require any postponement of the election.

Mr Speaker, Sir, let us say that by some stroke of luck, the Vice-Prime Minister withdraws his Bill today. He withdraws his Bill. He has heard the Opposition, we are right as usual and he is withdrawing the Bill. What will happen? We would have elections and what would happen if there are elections? Were we to win, Mr Speaker, Sir? I will tell you what would happen. We are going to win those elections.

(Interruptions)

We are going to win. First thing that we would do, Mr Speaker, Sir, is to recognise that we are voted to provide services to the town dwellers. We are to provide them with excellent services. That is what people want. They want excellent services, they are tired. There is a tired team of Municipal Councillors in charge of our towns. They are tired; they have been there for eight years. They never asked to be there for eight years. They only wanted to be there for six years. They are tired.

Mr Speaker, Sir, how do we provide excellent services to the town dwellers? First thing is human resource management. There is hardly any human resource management in the Municipalities, hardly any. There is no motivation, no meritocracy, no training, no productivity, no efficiency, no effectiveness in general. I am saying in general. I am not blaming any particular, I am blaming the system. I am not saying one, two because if you do not motivate, if the Head of Department does not know how to motivate, does not know how to drive his team, how to own his own responsibilities that he has to fulfil then he will never get. And, like this, Mr Speaker, Sir, you can take in my Constituency or any other and I will take one or two examples of what I mean, if you want.

I will just take, Mr Speaker, Sir, the scavengers' lorries. The lorries in general that we have at present at the Municipality of Quatre Bornes. Today, there are 23 lorries. How many lorries are out of order? Give me a guess.

An hon. Member: All!

Mr X. L. Duval: 12 lorries out of the 23 are out of order today as I speak. Do you need Municipal elections for this? Yes. Do you need electoral reform? No. You just need proper management of the resources that you have, be it labour or equipment. The Heads of Department, Mr Speaker, Sir, it is about time. We tend to blame Councillors all the time but the most to blame and I will be frank are the Heads of Department themselves. They never assume any of their responsibilities and whether they are discouraged by political interference is another issue but they never do. Mr Speaker, Sir, we need to be able to deliver the right and effective services, proper services to the inhabitants of the towns.

I said to you just now, we have an old and tired team at the head of the Municipalities. What vision do these Municipalities have nowadays? What vision? New elections will allow a team to bring new vision. *Le plan d'urbanisme* does not exist for Quatre Bornes. Where are you

going to have leisure? Where is your industrial? Where is your office? Where is your nightlife? What about, Mr Speaker, Sir, an economic plan for each town?

If I was Mayor tomorrow, I would need to decide how to bring businesses to my town, how to encourage job creation in my town. Why should people from Quatre Bornes have to travel to Flacq or whatever to get jobs? If I was a Mayor, I would try and see how I can make the town more conducive as a tourism base. Why not? Attract tourists, why not? Attract businesses, why not? Mr Speaker, Sir, there is no economic plan. There is no economic promotion of any town. If you look overseas at the French towns, Lyon, Marseille, all of them have economic promotion plans. In Mauritius, never heard of in any of our Municipal Councils, never heard of!

Mr Speaker, Sir, of course, cultural plan. Which town today has an auditorium worth its salt that will actually provide culture to the inhabitants? We are always renovating Plaza and I think *Théâtre de Port Louis* is being renovated for the last 50 years, as far as I can remember. But why don't we construct proper auditoriums, modern auditoriums to give some culture to the people, high-quality performances for every culture in Mauritius? There is no cultural plan. So, Mr Speaker, Sir, there is no vision at all left in the Municipal Councils and it has nothing to do with electoral reform. It has everything to do with putting a new team at the head of Municipalities.

Mr Speaker, Sir, I am going to talk about the environment, extremely important. *Malpropte partou! Partou!* So much so, that the Prime Minister's Office has now created a new facility, Mauri-Facilities, because *malpropte partou!* Everywhere! The West is to be commended, *l'ouest*, because it is relatively clean. It is a pleasure to drive down roads on the western of the country. The North, *ayo!* The North is the bad boy. It is everywhere - elephant grass, detritus, and plastic bottles. I am not saying it is just your fault; it is the population also who is at fault. But the Municipal Councils who give contracts to people, are supposed to clean up, not just the rubbish, but also all the streets, etc., and nothing is being done because there is no supervision. Anyway, I will not be too long on this issue. *Malpropte partou* and there is no one to drive these efforts, Mr Speaker, Sir. A huge effort needs to be done.

We are one of the last countries which were supposed to be nearly high income. Now we are high income and then we are not, etc. What about the *tri des déchets*? In the UK, where my mother lives, Mr Speaker, Sir, the scavenger lorry comes every single day. One day, it will pick

up plastic; the next day, it will pick up garden waste; the third day, it will pick up food waste; and on the fourth day, heavy goods, etc. In that way, there is no temptation for people to go and dump here and there and everywhere, and at the same time you get *tri des déchets*. Yes, sorting, Mr Speaker, Sir, of the waste and that is highly efficient for recycling. Why in such a rich country as Mauritius has taken Rs150 billion from the Bank of Mauritius, and yet, we have 23 lorries and 12 lorries are broken down in Quatre Bornes, when other countries are showing us the way of how to deal with the environment, Mr Speaker, Sir?

Mr Speaker, Sir, when I was in Government at the time, I was instrumental to passing a law against eyesores because I was Minister of Tourism at the same time and I was sad to see how our country was going down the drain in terms of eyesores. I meant buildings principally. That law was passed enabling the Ministry of Environment, enabling the Municipal Councils to act against eyesores.

People needed to paint their buildings for instance, clean their buildings, get rid of bare lands which have become overgrown, etc. But this is hardly ever applied. At least in my constituency, I have never seen it applied since I left. Businesses are probably making millions of rupees of profits, but never think of the inhabitants and the need to beautify the environment. How can that be in Mauritius 2023? How can that be? How can we allow this sort of *laissez-aller*? It shocks me, Mr Speaker, Sir. It never stopped shocking me that we can tolerate such things, Mr Speaker, Sir.

The next Municipal Council of Quatre Bornes and everywhere would give 1,000% attention to the environment because that is the only thing Mauritius really has, human resources and its environment. If you do not look at the environment, if you allow it to be like this, then, you are, in fact, destroying the future of this country.

Mr Speaker, Sir, the next thing to look at would be Municipal facilities. They are often closed when people need them most. You try and go to a Municipal park during the weekend, it will be closed. We do not know why. Maybe they do not have the staff. It is closed. So, what is the point of spending millions of rupees on Municipal facilities and they are closed? That is not, Mr Speaker, Sir, acceptable.

The hon. Vice-Prime Minister talked about *crèches* and kindergartens. I am happy he is talking about that, but it is too little, too late. When we were in Government, I was Minister of

Social Integration, we opened a *crèche* in Vallijee, Cassis. As soon as we left, that *crèche* was closed. It was a Municipal *crèche*.

In my own constituency in Quatre Bornes, I, for a long time, was able to assist through CSR a fantastic *crèche*, which was called *Solidarité Maman*. *Solidarité Maman*, for two or three years now, has run out of money, has run out of management and has closed. What could be more important for Résidence Père Laval than this Municipal *crèche*, which was taken over by its NGO, should remain open to allow mothers to go to work to help to feed their families, to allow children to attain the skills that are necessary earlier? You know, Mr Speaker, Sir, the saying, after eight, it is already too late - not 8 p.m., the age of eight - because that is the young age when you must deal and instruct young people.

So, I am taking two cases. I understand that the *crèche* in Cité La Cure also which we opened, which was a fantastic *crèche*, was closed. So, Mr Speaker, Sir, it is very well to say that in this new law, we will look at that. But why, for all these years, have we forgotten these children? How can we forget these children? And then, we are surprised that they do not do well in the Extended Programme, when in fact the *crèche* in Cité La Cure was closed and the *crèche* in Vallijee, Cassis, was closed. These are just three examples of the ones I opened at the time.

Mr Speaker, Sir, Municipal facilities are extremely important. I am just talking about what I think is probably the most important ones, that is, the *crèches* and the kindergartens.

The new Municipal team coming would give extra attention, priority, money, with CSR, with the help of everyone, effort, dynamism, in creating *crèches* for all the poor kids of this nation because, that is what they deserve and I feel it very sincerely.

Mr Speaker, Sir, citizen facilitation – I am going to talk about something which I think is out of this world. Government spent quite a bit of money through the Ministry of National Infrastructure and Community Development to have a report on flood areas. I think it was SUEZ Consulting. I asked a question on this here. SUEZ Consulting produced a detailed report, every single detail of where the flood areas would be, that would be in red say, where the natural drains would be, that would be in green. Mr Speaker, Sir, you will be surprised, it's been paid for by public money but the Government, with the collusion of the Municipalities, have tried to keep this as secret as possible. Why? Why?

There is a lady, again, in my Constituency, who just got married, she paid Rs3 m. for a piece of land. It was near Berthaud, if I'm not mistaken and the Notary does not know anything, nobody knows anything. They brought it for Rs3 m. from a loan and when they went to ask for planning clearance: "no, no, no, you can't have planning clearance *madame, monsieur*"; "no, no, it's in a flood zone". They lost Rs3 m. and now, they are in front of the Environment Tribunal to try and see what can be done. That is an actual case; I will be happy to provide the name of the person if you're interested to help because beyond politics, this is a human disaster. It happened to one person here but it's happening to thousands of persons, because you are unable to find out; when you buy a piece of land in Mauritius, whether you will be unlucky enough for it to be in a flood zone or in a zone of natural drain. You cannot, they will not tell you. And Mr Speaker, Sir, *le droit à l'information*, Government has no right to hide this information. The Municipalities are hiding this information from the very people that voted for them and that is why, we need elections. We cannot have a Municipality like this, which continues to hide information. Mr Speaker, Sir, I have taken one case; I am sure everyone here in this House has other cases like this. What is the solution? The solution is for it to be public and we would undertake to make those reports public and *contestable aussi* so that you can go, contest and challenge what is in these reports.

So, Mr Speaker, Sir, these are all cases not for delaying elections but for having elections immediately, not in the interest of the Opposition, because we might be quite certain to win but in the interest of the people themselves, that the people can enjoy a fresh team of counsellors to bring about the change that is necessary.

I won't go very much longer, just to say that we don't see any event anymore. I remember – I can only take my record – there was this wonderful 'Porlwi by Light'. We sponsored this girl Dalais, it was wonderful. There were hundreds of thousands of people in the streets of Port Louis. We had a light festival in Curepipe once. I was the Minister of Tourism and in Port Louis, it was through the assistance of Lyon Municipality and Minister Belkacem came. We did wonderful things, Mr Speaker, Sir, and even a Waiters Race in Quatre Bornes. We did wonderful things. Nowadays – *zéro!* Nothing! The places are dead. We don't have an auditorium; we don't have street festivals; we don't have events; we don't have anything. Mr Speaker, Sir, it is quite easy to organise.

Mr Speaker, Sir, coming to the end of my speech – the proposed reforms. As I mentioned since 2015, there is a committee going. If that Committee hasn't sat, hasn't thought it necessary, don't tell us now that you need another Ministerial committee to do the work that a committee set up 8 years ago has to do. Do you want to change villages to towns? Why not? But which villages? I think you are talking about Grand Bay, Goodlands and even Flacq, the population of these villages don't come up at all to the population of the towns. If you take Quatre Bornes, 60,000 voters; if you take Grand Bay, 8,000 voters. So, let's not also divide our services so much that we end up with a worse service. There is beauty in amalgamation. There is beauty in some sort of economies of scale, I don't need the Minister of Finance to tell us that. So, let's be careful also about what we want to do, very carefully. What would happen if tomorrow you decide that Goodlands will no longer be part of District Council Rivière du Rempart neither Grand Bay. What would Rivière du Rempart do? Look after what? Poudre d'Or and Grand Gaube! We have to be also clear about what service we want to provide and have the best way to provide the service, Mr Speaker, Sir. And that is what I wanted to say.

I wanted to just talk about coterminous mandates, which I raised I think, last time when we were talking about this, last time we postponed the elections, because to my mind, there is an undeniable temptation for Governments to mess around with Municipal and District elections because in mid-mandate usually, Governments hate having an election. That is not good but it is a temptation and we need to get rid of this. This is what reform is about. You need to get rid of this temptation and what I am saying is that, not for this election but for the next mandate that it be made coterminous with the mandates of the Legislative Assembly that you would have, like in Sweden, South Africa, Philippines and what India is discussing. India, a nation of 1.3 billion people, is actively discussing about whether or not they should have coterminous mandates which means that you would have a regional election on the same date as you would have the general election. There would be two boxes, I think we are all fairly educated nowadays, we would vote on one ballot paper for our delightful MPs and the next ballot paper would be for our desired Councillors and that would be it. That would save hundreds of millions of rupees and it would save a long campaign and it would be a real reform that can be brought to our system and that would need to happen. We don't want it to happen now, because we want elections now.

We want it to happen in the future and I am sure that if this Government doesn't do it, the next Government will have to think carefully about coterminous mandates and same-day

elections for both. We had that, I think, in 2012 when the District Elections were held, just one week before the Municipal Elections. It wasn't done on the same day but talking up with the Electoral Commission, etc. it is possible. It just requires a bit more planning, a bit more effort and no doubt a bit more patience maybe in getting the results out, but they can and it should be done, Mr Speaker, Sir.

So, Mr Speaker, Sir, what I try to show is that very little of the reforms, of the changes that are so basically needed in our Municipal Councils actually result from the voting system. It is, in fact, from the administration and the team of counsellors leading it. That is why, I consider there is absolutely no justification for postponing these elections. Absolutely no justification! Whatever law that you want to bring in, we would be happy to consider. And Mr Speaker, Sir – this is important – we are also suggesting that the elections for Municipal Councils and District Councils be inserted in the Constitution to get rid of this temptation to mess around with democracy and the voting, Mr Speaker, Sir.

So, for all these reasons, Mr Speaker, Sir, I ask the Vice-Prime Minister, I ask the Government to withdraw this Bill. Let democracy win, let democracy proceed and let the people choose freely who they want to bring about all these changes that I have suggested and in fact I have even promised to the electorate of our towns.

Thank you very much, Mr Speaker, Sir.

Mr Speaker: Hon. Mrs Diolle!

(5.21 p.m.)

Mrs T. Diolle (Fourth Member for Belle Rose & Quatre Bornes): M. le président, nous nous sommes embarqués sur un débat difficile. Si je m'en remets aux interventions qui ont précédé mon intervention, les préoccupations des membres de cette Chambre sont les mêmes.

Nous parlons du même thème sous différents angles – la démocratie ; un thème qui a été largement débattu à l'extérieur du Parlement. D'un côté, on parle du droit de vote des 45% de la population urbaine qui participent aux suffrages pour les municipales. On accuse le gouvernement de bafouer ce droit et pourtant, rien n'est fait différemment de ce à quoi notre Parlement et notre État sont habitués. Le gouvernement veut apporter des réformes aux collectivités locales.

La méthode qui consiste au report des élections, d'amender le *Local Government* et ensuite organiser les élections pour que les changements prennent effet avec une équipe plébiscitée, est commune aux différents régimes. Par exemple, en 2003, les élections des collectivités locales ont été reportées en vue des amendements qui ont été apportés au *Local Government Act*. C'est la même méthode qui a été utilisée pour l'introduction du *Local Government Act* en 2011. Tous les régimes politiques ont utilisé la même méthode. Donc, pourquoi nous accuser de bafouer le droit des électeurs alors que la raison pour laquelle ces élections sont reportées, c'est pour ramener des amendements au *Local Government Act*?

L'autre méthode serait d'amender la loi et d'organiser les élections mais cela risque de causer de plus grave manquement à la démocratie comme ce qui a été le cas dans le *Local Government Act* de 2003. L'exemple concret de ce manquement grave est celle de la section (6) et (7) du *Local Government Act* de 2003. Ces deux sections faisaient provisions pour la création de nouvelles collectivités locales. Elles donnent au Président ce pouvoir. Pour la citer, la section (6) –

« The President may, by order, create any new local authority and extend to that authority the provisions of this act ».

Cette provision a été enlevée dans le *Local Government Act* de 2011 et la raison avancée était un manque de finance à l'époque. Nous savons tous que cette provision avait été introduite afin de permettre la municipalisation des régions rurales.

Cette décision qui a été d'enlever cette provision a été décriée par le leader de l'Opposition d'alors comme étant un grave recul à la démocratie puisque cette provision mettait sur un pied d'égalité les régions rurales et urbaines. Le Ministre Husnoo nous propose un comité technique pour pencher sur les reformes et cette question mérite de retourner à l'agenda des reformes des collectivités locales.

Mettre sur pied un comité en amont des élections pour décider des régions qui seront concernées par la municipalisation semblent une meilleure façon de mettre sur pied de nouvelles collectivités locales. Des raisons scientifiques tels que l'activité économique et les indicateurs du 'Human Development Index' peuvent être utilisées pour décider de la promotion des collectivités locales de statut de conseil de districts à celle des municipalités.

Si notre gouvernement décide de reformer les collectivités locales et de permettre cette avancée dans le traitement des villages et des villes, devons-nous amender le *Local Government Act* et organiser les élections après ou devons-nous faire ce qui a été prévu en 2003 à la section (7) ? C'est-à-dire, d'organiser des élections pour ensuite donner au Président de la République le pouvoir de créer les collectivités locales et sans passer par des élections de nommer des conseillers aux nouvelles collectivités créées. Est-ce que cela pourrait être considéré comme une avancée démocratique ? Cela me laisse sceptique, M. le président.

Tout ce travail qu'est d'étendre la municipalisation des régions rurales doit se faire en amont des élections et non après les élections. Nous ne pouvons pas donner le pouvoir de nomination de tout un conseil municipal au Président de la République ou à un ministre des collectivités locales.

Si nous parlons sérieusement de démocratie, M. le président, j'opte pour l'option qu'est celle d'amender la loi pour ensuite organiser les élections. Il est mieux de créer ces nouvelles collectivités et ensuite permettre à la population de choisir ses conseillers et non pas d'enlever ce pouvoir à la population pour la mettre dans la main du Président de la République ou d'un ministre.

La question se posera - de quel bord politique seront issus les conseillers nommés par le président ou le ministre ? L'Opposition estime que les élections doivent être organisées et que les réformes devront suivre par la suite. J'estime que non. La décision du renvoi des élections est animée par une grande ambition, celle de revoir le fonctionnement de nos collectivités locales et d'assurer un meilleur fonctionnement de ces collectivités.

M. le président, en ce qui concerne le jugement du *Privy Council* si l'interprétation de l'honorable leader de l'Opposition s'avère être celle qui doit être appliquée, cela signifierait que tous les régimes politiques qui ont été au pouvoir ont fauté. Il me semble, néanmoins, difficile d'imaginer que le State Law Office permettrait que cette loi soit introduite sans commentaire si elle était anti-constitutionnelle mais si l'honorable leader de l'Opposition pense vraiment que c'est le cas, il doit agir et utiliser toutes les institutions démocratiques à sa disposition. Cela ne peut qu'enrichir notre démocratie et ne la fera reculer aucunement ; que ce soit un échec ou un succès, c'est la démarche qui compte.

Les manquements que j'aurai aimé que le ministre Husnoo considère pour le comité sont, pour commencer, la représentation féminine. Il l'a mentionnée. Pour commencer, la représentation féminine introduite en 2011, était de $\frac{1}{3}$ par *Ward* et en 2015, $\frac{1}{3}$ de la totalité des candidats dans une collectivité. La raison avancée par le ministre Husnoo lui-même en 2015 est que dans certains *Ward*, la candidature féminine était difficile.

J'ose penser que les choses seront considérées différemment et que le nouveau comité ministériel travaillera sur notre engagement qui est de présenter 50% de femmes comme candidates. Nous accusons d'un grand retard en ce qui concerne la représentation féminine. Nous nous sommes engagés sur plusieurs instances régionales à améliorer la représentation féminine aux différents niveaux des prises de décisions et notamment en politique.

Nous devons envisager la formule de 50-50 au niveau des collectivités locales. L'introduction de $\frac{1}{3}$ en 2011 a été révolutionnaire et a permis à de nombreuses femmes à faire leur entrée dans les collectivités locales pour ensuite devenir députées. Dans ce premier batch, je retiens l'honorable Karen Foo Kune-Bacha, Dorine Chukowry, moi-même et même Roubina et Malini qui avons été membres du Parlement. Nous avons été parmi les premières femmes à bénéficier de ce changement de loi.

Cela démontre qu'une meilleure représentation féminine dans les collectivités locales permet à une meilleure représentation des femmes au Parlement. Quand nous considérons toutes les barrières sur la route des femmes en politique, cette provision a été un plus et je dirai qu'elle nous a permis de démarrer nos carrières. Donc, je suis convaincue que pour améliorer la représentation féminine au Parlement qui est relativement faible, il faut adopter la formule de 50-50 au niveau des collectivités locales.

Le deuxième point que j'aurai aimé suggérer au ministre Husnoo pour le comité technique, c'est la question de la candidature des Membres de l'Assemblée Nationale et le leader de l'Opposition semble avoir une très grande vision pour être maire un jour puisqu'il a fait plusieurs propositions et à plusieurs reprises a dit – si j'étais maire.

Donc, l'autre question que le comité doit sérieusement prendre en considération est celle de la candidature des honorables Membres de l'Assemblée Nationale aux élections des collectivités locales. Cela ne permettra-t-elle pas à une plus grande cohérence entre les

collectivités locales et les prises de décisions au niveau du gouvernement centrale ? Je pose la question parce qu'il est essentiel de favoriser ce qu'on appelle le *bottom-up approach*.

Nos collectivités sont des petites communes et la participation des députés aux élections des collectivités locales apportera une meilleure connexion entre les députés et les habitants des différentes circonscriptions. Cela obligera aux députés à se sentir plus concernés par les préoccupations quotidiennes de leurs mandants.

La troisième grande réforme que je voudrais proposer à ce comité est l'introduction de l'âge de vote à 16 ans et cela, toujours dans un souci de démocratie. Il est important d'inculquer la culture d'état et de la collectivité tôt chez les jeunes qui sont souvent mis à l'écart des grands débats ou de grandes décisions. L'introduction de l'âge de vote à 16 ans obligera un changement de comportement chez les représentants mais aussi permettra d'approfondir la culture démocratique chez les jeunes.

Le représentant devra répondre aux aspirations des jeunes et les jeunes devront se tenir au courant de la vie de la cité pour y participer. Ces jeunes, les adultes de demain, ont aussi une vision de la vie qu'ils veulent en préparation à leur entrée dans la vie économique. Ils ont leurs propres aspirations du présent et du futur.

M. le président, les réformes dont je vous parle et que je suggère à ce comité doivent se faire avant des élections municipales et ne peuvent venir après. Il serait difficile d'envisager des élections pour ensuite faire provision pour ce genre de réformes dans la loi.

Je soutiens ce projet de loi parce qu'il est essentiel de revoir la démocratie locale et que cela doit se faire avant les élections, et non après les élections, M. le président. Je vous remercie.

Mr Speaker: Hon. Members, I suspend the Sitting for 45 minutes.

At 5.32 p.m., the Sitting was suspended.

On resuming at 6.22 p.m. with Mr Speaker in the Chair.

Mr Speaker: Please be seated! Hon. Dr. Boolell!

(6.21 p.m.)

Dr. A. Boolell (First Member for Belle Rose & Quatre Bornes): Mr Speaker, Sir, I have been in this House long enough and know when to call a bluff. The Minister, unfortunately, is game for a laugh and they are caught with their pants down, which could have been a better triad.

Let me right from the outset make it quite clear that had it not been for the judgement of the Privy Council, which was delivered on 19 May 2023, the case of Maharaj against the Cabinet of Trinidad and Tobago, they would have come up with a Bill and no more.

With this judgement of the Privy Council, they have been entrapped and are now compelled to come up on the eleventh hour with a host of vague proposals. The reasons are as ridiculous as they can be because they have not been well thought of.

On another note, I am sorry to say – and I do not want to hurt the Vice Prime Minister – that his speech is only a bag of wind. There is nothing to substantiate the words. The passage of this Bill is a backup by way of any guarantee in relation to the amendment to the Local Government Act.

Mr Speaker, Sir, what could you have expected a responsible government to do? They should have come up with a white paper which would have been the subject of wide discussions at the bar of public opinion and widen the circle to rope in as many stakeholders as possible. But they have been forced by the judgement of the Privy Council to come up with a Certificate of Urgency to cover up their shortcomings, not to say that there is a corollary device with a certificate of emergency.

Mr Speaker, Sir, it boils down to courage. But unfortunately, the Prime Minister does not have the courage to call for the dissolution of Parliament! We know that the battle is on all fronts, be it in Parliament, on the street or in the court, if the need arises. And we know that what is legal is not always legitimate. This is a very wicked Bill introduced, as I have said, by a regime full of whim.

The Bill is a travesty and a tragedy that the right to vote is being denied to 50% of the electorate. We are talking of 350,000 eligible voters who are being robbed of their legitimate rights. It is a betrayal, a perversion of democracy. Promises made are not being honoured. There are indeed lessons which need to be learned from Rodrigues. Rodrigues did not retreat in the face of the pandemic; it held the Rodrigues Regional Assembly elections.

Mr Speaker, Sir, the Prime Minister has opted to rob the electorate of its legitimacy despite the World Health Organisation officially declared there is no pandemic and no quarantine period in force. So, then, what is the excuse? Post COVID syndrome? This extension is another nail in their coffin. There will be no respite despite the tyranny of numbers to bring the amendment to the Local Government Act.

The regime is a total wreck and I know of people who will vote with their might, sweat and tears and will put a cross on the ballot paper with the blood to get rid of the psychosis. I challenge the Prime Minister to call for the dissolution of Parliament. Of course, nobody expects the President of the Republic to withhold his assent, and as President of the Republic, he knows assent to the Bill is tantamount to flagrant violation of democratic principles which no decent citizen could condone. But then, who cares?

A custodian of any constitution has a moral and legal obligation to prevent perversion of democracy. The further 2 years extension period, likely to be rolled over, seem to be excessive when taking into account that even in relation to the General Elections, if Mauritius is at war, an extension of not more than a time is allowed. If there is a state of public emergency, an extension of not more than 6 months at a time is allowed. But unfortunately, it takes instructions and acts as a rubber stamp. The custodian has abdicated, but the people will act as protectors of the realm of our sovereign state. Never rule out people's retort!

This is the third time in the 21st century of constant breakthrough and technology that Municipal elections are being postponed. What can we expect from the best government which money can buy? Not only does money talk, but they are walking the talk with a Certificate of Urgency in their pockets. They do know that if Municipal Elections were held, they would be trounced. Perhaps, they have been saved by the Certificate of Urgency, but be it rural or urban constituencies, their political death warrants have been signed.

Mr Speaker, Sir, Councillors whose terms are over have to go. Fresh elections have to be held at term or before the fix term of six years, but the sinking and stinking regime will use the reserve list to consolidate its hold. We have indeed to err on the side of caution. That is why, we have to put up a common front to wage war on this sinister regime.

Mr Jean Claude de l'Estrac made no bones to say "outright the regime will use democratic means to consolidate its autocratic rule."

The people of Trinidad, as I have said, have the right to vote. If it is true for Small Island Developing States like Trinidad and Tobago, members of the Commonwealth, it should be equally true for Mauritius. This was, as I stated earlier at the beginning of my speech, a loud and clear message from the Privy Council Law Lords who had delivered the judgment against the government's decision to postpone Local Government elections and extend the life of council for one year. It may be argued that the regime, unlike Trinidad and Tobago's government, is coming with a specific amendment to extend the life of Local Government, but to make matters worse, the extension can be ruled over.

Changing the status of the country to municipalisation or a city state should not and cannot resolve the legitimate rights of any individual. The right to vote is sacrosanct. Let the people decide. The lessons are to be learned and drawn. The excuses are lame. If there was a necessity of purpose, as I have stated earlier, Government should have circulated a white paper to highlight the merits of municipalisation to provoke a debate at the bar of public opinion.

This Bill is open to abusive practices. The devils are in the details, but where are the details, notwithstanding the proposals announced by the Minister. Let alone an Explanatory Memorandum which is neither here nor there.

Mr Speaker, Sir, all tax payers, rural and urban, have lessons to draw. They will be fleecing their death by thousand cuts slowly, but surely. Small entrepreneurs and their businesses will have to disburse and there is a battalion of taxes coming by way of regulations.

One of these is the solid waste management tax. Central government will collect and autonomy will indeed be a bag of wind. Government is government and government so decides, but tax payers will bear the consequences for arrogance of power of a decadent regime.

Mr Speaker, Sir, this Bill has to be thrown into the dustbin of history. It is not only rubbish but is a symbol of a decadent regime and the regime has to come to terms that it is a temporary lessee of Government House. On Labour Day, the Prime Minister hinted that he was not afraid to face the electorate. It was said in the presence of turncoats and ministers dancing to celebrate the poor turnout. He has been unfrocked and caught with the pants down, with a deflated ego he chooses to run away.

The people want to exercise their democratic rights. I was at the Curepipe and Quatre Bornes market fair and people are fuming with rage calling upon this regime to go. They want their legitimate rights to be restored. Enough is enough! The complicity and duplicity between the political arm of the executive and Judiciary cannot last, Mr Speaker, Sir. It is game over!

Mr Speaker, Sir, this is a nation which believes in the doctrine of separation of powers. Institutions are being undermined and it is hell let loose, and to hell with this amendment. The last bastion should not fall. God save our Judiciary: power to the people. But we know what this Government is up to and let me remind them that not only their days are counted but I wish they would have the courage, the energy and the determination to call dissolution of the House and I wish the Prime Minister will have the courage to do so. Thank you very much.

Mr Speaker: Hon. Gobin!

(6.32 p.m.)

The Attorney General, Minister of Agro-Industry and Food Security (Mr M. Gobin): Thank you, Mr Speaker, Sir.

Mr Speaker, Sir, we have before the House the Local Government (Amendment) Bill and I am sure a number of Members will address a number of issues as to the reasons why this Bill is before the House. I will use the time that has been allocated to me to address the question of the judgment which has been a subject matter of debate outside the House so far and I am sure it will be in the House maybe later on tonight and it will continue to be for the coming days, weeks and even months, why not, because this is a judgment of the Privy Council in the matter of Ravi Balgobin Maharaj (Appellant) v The Cabinet of the Republic of Trinidad and Tobago and another (Respondents) (Trinidad and Tobago) from the Court of Appeal of the Republic of Trinidad and Tobago. The judgement was given on 18 May, that is, last week.

A lot has been said about this judgment and it is my duty to refer therefore to some of the points that have been raised in this appeal. Of course, the judgment of the Privy Council is always taken seriously. However, there are issues which are very different from the situation which obtains here.

First of all, I would like to lay emphasis on what this judgment is about and what this judgment is not about. This judgment is not about a test of constitutionality of a legislation in

Trinidad and Tobago. The case arises out as can be seen in the judgment itself at paragraph 5 of the judgment and I quote –

“The Government’s interpretation of the effect of the amendments on the terms of office of the incumbent Councillors and Aldermen was challenged by the appellant, Ravi Balgobin Maharaj. He filed applications for leave to apply for Judicial Review on 15 November 2022 and for interim relief on 21 November 2022.”

This is, therefore, a judgment concerning Judicial Review of a Government interpretation. When the matter went up to the Court of Appeal in Trinidad, the Court of Appeal in Trinidad decided to determine as can be seen at paragraph 6 of the judgment of the Privy Council. The Court of Appeal of Trinidad decided to determine the core issue in the substantive claim, namely, whether sections 11 and 12 of the MCA (Municipal Council Act) in Trinidad and Tobago, as amended by 2022 Act applied to the incumbent Councillors and Aldermen. That was the issue, and as the Court of Appeal said, in Trinidad and Tobago, the “core issue”. The question was, as can be seen in the judgment of the Privy Council, the principal issue: whether the legislation, the amendment in Trinidad applied to incumbent Councillors or not. That was the principal issue. It was not a test of constitutionality, first of all, as to that legislation, whether it met the test of constitutionality or not. The appellant, in that case, challenged the Government’s stated position.

This therefore raises three questions and I am going to address those –

- (i) the constitutional question;
- (ii) the power of Parliament to amend, and
- (iii) the question of legality of a legislation, that is, clarity in a legislation and in our amending legislation, that is, the Bill which is before the House.

When the question of the constitutional challenge arose in that case of Maharaj, the Judicial Committee considered and I would refer anyone including Members of the House and the public at large to the judgment of the Privy Council at paragraph 14, 15 and 16 where the Judicial Committee at paragraph 14 reiterated that the appellant’s challenge to the Government’s stated position that the amended periods of office applies as from 8 November 2022 to the incumbent Councillors and Aldermen was put on the following bases –

- (i) if that was the effect of bringing the amendments to sections 11 and 12 into force, the amendments contravened entrenched rights to vote under the Constitution, to be derived from the right to join political parties and to express political views under section 4(e);
- (ii) in the alternative, on the proper construction of 2022 Act, the amendments did not apply to incumbent Councillors and Aldermen. These submissions were fully considered by the Court of Appeal and rejected.

At paragraph 15, while it appears from the judgments of the Court of Appeal that the appellant's submission based on the Constitution was his primary case, it was presented to the Board as a secondary argument. I pause here to remark that the constitutional argument was presented to the Board – the board meaning the Judicial Committee. And at paragraph 16, this is what the Judicial Committee said, and I quote –

“The Board can deal briefly with the submission based on the Constitution, which must in our view fail.”

The question arises, therefore, what was again the issue there? And that is to be found in paragraph 21 of the judgment of the Privy Council. Paragraph 21 reads as follows –

“We turn to the principal issue on the appeal to the Board: whether as a matter of construction, applying relevant principles of construction, the amendments to sections 11 and 12 of the MCA apply to incumbent Councillors and Aldermen at the time that the amendments came into force.”

I have to remark that in the Trinidad and Tobago amendment Act of 2022, there was no provision as to whether the changes apply to incumbent Councillors and Aldermen.

Let us come to our Bill. What is in our Bill, Mr Speaker, Sir? I read the Explanatory Memorandum –

“The object of this Bill is to amend the Local Government Act to empower the President, acting in accordance with the advice of the Prime Minister, to further extend the life of the entire Municipal City Council and Municipal Town Councils, or entire Village Councils for a period of 2 years.”

This is the Explanatory Memorandum. Why the words 'further extend'? Because we have already extended. We had extended when we had amended section 12 to add a section 12A. That was when we had extended 2021 to 2022 and then 2022 to 2023 and when we had extended there, in 2021, in 2022, it applied to the existing Councillors, to the existing councils and their life if I may say so, the life of the Council was extended. It was beyond doubt that the amendments would apply to existing councils and to existing Councillors.

And, when we now say further extend, it will indeed apply to the existing councils and the existing Councillors. That is beyond any doubt. If there is any lingering doubt, we should look at what section 12A of the existing law, that is, the Local Government Act provides. The existing 12A clearly provides what is to happen during the extended life. This is provided for in section 12A of the Local Government Act as it is. Therefore, the amendment will apply indeed to the existing Council, existing Councillors, and there are provisions governing the life of the councils in their extended period. This is a far cry from the situation of Trinidad and Tobago.

The application of the amendment to the existing councils is beyond any doubt. This is the first point that is on the constitutional issue. The second issue, of course, we will see in the judgement of the Privy Council, a number of pronouncements but in my humble opinion these are obiter. The operative part of the judgements is to be found in the paragraphs I have quoted and a few more that I will quote later on.

The principles of democracy and the representative democracy, of course, we all agree on those principals. The right to vote of the citizen is to be provided for Local Government elections is to be found in the statute, that is, the Local Government Act, read together with the Representation of People Act. It is not to be found in the Constitution, as in the case in Trinidad, similarly in Mauritius.

If elections are to be held now or later, elections are going to be held. The reasons given by my colleague, the Vice-Prime Minister for the reform in the Local Government setup, justifies the time that has been taken but elections will indeed come. The elections for Local Government, I say again, is provided in statute not to be read as emanating from the Constitution as if on the same footing as elections for National Assembly.

The question as to whether, Parliament can do what it is doing here, that is, altering, extending the life of a Council as we have done two years back; if I may refer to paragraph 35 of the judgement and I quote that said paragraph 35 –

“Given that the application of the amendments to incumbent Councillors and Aldermen would not alter rights guaranteed by the Constitution, it is clear that it is within the legislative competence of Parliament to make the amendments, if that were their effect.”

We are comfortable that Parliament can do what it has done two years back and it is within the competence of Parliament to do what it is doing tonight.

I do take note that it is the intention of some Members of the Opposition in Parliament or outside Parliament to challenge the law, once passed tonight in the appropriate forum. Of course, they may do so but we will meet that challenge in the appropriate forum. The debate as I said earlier on, is likely to last for days and weeks and months. Do you know why I say that, Mr Speaker, Sir? I say that for a very simple reason.

Out of the five Law Lords who were sitting on this appeal coming from Trinidad and Tobago, within themselves, they did not agree. There was a majority judgment from three Law Lords and a descending judgement from two of them. So, if five Law Lords did not come to a unanimous judgment, of course, there is likely to be debate therefore and there will continue to be and it is healthy for our democracy.

So, let there be debate but it is within the competence of Parliament to do what it is doing tonight and we are comfortable in doing it and we are comforted by the pronouncements that we have at hand, that we are going to meet the challenge if any before the appropriate forum.

As to the third point regarding the question of legality and clarity, these are the point on which the Privy Council said they disagreed with the Court of Appeal in Trinidad and Tobago because the Law, the amending legislation in Trinidad was not clear and precise enough. As I said earlier, in the amendment over there, there was no provision as to whether the changes were to apply to the incumbent Councillors and Aldermen. There was a Government decision to say so. This is the huge difference here as I said earlier. In 2021 and 2022, there was no doubt that the amendment, the extension of life applied to the existing councils and Councillors. This time as well, they will apply to the existing councils and Councillors because this is plain from the

reading of the Explanatory Memorandum taken together with the amendment in the body of the Bill.

Therefore, I anticipate this judgment will be quoted at length, specific paragraphs referring to elections, referring to the principals of democracy whether in this House or outside this House. Maybe they will be misquoted, maybe they will be taken out of their context but as I said, the debate will go on and it is likely to take some time before it comes to rest but I reiterate, we have no qualms with the judgment. We take the view that our Bill is not on the same footing as that obtained in Trinidad and Tobago.

Before I end, Mr Speaker, Sir, I refer to what the hon. Leader of the Opposition said earlier on when he referred to the report from V-Dem on democracy. Well, I humbly beg to disagree. The hon. Leader of the Opposition decides to refer to the report from V-Dem. Well, I have another report I have to refer to and that is the report in February of this year, classifying Mauritius among the top 21 countries in the world classified as a full democracy and Mauritius is ranked 21st globally as a full democracy with an overall score of 8.14 out of 10 points in the recent Economic Intelligence Unit Democracy Index Report and that is interesting to quote here.

You know what happened, Mr Speaker, Sir, in the V-Dem Report – the V-Dem Report classified Mauritius alongside Niger. I do not want to create any diplomatic issues with Niger but can anybody take the V-Dem report that is putting Mauritius and Niger on the same footing seriously?

So, we can refer to reports but we know what the reality is about the democratic setup of this country. *On n'a pas a rougir sur les rapports*. If I have to quote, as I did, the Economist Intelligence Report (EIU) of February of this year speaks volumes.

So, therefore, Mr Speaker, Sir, there is no doubt as to the application of this Bill, once a law, to existing Councils and existing Councillors and application of Section 12A.

This is what I had to contribute to the debate, Mr Speaker, Sir. I know I am restricted by time, therefore I will leave the other issues as the electorate, the need to have elections, whether we had a meagre crowd or whether we had a huge crowd on 01 May as compared to those who did not even organise anything on that day, to my other colleagues, hon. Members to address.

Thank you, Mr Speaker, Sir.

Mr Speaker: Hon. Nagalingum!

(6.51 p.m.)

Mr D. Nagalingum (Second Member for Stanley & Rose Hill): Thank you, Mr Speaker, Sir. Today is a tragic day in the history of our beloved country. Today, this Government is openly stabbing to death one of the pillars of the Mauritian democracy. For the third time, Mr Speaker, Sir, this Government is postponing Municipal Elections, and this is for a sole reason, this Government knows that it is heading for a complete defeat in these local elections.

In other words, for them, these elections are a prelude to a severe defeat in the next General Elections. So, the sole reason behind the postponement is for this Government to hold power and thus enjoying all the privilege. Yes, Mr Speaker, Sir, today is a sad day for all the Mauritian electors who are deprived of their fundamental and constitutional right to choose their representatives in the five Municipal Councils.

Mr Speaker, Sir, democracy is the spine of our political system as set up in our Constitution. Article 1 of our Constitution stipulates that, I quote – “Mauritius shall be a sovereign democratic State which shall be known as the Republic of Mauritius.”

Et permettez-moi, ici, M. le président, de citer Shri Jawaharlal Nehru qui disait en 1957, je cite –

« Nous avons totalement accepté le système démocratique, car nous pensons qu’en fin de compte, il favorise le développement des êtres humains et de la société, et nous voulons que croisse l’esprit créateur et aventureux de l’homme. »

Nous sommes un État démocratique. Qu’est-ce que cela implique, M. le président ? Permettez-moi de rappeler les principes fondamentaux de la démocratie qui sont : la séparation des pouvoirs législatifs, exécutifs et judiciaires, la souveraineté du peuple, l’élection des représentants, la coexistence de plusieurs partis politiques, l’égalité des droits, le respect des libertés d’expression, d’association. Et plus encore, la démocratie repose sur la participation active des citoyens à la prise des décisions. Tous les citoyens ont le droit de participer activement à la République, de s’exprimer sur les questions qui les concernent et de prendre part aux décisions politiques qui affectent leur vie. Cela inclut le droit de vote, le droit de s’exprimer librement et le droit de participer à la République.

Let us note, Mr Speaker, Sir, that free elections constitute the pillar of our political democratic system, and the MSM Government and its partners by postponing the Municipal Elections for the third time are stealing the fundamental democratic right of Mauritian citizens and they are going against the Constitution.

Mr Speaker, Sir, I have carefully listened to the Minister's speech and same for the other hon. Members. Government tried to justify the postponement of Municipal Elections because it is planning to bring forward an important reform in the structure and functioning of local administration as a whole. Fair enough! This reform is long overdue. Many reports have been commissioned and made public on local administration in Mauritius in the recent past, but at no time since 2014, when the MSM and its partners came to power, have they deemed necessary neither urgent to work seriously on the propositions contained in these reports and proceed with necessary amendments to the law.

On the contrary, instead of reforming for the better the local administration, this Government is inventing all ways and means to undermine its importance. This is what I said in my speech for the 2022-2023 Budget, and I quote –

“This Government, since 2014, is trying by all means to reduce the powers of local authorities by shifting their powers to other constituted bodies by reducing their revenues, by postponing local elections. It is sad today to see that our local councillors have become completely powerless.”

But, suddenly, in May 2023, that is, some months before Municipal Elections are once more due, that this Government says that reform must be worked upon and applied to local administration.

One simple question, Mr Speaker, Sir: what is the contradiction between holding elections now and at the same time they start working on the reform envisaged? *L'un n'empêche pas l'autre*. We have, since years, been recommending a more democratic and modern structure for local administration. If this is the real intention of Government, then why was it not proposed when the first postponement of Municipal Elections was voted in 2021 and thus giving itself enough time to prepare and bring this legislation in the Legislative Assembly? Anyway, we know that such a fundamental reform in local administration will naturally take a long time before being implemented. Thus, it does not in any way justify the postponement of Municipal Elections.

All elected local political parties, since years back, have proved their amateurism, their absence of good administration and their mismanagement. It seems that the sole reason why those Councillors are in office is to secure political power and influence for their personal interest. They fail to accomplish their basic function, which is to make the towns and villages pleasant places to live in. Political discord, travelling abroad - those are the main roles of the Municipal and District Councils.

One example, Mr Speaker, Sir, the Municipal Council of Beau Bassin Rose Hill has taken more than three years to repair the main roads in the town, not to mention the abandoned project for the Rose Hill Market, Port Louis Market and drains in all five municipalities. *Crèches*, Plaza Theatre, Port Louis Theatre, these scandals and mismanagement have resulted in serious unpopularity of the Government's team in the local administration, an indirectly growing unpopularity of Central Government itself. In these circumstances, Government does not dare face a wide range defeat in these local elections, which logically impact on the General Elections.

You see, Mr Speaker, Sir, the first reason why Government is postponing the Regional Elections. Mr Speaker, Sir, the MSM and its partners were the only political alliance to organise a public meeting on 01 May last.

Those Governmental parties who were expecting a very important audience and an enthusiastic one, what happened? Very average audience, no festive mood, people running away before end of gathering and eating their *briani* in all relaxation at the seashore. Government leaders got the message. They got the message from that day and it was no reason to rejoice. They were deceived. So, how in these circumstances, they will dare to go for a popular consultation, that is, Municipal Election, running directly towards defeat? But they find out all means to avoid this election. You see, Mr Speaker, Sir, the second reason why the Government is postponing the regional election.

Mr Speaker, Sir, the MSM party and its partners are in government since 2014, some nine years now. What has been the trademark of this Government? Weekly scandal, cases of corruption, nepotism, *passe-droit*. It has been crystal clear since long that this Government does not have any vision and ambition for the country, that is, conceive and propose a plan in medium and long-term for the development and progress of all the population instead the ambition has

been and is still to cater for their own interests and benefit at the expense of public interest. The long-awaited a local election would have been the first, if I may say, a correction administered to this Government. *Abraham Lincoln disait en 1856, je cite –*

« Un bulletin de vote est plus fort qu'une balle de fusil. »

This is, Mr Speaker, Sir, the third reason why the Government is postponing the regional election.

Mr Speaker, Sir, allow me to make reference to what I said in this House on the Local Government (Amendment) Bill in 2021 when the first postponement was proposed. I said – this Government, Mr Speaker, Sir, is not a fanatic of democracy. Far from this, in fact, the amendment is a last chapter in a very long series of political events which has been aiming at curtailing the freedom of Mauritian citizen, even the freedom of the elected legal representatives. Government intention is very clear. It seeks to impose an autocratic system of Government. All is being done to crush the voice of the official Opposition and civil voices claiming for more transparence and less corruption in this country.

This situation has gone worse, more repression, brutal Police landing and political opponent; persecution of journalists, instilling extreme fear in the population, in the daily lot of the population. Mr Speaker, Sir, I know I am running out of time. Let me conclude, Mr Speaker, Sir.

M. le président, je termine ce discours avec un fort sentiment de tristesse...

An hon. Member: *Pa plore!*

Mr Nagalingum: ... et en même temps un profond dégoût pour ce que fait ce gouvernement depuis trop d'années maintenant. Chaque jour, il trouve un moyen pour blesser encore plus la population, à restreindre notre liberté. N'oublions pas d'où nous venons ! N'oublions pas ce que nos ancêtres nous ont légué, descendants des esclaves et des travailleurs engagés de l'inde. Nous avons hérité après des dures luttes un system politique qui sauvegarde nos libertés, qui nous a offert un cadeau précieux ; je parle ici de la démocratie. Mais ce gouvernement autocratique, sans cœur fait tout pour détruire cet héritage. Ce ne sont pas que des politiciens de bas étage qui ne se soucient que de leur propre intérêt. L'histoire ne leur pardonnera pas.

Merci, M. le président.

Mr Speaker: Hon. Abbas Mamode!

(7.05 p.m.)

Mr S. Abbas Mamode (Second Member for Port Louis Maritime & Port Louis East): Merci, M. le président de me donner l'occasion de m'exprimer sur le *Local Government (Amendment) Bill No. VIII* de 2023.

Ce projet de loi visent à modifier la loi sur l'administration locale afin d'habiliter le président agissant conformément à l'avis du Premier ministre à prolonger encore la durée de vie de l'ensemble du conseil municipal des villes ou de conseil de village pour une période de deux ans. Mais d'emblée, M. le président, une petite remarque concernant l'honorable Leader de l'opposition, *I think the hon. Leader of the Opposition forget that he himself chaired and announced the revamping of the Local Government Act back in 2015, the law on which the present councilors were elected. But I wonder, Mr Speaker, Sir, after the election, the municipal election of 2015, how many meetings were held until he left Government?*

M. le président, je voudrais rappeler à certains de l'autre côté de la Chambre que c'est une coalition *led by the Labour Party* qui avait passé un projet de loi au Parlement pour ne pas tenir les élections générales, pas régionales, des élections générales de 1972 et ainsi le reporter à quatre ans plus tard, c'est-à-dire, en 1976. De plus, M. le président, je souhaiterais rappeler à mes collègues de l'Opposition que c'est un gouvernement sous le leadership de Sir Anerood Jugnauth qui avait introduit l'amendement constitutionnel qui régleta les termes des élections générales à cinq ans et depuis, les élections ont lieu tous les cinq ans et un nouveau Premier ministre est ainsi élu. Et aujourd'hui...

(Interruptions)

Les MMM sont aujourd'hui de ce côté de la Chambre, honorable Aadil Ameer Meea. Où est Steven Obeegadoo ? Où est Alan Ganoo ? Où est Ivan Collendavelloo ? De l'autre côté ou de ce côté ? Où est Kavy Ramano ? Dorine Chukowry? Voulez-vous le compte? *And you can come next. You can come. You will be welcomed.*

Et, M. le président, aujourd'hui il ose dire que nous voulons la démocratie, M. le président. C'est quand même de la malhonnête intellectuelle l'honorable Joanna. Lorsque c'est

eux, cela est normal mais lorsque les autres le font pour que l'on puisse améliorer le cadre dans lequel fonctionnent les administrations régionales, ils crient haut et fort au vol de la démocratie. Faut arrêter de la démagogie, M. le président.

M. le président, je souhaite rappeler qu'en décembre 1971, un gouvernement Travailleiste, dirigé par un Premier ministre Travailleiste a adopté l'état d'urgence par 48 voix contre 10 au Parlement, avec cinq abstentions. L'année suivante, cela a été utilisé pour reporter les élections municipales dans les cinq villes de Maurice. De même qu'en 1974, le gouvernement de l'époque a suspendu quatre conseils municipaux élus pour les remplacer par des commissions nommées par le gouvernement. Pour l'histoire Hamid Moollan a repris la municipalité de Port Louis, Roland Armand à Beau Bassin/Rose-Hill, Harry Tirvengadam à Quatre Bornes et Gaëtan de Chazal à Curepipe.

Le gouvernement avait justifié cette décision en évoquant la mauvaise gestion financière des conseils municipaux, dominés par le PMSD tandis que Gaëtan Duval du PMSD a fait valoir que cette décision visait à punir son parti pour avoir rompu avec le Parti Travailleiste.

M. le président, après la lutte triangulaire lors des élections municipales de 1976, le Travailleiste et le PMSD se sont à nouveau réunis dans une nouvelle coalition pour maintenir le MMM hors du pouvoir. Dans le cadre de l'accord, le nouveau gouvernement avait d'abord caressé l'idée de remettre les administrations municipales de Port Louis, Rose Hill et Curepipe à des membres nommés du PMSD. Le leader d'alors, avait une juste récompense puisque ce Membre avait été expulsé des administrations municipales lorsque la coalition s'est dissoute en 1973.

Cependant en janvier 1977, le PMSD est revenu sur l'idée et a accepté de tenir des élections municipales. La même année, le premier scrutin de ce type à avoir lieu depuis 1969. Ce sera également la première fois qu'une Opposition se présentera à l'élection municipale *and you know what happened in 1979? No election was held – commission was nominated under the Labour Government.*

M. le président, dans le passé, la loi sur l'administration locale fut aussi amendée pour repousser les élections locales. Ce gouvernement propose que la loi soit amendée afin d'habiliter le président à prolonger la durée de vie de l'ensemble des conseils municipaux de ville ou des conseils de village pour une période de deux ans.

M. le président, cette période de deux ans sera utilisée pour que des consultations soient effectuées auprès de différentes parties prenantes ayant un intérêt avec les autorités locales afin qu'un projet de loi puisse être préparé pour amender, consolider et modernisé la loi relative aux collectivités locales. J'ai été élu pour la première fois Conseiller du conseil municipale de la ville de Port Louis le 25 novembre 1996 et réélu en 2001, 2005 et 2012.

Mr Ameer Meea : *Pou nanye tonn kit parti ta.*

An hon Member: *Ey aret koze!*

Mr Abbas Mamode: *To pou gagn lokazion pou koze taler. To ena sa move manier aret dimounn la.*

Mr Speaker: Order! Order!

Mr Abbas Mamode: *Kan to perdi point to ena sa move manier la.*

Mr Ameer Meea: Mr Speaker, Sir, it is just a fact.

Mr Speaker: Order!

Mr Abbas Mamode: *En tous les cas ...*

Mr Speaker: MP Ameer Meea! Behave yourself! Continue.

An hon. Member: *Met li deor!*

Mr Abbas Mamode: *Li ti vinn rod so bout li pan gagne. J'ai eu également le privilège d'être le Lord Maire de la ville de Port Louis de 2000 à 2001...*

Mr Ameer Meea: *To pe gagn lager ar Joanna la!*

Mr Abbas Mamode: *Pa les mwa kontinie koze, mo pou dir la verite. Pa vinn rakonte zistwar ! Pa vinn rakonte zistwar !*

(Interruptions)

Mr Speaker: Hon. Ameer Meea! I am on my feet. Hon. Members, please hon. Ameer Meea. Your turn will come. For now, you listen.

An hon. Member: *Akoz sa mem to gagn lager ar Joanna.*

Mr Abbas Mamode: M. le président, plusieurs membres de cette auguste Assemblée ont eux aussi eu le privilège de servir notre pays que ce soit en tant que conseiller municipale, conseiller de village ou conseiller de district. Le Premier ministre lui-même, l'honorable Pravind Kumar Jugnauth, a été Conseiller municipale de la ville de Vacoas-Phoenix. L'honorable Steven Obeegadoo, l'honorable Husnoo, l'honorable Hurreeram, l'honorable Hurdoyal, l'honorable Madame Chukowry, l'honorable Ramano, l'honorable Sawmynaden, l'honorable Madame Diolle, l'honorable Bhagwan, l'honorable Madame Foo Kune-Bacha, l'honorable Juman, l'honorable Nagalingum, l'honorable Madame Navarre-Marie, l'honorable Quirin, l'honorable Sik Yuen. Malheureusement, je n'ai pas vu le nom de l'honorable Aadil Ameer Meea. Je pense que pour cette raison. *Tonn rode to pou gagne hein. Pa rod ankor. Aret la mem.*

Mr Ameer Meea : *Monn eli trwa fwa mwa!*

(Interruptions)

Mr Abbas Mamode: *Mwa sis fwa.* Tout comme le ministre de la Pêche, l'honorable Maudhoo.

Mr Ameer Meea : *Mo dan ene sel parti. Ene sel parti. Done mo fer to kont taler là.*

Mr Abbas Mamode: *Fer! Fer!*

An hon. Member: *Akoz sa mem ti gagn lager non.*

Mr Abbas Mamode: Ainsi, M. le président, de ce fait, mes honorables collègues comprendraient clairement pourquoi.

Mr Ameer Meea: *Vendeur!*

Mr Abbas Mamode: *Kinn arive Aadil ?*

An hon. Member: *Li p envi vander.*

Mr Abbas Mamode: *To envi vande ?*

Mr Speaker: No, listen both of you. I don't want conversation between two Members of Parliament. You address the Chair and don't mention any name.

Mr Abbas Mamode: But he is disturbing me.

The Prime Minister: Mr Speaker, Sir, on a point of order, withdraw the word 'vendeur'.

Mr Abbas Mamode: He must remove.

An hon. Member: Withdraw!

An hon. Member: Apologise and withdraw!

Mr Abbas Mamode: *Ki mon vande kot twa?*

Mr Speaker: Then I think this is a point of order which I take seriously so you have to withdraw the word.

Mr Ameer Meea: It is a fact that he is a *transfuge*.

Mr Speaker: No, not question of a fact. Either you withdraw or you withdraw from the House.

Mr Ameer Meea: Okay, I withdraw.

Mr Speaker: Thank you. So, go ahead.

Mr Abbas Mamode: Ainsi, M. le président, de ce fait, mes honorables collègues comprendraient clairement pourquoi nous devons moderniser la loi sur les collectivités locales pour l'adapter à l'évolution et au nouveau mode de vie mauricien. Offrir des services hors des horaires habituels, par exemple, service de *lighting*, l'équipe d'asphaltage de route, une équipe d'inspecteurs des travaux qui fonctionnerait à un horaire décalé, voire la nuit. Ainsi, cela permettrait d'une part d'identifier le problème et d'y remédier immédiatement après les heures normales de bureaux.

M. le président, ces changements nécessitent en plus de la réforme du Local Government Act, des amendements au Local Government Service Commission et au régime de service des employés des collectivités locales pour la mise en place du flexi-time ou du système de shift.

M. le président, nous devrions rationaliser la procédure administrative et financière en vue de responsabiliser d'avantage les autorités locales et d'assurer une prestation efficace des services par les collectivités locales envers les citoyens et villageois. Cela passe bien sûr par plus de liberté au conseil pour qu'ils puissent gérer la vie quotidienne de leur ville ou village. De plus, M. le président, je propose que dans la réforme, le rôle et attribution du *Chief Executive* soit revu et que celui-ci devrait répondre aux conseils municipaux d'abord et ensuite au ministre ou au ministère.

Mr Speaker, Sir, this Bill at Section 3 is amending –

“Section 10A of the principal Act is amended, in subsection (2), by deleting the words “subsection 12A(1), the life of 6 years” and replacing them by the words “section 12A(1) or (1A), the life”.

The modernisation of the Local Government Act, Mr Speaker, Sir, should also include establishment of new Municipal Councils which should replace some or all District Councils as several of these District Councils are so involved and modernised compared to several of our actual towns.

The district of Moka for example, even Pamplémousses and Rivière du Rempart, Mr Speaker, Sir, are like towns of Mauritius.

That is why Mr Speaker, Sir, that I would support a proposal to have all our actual District Councils to be converted in Municipal Town Councils as the establishment of Municipal Council in place of District Council which will allow these regions to develop further and help enhancing their visibility. *Et là, j'ai une pensée spéciale aux Conseils des villages. On doit essayer de trouver une formule pour que eux aussi, ils continuent d'exister.*

Another point on which I would like to talk, in regard to the revamping of the Local Government Act, is section (16), that is, “Disqualification for election as Councillor.”

Mr Speaker, Sir, as the law is actually, no Member of Parliament can stand as candidate to be elected as Councillor, which in the past was allowed. As a Councillor who has served alongside of hon. Members of Parliament in the Council, Mr Speaker, Sir, I would urge that the restrictions be eased and that Members of Parliament, members of *corps-paraétatiques* also, other than Minister or PPS, be allowed to be candidate as a Municipal or City Councillor or even District Councillor.

Mr Speaker, Sir, MPs in a council could help to enhance the good working relationship between Municipal City, Municipal Town or even Village Council and the Government and help in bringing to this august Assembly issues which the Council maybe sometimes are not able to solve for the wellbeing of the inhabitants of their respective areas.

M. le président, je souhaiterais aborder maintenant le statut de la cité de la ville de Port-Louis qui fut obtenu, je me rappelle, le 25 août 1966, et ainsi le titre de lord maire est attribué au premier magistrat de la ville.

Pendant ces derniers 55 ans, la capitale de Maurice n'a cessé d'être un haut lieu décisionnel, mais a également accueilli de grands rassemblements d'ordre culturels. De plus, elle abrite les plus hautes institutions comme le Parlement, la Cour suprême, la Banque de Maurice, les Casernes centrales et les sièges des nombreuses banques, entre autres.

De ce fait, M. le président, je propose que l'on redonne au lord maire de la ville de Port-Louis la place qui lui revient en haut lieu de la liste protocolaire, comme cela fut le cas dans les années 2000 à 2005. Quelle belle époque !

M. le président, le conseil bénéficie déjà de la mise en place par le gouvernement d'un *I-Council*, et je pense qu'une plus grande mise en place de la digitalisation des nombreux services des collectivités locales permettra, notamment d'identifier les zones d'interventions en termes de services de voirie, de déblocage des drains, de l'asphaltage des routes et ainsi rendre l'intervention des services des collectivités locales plus efficace et cela augmentera la qualité de service déjà offert aux mandants.

M. le président, nous avons entendu comme toujours nos collègues de l'autre côté de la Chambre, crient au vol de la démocratie, qualifiant cet amendement d'entorse à la démocratie. Mais j'espère qu'ils saisiront l'opportunité qui leur a été offerte de participer aux discussions sur la refonte de la loi des collectivités locales pour faire entendre leurs propositions dans l'intérêt de nos concitoyens des villes et villages.

Ce gouvernement, M. le président, a toujours mis l'intérêt de la population aux premiers rangs de ses priorités et c'est cela qui dicte toute l'action gouvernementale. M. le président, je voudrais à la fin féliciter l'honorable Dr. Mohammad Anwar Husnoo, vice-Premier ministre, ministre des Collectivités locales, de la Gestion des catastrophes et des risques pour avoir présenté ce projet de loi à l'Assemblée et d'offrir à toutes les parties prenantes, y compris l'opposition parlementaire, la possibilité de participer à la refonte de la loi sur la collectivité locale.

Merci, M. le président.

Mr Speaker: Hon. Assirvaden!

(07.26 p.m.)

Mr P. Assirvaden (Second Member for La Caverne & Phoenix): Mes collègues de la Chambre, quand nous avons entre nos mains le *Local Government (Amendment) Bill*, samedi matin, quand les 329,000 électeurs des cinq villes se sont réveillés pour entendre dire que le gouvernement a une intention de repousser les élections municipales, ils se sont posés beaucoup de questions concernant le pourquoi de ces renvois.

Ici, M. le président, quand le gouvernement, particulièrement la décision du Premier ministre, l'honorable Pravind Jugnauth, au sein de son cabinet, de confisquer le droit des citoyens d'exercer leurs droits en deux pages, moins de 50 mots, prendre une décision de confisquer le droit des citoyens de choisir des gestionnaires de leurs villes. Nous parlons ici de 10 circonscriptions et nous parlons ici de 30 députés. Quand j'ai écouté l'honorable Salim Abbas Mamode juste avant moi, avec quelle légèreté il commentait ces amendements, je me pose la question, lui qui a su trouver les mots pour dire que l'honorable Ramano est ici ; l'honorable Ganoo est de ses côtés ; l'honorable Obeegadoo, mais lui, il est partout et nulle part ! Malheureusement, il n'est pas là, mais il me rappelle de Fantômas !

Avec un projet de loi aussi important pour les 329,000 citoyens qui ont besoin d'exercer leurs droits de vote, le vice-Premier ministre, Dr. Husnoo, ce soir, nous dévoile les raisons que lui-même, j'ai l'impression qu'il n'en est pas convaincu des raisons qu'il avance ici dans cette Chambre ! Parce que cet amendement, il faut bien le dire pour ceux qui nous écoutent dans ce pays, que les raisons avancées par le vice-Premier ministre, Dr. Husnoo, ne font pas partie de ce texte de loi circulé pour débattre dans cette Chambre.

M. le président, pour vous démontrer l'ironie de la chose, le 28 mars 2023, le député Nagalingum pose une question au Premier ministre "*to ask the hon. Prime Minister, whether in regard to the Municipal Council election, he will state if he is considering the holding thereof prior to 13 June 2023.*" Aujourd'hui, 2 mois après, les réponses du Premier ministre ne sont pas encore déposées sur la table de l'Assemblée nationale ! Aujourd'hui, on se voit avec des amendements à la cachette. Pourtant, les élections villageoises ont eu lieu il y a quelque temps de cela, et pourtant les élections à Rodrigues ont eu lieu. Les élections ont eu lieu à travers le monde. Aujourd'hui, ce gouvernement a pu, à tort ou à raison, se cacher derrière le Covid pour

ne pas faire ceci, pour ne pas faire cela. Aujourd'hui, il n'y a plus de Covid ! Aujourd'hui, il n'y a plus de confinement ! Aujourd'hui, la population se pose des questions : quel genre de réforme, M. le vice-Premier ministre, que voulez-vous emmener ?

Pendant huit ans, de 2015 à ce jour, huit ans n'ont pas suffi pour faire circuler des propositions ? Pendant huit ans, M. le vice-Premier ministre, il n'y a pas eu un comité ? Pendant huit ans, pas un document, pas une ligne, pas une proposition ? Rien aux *stakeholders*, aux parlementaires, aux équipes extraparlimentaires, aux travailleurs sociaux, aux municipalités, aux maires. Rien ! Absolument rien ! Rien circulé ; pas de consultation ! C'est après huit ans au pouvoir de 2015 à ce jour, un beau matin vous décidez qu'il faudra une réforme et tenez-vous bien, ce n'est pas suffisant huit ans, il leur faut 10 ans – encore deux ans. Disons en 2025 que les 329 000 citoyens de ce pays auront l'occasion de décider qui vont gérer leurs villes.

Pour vous dire, M. le vice-Premier ministre, les raisons que vous avancez ne tiennent plus la route parce que, dites-vous bien je vous ai posé une question l'autre jour, la semaine dernière concernant les camions de la municipalité. L'honorable Leader de l'opposition parlait des camions de la municipalité à Quatre Bornes, les camions de la municipalité de la ville de Vacoas/Phoenix sont encore pire et vous l'avez concéder ici, dans cette Chambre que sur 18 camions, que 3-4 camions sont en circulation. Et ces camions, vous parlez de réformes après huit ans ? Il vous faut 10 ans pour changer les camions, M. le ministre ? Ce n'est pas nécessaire de renvoyer les élections.

Pour changer le maire... et chez nous, on a un maire, l'honorable Bablee connaît bien ce maire, il est en très bons termes avec le maire. Pour vous dire M. le vice-Premier ministre, 10 ans, personne ne croit dans ces thèses. Personne ne croit ! Et j'allais vous dire, je parle de la circonscription numéro 15 en particulier et puisque vous allez repousser les élections, les habitants de la circonscription numéro 15 vont devoir vivre avec ce conseil municipal. Ils vont devoir vivre avec ce maire. Ils vont devoir vivre avec ces gestionnaires de la ville qui est actuellement en panne. Nous avons dans cette ville, M. le vice-Premier ministre, les drains bouchés pour encore deux ans ; nous avons les lampadaires dans le noir, M. le vice-Premier ministre, pour encore deux ans. Il vous faut 10 ans pour pouvoir agir pareil ? Les terrains de foot dans la municipalité de Vacoas/Phoenix sont mal éclairés. Les jardins d'enfants à Camp

Fouquereaux, à Highlands, à Solferino sont en abandon. Vous n'avez pas besoin de réforme pour faire cela, il suffit d'avoir des gestionnaires dans nos villes.

(Interruptions)

Bien sûr que j'attends, M. le vice-Premier ministre, mais attendre encore deux ans, c'est dur, vous savez. Ce n'est pas nécessaire...

An hon. Member: *Pou eleksion zeneral si bisin atan 5 an!*

Mr Speaker: What is happening?

Mr Assirvaden : Huit ans et aujourd'hui, avec ce que vous décidez – il se peut que vous allez me dire qu'on a une consolation à Vacoas/Phoenix parce que nous, par rapport aux autres villes, nous sommes Manhattan. Nous avons New York ! C'est vrai ! Mais il faut voir les rues de New York. Il faut voir l'état de la ville et vous voulez dire que ces conseillers, MSM et autres de la municipalité de Vacoas/Phoenix vont rester en place pour encore deux ans. C'est une équipe illégitime à partir de maintenant. C'est une équipe squatteuse à partir de maintenant. Ils n'ont pas été choisis par le peuple.

D'après vos amendements, *the object of this Bill is to amend the Local Government Act to empower the President, acting in accordance with the advice of the Prime Minister* – pas les habitants des villes – *to further extend the life...* Ceci dit, M. le président, il faut bien se dire que d'autres raisons motivent cette décision. D'autres raisons politiques motivent cette décision du Premier ministre d'emmener dans le *Cabinet* vendredi dernier que les élections vont être renvoyées et le responsable aujourd'hui dans ce pays pour le renvoi des élections n'est pas vous, M. le vice-Premier ministre, mais c'est le Premier ministre actuel, Pravind Kumar Jugnauth – le responsable de ce renvoi.

Merci, M. le président.

Mr Speaker : Hon. Lesjongard!

(7.36 p.m.)

The Minister of Energy and Public Utilities (Mr G. Lesjongard): Merci, M. le président, de me donner l'occasion ce soir d'intervenir sur les amendements proposés au *Local Government Act*.

D'emblée, M. le président, je note une divergence d'appréciation en ce qui concerne le renvoi des élections municipales de la part des intervenants qui m'ont précédé à commencer par le Leader de l'opposition, l'honorable Nagalingum et l'honorable Assirvaden. C'était prévisible car ce débat est éminemment politique de par le calendrier électoral et de par les arrangements qui se font ça et là sur le terrain politique. Mais, M. le président, allons l'accepter et c'est important pour les débats de ce soir.

Tous les partis présents dans cette auguste Assemblée à l'exception – et je le dis à l'exception – du parti créé tout récemment par l'honorable Bodha, le Rassemblement Mauricien, ont renvoyé les élections régionales. Mais le ministre Bodha en tant qu'ancien ministre a participé au renvoi des élections – mais pas en tant que parti – mais tous les partis présents au sein de cette auguste Assemblée ont participé au renvoi des élections régionales. Le point commun pour les renvois – excepté et je vais remonter dans le passé plus tard – était une refonte en profondeur des lois régissant l'administration régionale de notre pays. Par exemple, le gouvernement MSM/MMM de 2000 à 2005 était pour une refonte en profondeur et aussi le gouvernement du Parti Travailleiste et PMSD en 2011.

Maintenant en ce qui concerne, M. le président, les renvois en 2021 et 2022, j'ai comme impression et je l'ai dit toute à l'heure-là dans une réponse à une question de l'honorable Assirvaden, comme si dirait on fait impasse sur la période Covid-19 dans le pays. Il faut le reconnaître, M. le président, qu'avec les restrictions sanitaires qu'il y avait pendant cette période, il fallait renvoyer les élections régionales.

M. le président, je m'attarderai un peu plus tard sur les changements que je pense qu'il faudrait apporter à l'actuelle législation mais déjà, M. le président, je note que dans son intervention, le ministre Husnoo fait part de la décision d'avoir un comité interministériel et aussi un comité technique afin d'examiner et de recommander les changements au niveau du *Local Government reforme in Mauritius, the advisability of creating additional Municipal Councils, the need to redefine Local Government boundaries and the advisability of holding local council elections concurrently with or with the wake of general election amongst others.*

Dans son intervention, il fait aussi part que *there will be nationwide consultations with members of the Government, Parliamentary and extra-Parliamentary, Opposition, Local Authorities and Members of the public.*

M. le président, j'ai écouté l'intervention de l'honorable Nagalingum. D'emblée, M. le président, deux partis politiques, présents au sein de ce Parlement, étaient contre le *Local Government Act (2011)*, une loi qui avait été présentée par le gouvernement Parti travailliste et PMSD.

Durant les débats sur ce projet de loi, le MSM avait donné les raisons pourquoi le Parti était contre certaines sections de ce projet de loi et aujourd'hui, avec raison, le gouvernement veut apporter des changements à cette législation et à cette époque, le MMM aussi avait contesté cette loi et avec raison, M. le président. L'honorable membre est allé faire référence à Jawaharlal Nehru, Abraham Lincoln, mais moi, je vais faire référence à ce qu'avait dit son leader, au sein de cette auguste Assemblée...

(Interruptions)

An hon. Member: *Linn blie so leader!*

Mr Lesjongard: Oui, M. le président, parce qu'il avait qualifié cette loi de 2011 comme un grave recul pour la démocratie et posons-nous la question. Quelle aurait été la réaction du MMM aujourd'hui face à cette loi s'il n'était pas en alliance avec le Parti travailliste et le PMSD ? Je comprends et je partage – je l'ai dit un peu plus tôt – cette loi de 2011 et moi-même, j'avais critiqué cette loi parce que, quand on avait fait référence à la délimitation des *wards* et cela est fondamental pour la démocratie, j'ai regardé les coupures de Presse de l'époque. Le MMM avait qualifié de 'tripatouillage des *wards*' par le ministre Aimé et voilà ce que...

(Interruptions)

'Tripatouillage des *wards*' et voilà ce que l'honorable Bérenger avait à dire à cette époque et je cite –

“What has happened is illegal and represents contempt of the President of the Republic and the Electoral Boundaries Commission. Let us stop there. Let us go back to the Law. We have travelled outside the Law; let us go back to the Law. Let us give the opportunity to the President and the Electoral Boundaries Commission to do what they have to do under the existing Law, Mr Speaker, Sir.”

And, he added –

“We reserve our right to go to the Supreme Court and even further, to the Privy Council, because we must have something which abides by the Law and which is reasonably justifiable in a democratic society. Therefore, this is generally a very bad piece of legislation. Generally speaking, it is a huge step backwards.”

Et, pour rajouter à ce qu’avait dit l’honorable Bérenger, si vous me permettez, je vais citer l’honorable Uteem dans son intervention –

“Little did I know, Mr Deputy Speaker, Sir, that we are not dealing with a rapist of regional democracy but with a serial rapist of democracy!

(Interruptions)

When we look closely at the Local Government Bill that is being proposed today, it is not just a serial rapist that we are dealing here, it is an outright murderer. We are murdering the Local Government today in this Assembly. *On est en train d’assassiner la démocratie régionale.* The words are not too strong and I agree totally with hon. Shakeel Mohamed when he says that it takes guts. Yes, Mr Speaker, Sir, it takes guts to come before this Assembly with such a piece of legislation.”

(Interruptions)

Et, à écouter aujourd’hui les paroles de l’honorable Nagalingum, on croyait, M. le président, que l’honorable membre avait complètement mis de côté ce qu’avait dit son leader, à l’époque. Des mots forts, M. le président, et des paroles qui rejoignent, allons-dire celles de l’honorable Mohamed tout récemment, sur une radio privée où il concède que le Parti travailliste était dans l’illégalité de renvoyer les élections tout en citant le jugement récent du conseil privé de la Reine concernant le renvoi des élections sur l’archipel de Trinité et Tobago.

An hon. Member : Le conseil privé du Roi.

Mr Lesjongard : Oui, du Roi, merci. Et, je remercie aussi mon collègue l’*Attorney General* qui a donné, dans son intervention, tout à l’heure, la réplique à ce qu’avait dit l’honorable Shakeel Mohamed.

M. le président, permettez-moi de revenir sur la délimitation des *wards* parce que malheureusement fin 2011, 2012 il n’y a pas eu de suite pour contester légalement cette délimitation et c’est fondamental dans toutes démocraties. M. le président, le MSM n’était pas

d'accord avec cette délimitation et le parti avait eu le courage de prendre position à travers une lettre adressée au président de la république en 2012.

M. le président, il est impératif d'assurer que tout futur projet de revoir les délimitations des *wards* doit être fait en consultation avec la présidence et la commission électorale, chose qui n'avait pas été faite à l'époque.

Une autre section de la loi de 2011, M. le président, qui est très contestable, c'est la *Reserve List* et je me rappelle qu'à un certain moment, plusieurs personnes avaient donné leurs arguments sur cette section de la loi et M. le président, les récents remplacements des conseillers à travers cette *Reserve List* doivent nous interpeller aujourd'hui. Je prends l'exemple ; je vais citer quelques exemples rapidement, M. le président. Je prends l'exemple au sein du conseil municipal de Beau Bassin-Rose Hill. En avril dernier, où la personne choisie avait changé de parti politique. Pour remplacer un conseiller révoqué ou un démissionnaire, M. le président, un parti politique doit nommer une personne qui est en premier sur la *Reserve List*. Toutefois, M. le président, cette même personne a entretemps changé d'allégeance politique et ce remplacement prend trop de temps et dans un cas où il y a une différence très serrée entre la majorité et le parti minoritaire au sein du conseil, tout peut basculer à n'importe quel moment.

Deuxième point, M. le président, qui doit aussi nous interpeller dans cette *Reserve List*, c'est quand le remplaçant vient créer une inégalité au sein des *wards*. Un conseiller, par exemple, démissionnaire, je prends l'exemple de la municipalité de Port Louis, par exemple du *ward* 1 à Port Louis peut, selon cette *Reserve List*, être remplacé par exemple par un conseiller du *ward* 8 qui se trouve à l'autre bout de cette ville et qui connaît ni ce *ward*, ni les habitants de ce *ward*.

Dans un autre cas de figure, M. le président, l'obligation de deux tiers des candidats et de la représentativité des femmes au sein du Conseil peut changer en appliquant cette *reserve list*. Par exemple, dans un cas où trois partis sont représentés au Conseil, si trois conseillères sont révoquées ou démissionnent, les trois conseillères, par exemple, M. le président, peuvent être remplacées par trois conseillers selon la *reserve list* de ces partis. Donc, cette représentativité féminine a amoindri au sein de ce Conseil municipal.

Cette *reserve list*, M. le président, je fais référence à ce qu'avait dit l'honorable Paul Bérenger en 2011 et il avait qualifié cette loi...

Mr Mohamed: Mr Speaker, Sir, on a point of order, if I may, with all due respect to my hon. friend, and I apologise for interrupting. I am referring myself to previous Speakers ruling on this matter whenever there were amendments to be brought to the Local Government Act, we were each and every time reminded – and I am sure the hon. Member will also remember, he was in the House back in 2010 – that we should limit ourselves to what is in the Bill.

The Bill only talks about a change of date, but does not refer to any programme of change to the Local Government Act, to any suggestions or any proposals or any changes to be brought. So, we were reminded, Mr Speaker, Sir, that we should limit our speech only to the content of the Bill: should we postpone, should we not; is it right, is it wrong. In those days, we all, I remember in 2010, stuck to what the Speaker said. This is what we did. But I do recall in those days, the hon. Prime Minister did not speak.

(Interruptions)

Mr Speaker: Continue!

Mr Lesjongard: Can I continue? Yes, thank you, Mr Speaker, Sir.

M. le président, l'interdiction d'un député être candidat à une élection municipale est une autre section de cette loi qui est controversable. Une section de la loi, qui selon moi, avait été faite à l'époque pour empêcher les élus du MMM en 2012 d'être candidats dans les villes. Et moi je pense, M. le président, qu'il faudrait considérer cela, c'est-à-dire de permettre aux députés d'être candidat aux élections municipales.

Autre section de cette loi qui est très controversable, c'est la composition de l'*Executive Committee* des maires parce que cela doit aussi nous interpellier car ils peuvent être remplacés qu'après deux ans. Dans le cas des Conseils de districts, c'est pareil, et très souvent, on arrive difficilement à remplacer ces personnes au sein de ce *Executive Committee*.

M. le président, permettez-moi, le Parti travailliste, je le dis, est très mal placé pour venir parler d'atteinte à la démocratie. Malheureusement, je dois le dire, les pages les plus sombres de l'histoire de notre démocratie ont été écrites par le Parti travailliste. Renvoi des élections générales, refus de donner les élections municipales en '79. Et dans les deux cas, vous savez quel parti a été victime de ces renvois-là ? Votre partenaire aujourd'hui dans l'alliance, le MMM ! Et

puis, M. le président, qui ne se rappelle pas de cet épisode de 2014 où il y a eu la prorogation du Parlement et ensuite la dissolution du Parlement en octobre 2014 ?

M. le président, comme je l'ai mentionné plus tôt, tous les partis politiques présents ont dû renvoyer les élections municipales. Et je le reconnais, moi-même, en tant que ministre des Administrations régionales sous un gouvernement MSM/MMM de 2000 à 2005, j'avais présenté le *Local Government Bill* en 2003 et on avait dû renvoyer les élections. Mais ensuite, il y a eu la loi présentée par Hervé Aimée et qui a dû être amendée par la suite. Et ainsi, va la vie des administrations régionales, pas seulement de notre pays mais ailleurs, c'est-à-dire que ces lois sont revues pour les adapter à l'évolution de notre société. Les raisons avancées par le ministre des Collectivités locales sont claires. Le renvoi des élections municipales se fait afin d'avoir, M. le président, une meilleure administration.

M. le président, si on apporte ces changements dans l'actuelle loi, c'est surtout pour que les collectivités locales puissent être plus efficaces et adaptées par exemple au changement climatique, à l'économie circulaire, mais aussi principalement à une meilleure utilisation des fonds publics. Et je pense que le *Local Government Act* date de 2011 et nous n'étions pas assez avant-gardistes, M. le président, par exemple face aux effets du changement climatique en termes d'infrastructure, de formation de nos ressources humaines, de planification ou de permis de construction.

Notre pays, M. le président, a connu une évolution démographique. Certains villages ont connu des développements commerciaux, économiques et touristiques sans précédent. C'est pourquoi moi je suis pour qu'il y ait encore une fois une refonte complète de cette loi.

M. le président, les principaux partis de l'opposition qui sont en négociations politiques depuis allons dire le lendemain des élections générales doivent en quelque sorte nous remercier de ce renvoi parce qu'après trois ans de négociations, de la naissance de l'Alliance de l'Espoir, du départ de Roshi Bhadain et ensuite de l'honorable Nando Bodha, l'alliance Ramgoolam, Bérenger et Duval a été incapable de tenir un rassemblement du 1^{er} mai. Et ce sera un fait marquant dans l'histoire politique de notre pays. Mais même au plus bas de son histoire, seul en 2010-2011 le MMM a tenu son rassemblement pour les travailleurs le 1^{er} mai. Mais malheureusement, aujourd'hui, M. le président, tel n'est pas le cas.

Je vous pari que même si nous organisons des élections municipales, que ce soit le MMM, le PMSD ou le Parti travailliste seront incapables de mobiliser leurs partisans à l'heure actuelle, M. le président, parce qu'il n'y a aucune synergie parmi leur électorat et cela depuis qu'ils ont commencé à parler d'alliance.

An hon. Member: *Eseye nou gete!*

Mr Speaker: Order! Order!

Mr Lesjongard: M. le président, l'alliance Parti travailliste, MMM et PMSD n'est pas une alliance pour le peuple, c'est une équation pour la transition pour le leadership au sein de ces partis politiques. C'est ça la stricte vérité. Et le renvoi des élections leur donnent encore du temps, puisque depuis trois ans, ils ne trouvent toujours pas le *winning formula* avant de concrétiser cette alliance.

On note, M. le président, qu'il n'y a aucun enthousiasme parmi la population ni parmi l'électorat de leur propre parti, que ce soit le Parti travailliste, le PMSD ou le MMM, et c'est qui fait l'éloignement de l'honorable Bodha de cette plate-forme. Parce qu'il est vrai, remontant dans le temps après Madan Dulloo, Ashok Jugnauth, Sir Anerood Jugnauth, et l'honorable Bodha, revoilà Navin maintenant, M. le président. Mais le lion politique de 2005 à 2014, il ne fait plus peur - j'ai déjà dit ça avant - même pas dans son arène, M. le président !

L'alliance Ramgoolam/Bérenger/Duval, allons le reconnaître, *pa morde zordi sa!* Et écoutez-moi, M. le président, – je vais terminer là-dessus parce que je n'ai pas beaucoup de temps – lors des prochaines élections, le peuple mettra un terme définitif à la carrière politique de deux personnes surtout, l'honorable Paul Bérenger et Navin Ramgoolam.

Merci, M. le président.

Mr Speaker: MP Bodha!

(8.00 p.m.)

Mr N. Bodha (Second Member for Vacoas & Floréal): Merci, M. le président, de me donner la parole pour participer au débat. Alliance ou pas, pour moi...

An hon. Member: *Konn zwe to kart la!*

Mr Bodha: ... le droit de vote...

(Interruptions)

Je crois que j'ai écouté en silence, je n'ai dérangé personne ...

Mr Hurreeram: *To pena le choix!*

An hon. Member: *To ti p dormi!*

Mr Bodha: Je mérite qu'on écoute...

(Interruptions)

Mr Speaker: Order!

Mr Bodha: Alliance ou pas, le droit de vote pour moi est sacré. Alliance ou pas, le droit de vote pour moi est sacré d'autant plus qu'on se proclame comme étant *a democratic sovereign State*. Et quand on donne le déni de démocratie à presque la moitié de l'électorat, il faut avoir une raison valable. Il n'y a pas de raison valable. C'est purement un calcul politique. C'est purement une stratégie politique parce que dans le pays, le peuple veut un changement en profondeur, veut voir partir ce gouvernement et aurait aimé voir le changement dans la ville parce qu'on le dit souvent changer la ville, c'est changer la vie et l'histoire.

M. le président, je vais revenir à l'histoire pour expliquer l'importance des élections municipales, pas seulement des élections municipales mais des élections municipales partielles qui ont changé le cours de l'histoire. En 1983, après la cassure et le départ du MMM du gouvernement, il y avait une élection partielle dans la municipalité de Beau Bassin/Rose Hill et ce siège avait été remporté par Hervé Duval aux dépens du MMM. Cette élection partielle du PMSD avait à l'époque par la suite aidé à dessiner l'alliance Bleu-Blanc-Rouge avec les résultats d'août 1983.

C'est pour expliquer qu'une élection partielle municipale peut avoir une portée historique et je vais prendre un second exemple. Le second exemple date d'août 1993 où il y a une élection partielle pour trois sièges, toujours à la municipalité de Beau Bassin/Rose Hill et les trois sièges sont perdus par le gouvernement MSM/MMM, remportés par le PMSD et trois mois plus tard, le MMM va quitter le gouvernement. C'est pour dire qu'il n'y a pas seulement un déni de démocratie mais nous sommes en train quelque part d'empêcher l'histoire de se refaire et pour moi, le droit de vote, je le répète est sacré.

In this line, Mr Speaker, Sir, I will say one word about the Privy Council Case of Trinidad and Tobago. For me, it is clear that the right to vote is an essential characteristic of a representative democracy whether at a national or local level and that the representatives whether they are Councilors or not, should be chosen by popular vote and not by the Government, and it is not for the Government to extend the life of a mandate unless there is a valid reason.

In 2021, we had a valid reason and then the Bill said that the object of this Bill is to amend the Local Government Act so as to provide that any time when there is a period of public emergency or an epidemic of a communicable disease or a quarantine period is in force in Mauritius, the President can, upon the advice of the Prime Minister change the life of the mandate, at the Municipal City Council and Municipal Town Councils. But this time, Mr Speaker, Sir, the object of the Bill is to give the Prime Minister, the sole power to extend the life of Councilor, because we know that, when it comes to the advice of the Prime Minister, the President has no other options than to assent and act more or less as a rubber stamp.

Ceci étant dit, M. le président, pour le peuple, d'autres l'ont dit de ce côté de la Chambre, c'est un coup terrible, ne pas exercer son droit. D'autant plus qu'on est en train de nous dire et là je vais résumer ce que le ministre Teeluck avait dit lors d'une conférence de presse samedi. Je suis étonné qu'il ne prenne pas la parole aujourd'hui. Il avait dit –

“It's as if we have a deep and thorough evaluation of the present local government system with a view to come up with a reform for a better functioning of our local government institutions”

Mais nous savons à Maurice que toutes les institutions sont cadennassées ; toutes les institutions sont pourries et que les villes sont devenues des fantômes et il y a les villes...

Mr Speaker: I would stop you there. You cannot say that in a country, in a democratic country, all institutions... Withdraw that word!

Mr Bodha: I am saying!

Mr Speaker: Not saying, withdraw that word or you withdraw from the Chamber!

Mr Bodha: I am not withdrawing!

Mr Speaker: You are not withdrawing the word?

Mr Bodha: No!

Mr Speaker: Withdraw from the Chamber!

Mr Bodha: Okay!

Mr Speaker: Next orator!

(8.07 p.m.)

The Minister of Social Integration, Social Security and National Solidarity (Mrs F. Jeewa-Daureeawoo): Thank you, Mr Speaker, Sir. I just want to briefly speak, of course, in favour of the Bill.

Let me assure the House that the decision to postpone the municipal election has been made with a deep sense of responsibility towards the nation and I must say also towards the future of local governance. As such, understanding the essence of the Bill is very important.

Much has been said already on the present Bill by my colleagues on this side of the House. So, I will as much as possible refrain from repeating arguments that have already been said.

I have listened very carefully to the intervention of my colleagues from the other front of the House. Unfortunately I must say some of the hon. Members got the Bill wrong. They are talking about violation of democracy, robbing the electorate of his vote, silencing the voice of the people, to name a few.

Mr Speaker, Sir, we are doing nothing that is against democratic principles. In fact, democracy would have been threatened if we had decided to cancel the elections. The present Bill is all about a postponement. We are only postponing the Municipal City Council, the Municipal Town Councils or entire Village Councils for a period of two years in order to bring reforms to the whole system as the mover of the Bill has explained earlier.

I have heard from some Members of the Opposition about democracy being violated. So, let's talk about democracy. Democracy was violated when you chose to close parliament for months, nearly a year. So, I want to know what the hon. Members who intervened today did at that particular time. We did not hear from you. Your voice was silent. Another example, Mr

Speaker, Sir, violation of democracy was when you came forward with the Local Government Act of 2011, I must say a legislation *bâclé*.

This is in fact the correct terminology. Despite several papers submitted on the reforms for Village Council, Municipal Council, the law introduced failed to meet the expectations of the public at large.

You did promise an in-depth reform in the District and Municipal Councils in your Government Programme 2010-2015. I think it is good to refresh your memory. Let us have a look at the paragraphs concerned; I quote –

- “218. A major review of local government legislations will be undertaken in order to better meet the aspirations of the population. Consideration will be given to the creation of new Municipal Councils.
- 219. A new formula will be devised to better respond to the requirements of local authorities and reduce disparities between urban and rural areas.
- 220. Government will pursue the implementation of the E-Business Plan with a view to offering a unique local government portal to the public, and facilitating networking amongst Local Authorities.”

So, where are those implementations?

Hélas! The Local Government Act 2011 simply separated District Councils from four to seven. That is all that the Bill does. So, what about disparity between the cities and villages as mentioned in your Government Programme? Where are the new Municipal Councils that were to be created? Again, as mentioned in the said Government Programme.

So, Mr Speaker, Sir, nothing has been done so far. These are not my saying, these are the promises in the Government Programme 2010-2015. Before me, hon. Dr. Boolell talked about the circulation of a White Paper. Is it not premature to circulate a White Paper at this point when the Ministerial Committee has not yet made any recommendations? So, I am of the view that we will have to wait for the recommendations to come out and then, if need be, paper can be circulated.

On another note, Mr Speaker, Sir, I heard Members of the Opposition outside Parliament saying that the Explanatory Memorandum is very short. They were on radio and said zero

explanation. To my knowledge, an Explanatory Memorandum is most of the time short and concise. Let me refer to the Explanatory Memorandum of legislations brought by the previous Government.

I have just mentioned the Local Government Act 2011. So let us have a look at the same piece of legislation. For a legislation of more than 200 pages, if I apply your reasoning, the Explanatory Memorandum should have been more elaborated. So, it is a memorandum of half a page for a legislation of more than 200 pages. The same applies for the Copyrights Act 2014, the same applies for the Asset Recovery Act 2011. Not even one whole page of Explanatory Memorandum. So, in my mind, Mr Speaker, Sir, this argument does not hold water; this argument does not hold ground.

An Explanatory Memorandum has most of the time been short and concise. Is it not the practice for the Minister presenting the Bill to give explanation during debates and this is what the mover of the Bill has done earlier.

So, let us, Mr Speaker, Sir, put the interest of the country above Party. This is not the time to point fingers. It is the time to bring solutions to the practical problems faced by the Local Authorities. So, we all know that the Local Authorities are facing many practical problems. That is why we are saying, on this side of the House, that the present Bill has the very best intentions. This is a fair and equitable piece of legislation that recognises the difficulties faced by the Local Authorities. We have heard many colleagues on this side of the House on the Bill. We need time to bring an in-depth reform. The present Amendment, I must say, has been approached with an open mind.

Mr Speaker, Sir, coming to the intervention of the hon. Leader of the Opposition, I must say that the hon. Leader of the Opposition has been very fair in his intervention. I am happy that we are on the same wavelength. In fact, this is how it should be if we are to bring meaningful change. The hon. Leader of the Opposition has rightly pointed out that the existing system has many shortcomings which need to be addressed. Although he is of the view that these issues are administrative in nature, we, on this side of the House, believe that major and in-depth reforms are necessary for a more efficient and sustainable Local Government System.

Hon. Nagalingum, I must say, dares to talk about delays in projects such as –

- (a) construction of drains;
- (b) the Rose Hill market,
- (c) the renovation of Plaza.

Well, maybe your memory is short. Nothing has been done for the inhabitants of Rose Hill before 2014. Nothing was done for the inhabitants of Rose Hill, Mr Speaker, Sir, as if Rose Hill did not exist at that particular time. So, the hon. Member knows about it. It is under our Government that development has started and been accomplished also. Let me give a few examples of some realisations –

- (a) Two Communities Centres at Plaisance and Trèfles;
- (b) An elderly day care Centre in Roches Brunes,
- (c) Geranium Sports Complex at Camp le Vieux.

You know very well that Plaza has been partly renovated and works are on-going. All of this has been done by us and we are also setting up a medi-clinic in Rose Hill. You mentioned that many years have passed and nothing was done about the Rose Hill Market. So, as for the Rose Hill Market, don't worry hon. Nagalingum. Soon the project will start; our Government will be there for many more years. We have a *bilan*. Why not? May be soon you will be doing your shopping there.

Therefore, Mr Speaker, Sir, let us not bring political dimension to the present Bill. We, on this side of the House, we are serious in our doings. If the Opposition thinks that we cannot mobilise our own urban followers, I can just tell them - think of 01 May. Do I have to elaborate on this? I don't think so. So, when we had such a success at Vacoas, the Opposition combined as they are ...

An hon. Member: *Ki success pe kozer?*

Mrs Jeewa-Daureeawoo: When we had such a success at Vacoas, the Opposition combined as they are, did not dare to have a gathering on the 01 May. So, you know fully well that you would not have been able to attract, in any of the municipal areas, a crowd of even 1/10th of what we attracted at the municipal township of Vacoas; all of you together, Mr Speaker, Sir!

On a concluding note, Mr Speaker, Sir, let me assure the House and the population at large that our Government, under the prime-ministership of Pravind Kumar Jugnauth, will always do things that are correct. This is, in fact, what we are doing.

Thank you, Mr Speaker, Sir.

Mr Speaker: Hon. Members, I suspend the Sitting for one hour.

At 8.22 p.m., the Sitting was suspended.

On resuming at 9.28 p.m. with Mr Speaker in the Chair.

Mr Speaker: Please, remain seated!

(9.27 p.m.)

Mr S. Mohamed (First Member for Port Louis Maritime & Port Louis East): Thank you, Mr Speaker, Sir. For a minute when you came in, I heard Deputy Speaker and I felt so sad for you, thinking that you had got demoted for some reason. I am happy to see that you have not been demoted, but your sense of humour is indeed unique!

Mr Speaker: Thank you!

Mr Mohamed: So, since we are all limited in the time that we have, I must right away say that I was very interested in the analysis that the hon. Attorney General made of the case before the Privy Council, the case of Maharaj v/s The Cabinet of the Republic of Trinidad and Tobago that was heard on 15 March 2023 and judgment was delivered on the 18 May 2023.

I have also listened to hon. Minister, Mrs Jeewa-Daureeawoo, who spoke about the Bill and why she believes it was a good proposal, but I fail to understand her explanations as regards the Explanatory Memorandum because the fact remains that when I look at the Bill of 2015, which is the Local Government Amendment Bill that was brought to Parliament on 03 April 2015 by the then Minister of Local Government, now vice-Prime Minister and Minister of Local Government, there was indeed an Explanatory Memorandum that was very detailed.

When I saw that particular Bill back in 2015, it was clear in my mind and in the mind of one and all, that what Government in 2015 was trying to do was to bring, if I may put it that way, a fixed term mandate before the Municipal Councils – a fixed term that automatically died with the end of the life of the Municipal Council after the 6 years. So, what was inbuilt in that

particular piece of legislation back in 2015, was what the hon. Minister had said in his speech: it was grassroots' democracy was being encouraged. He said that democracy was being consolidated for many reasons, but one of the reasons that the hon. Minister had put forward was precisely the novelty of having a fixed term for Councillors who were elected and at the end of the term, they would no longer be a Council.

Therefore, all Governments would have been obliged to call for Municipal elections. That was a novelty back in 2015. And the Explanatory Memorandum ran over more than one page with two paragraphs that went from 2(a) to 2(i) which is what an explanatory memorandum is all about. Whereas in 2023, the Explanatory Memorandum is only four lines and it basically says that the object of the Bill is to amend the Bill. It doesn't say what the purpose of the amendment is. Therefore, I put the question to the mover of this Bill, the hon. Vice-Prime Minister and I would like to ask him why is it that the Explanatory Memorandum does not contain the explanations that should normally be found in an explanatory memorandum? Because at some point in time, let us say for a minute that this matter really does end up before the Supreme Court and the Privy Council, one of the things that the Judges of the Supreme Court and the Law Lords will look at, is the object of the Bill.

The only time that the Opposition and the country at large has come to find out that Government intends to go for a revamping of our local government system and the laws, the first time we ever heard about it was on Saturday, when not the Minister of Local Government comes to television and says so but it is the Minister of Arts and Culture. That's the first time! And before that, never did Government ever speak of the necessity, the need, ever since the elections of 2019 to amend the law. How come, all of a sudden, on the eve of the natural death of the municipal councils, it is only then and not before, that there is this reason that is put forward? I say, it is not a reason; it is not a justification, but those are lame excuses. And that is the reason to explain the absence of any explanation in the Bill. Had there been an explanation, it would have been mentioned in the Explanatory Memorandum. It is only because there is no explanation that there isn't one in the Explanatory Memorandum.

But when I listened to the hon. Minister of Arts and Cultural Heritage at the press conference on Saturday explaining the reasons that would justify the postponement of elections, it is then that he chooses his words very carefully and therein lies the evidence that Government

is looking for lame excuses. He does not say that: we have set up committees; we have studied the law; we have started drafting proposals: those are the members of the committee; this is the person who chairs the committee. No, he does not say that. The reason he does not say that, is because there is no such committee. But the words he uses – and I say it again, he uses his words very carefully – he said: “time has come for us to start thinking about a new model”. So, therefore, we haven’t done it yet; we will start thinking. So, Government has decided to come to Parliament today without even having set up a committee, without even having had a first meeting of any committee, without having had a single iota of consultations, without even having put pen to paper to make any proposal, but having to find excuses in order to justify the request for postponement. This is the first thing that I had liked to point out.

The second issue is this part of the speech of the hon. Attorney General which I found very interesting as a colleague lawyer but let me say that there are a lot of elements within that speech that lead me to believe that there are paragraphs of the judgment that he should place on record for posterity. Because the time has come today for us to decide not whether... As I heard hon. Lesjongard say: “you have done that before”, then hon. Nagalingum says: “but you also did it then”, and then we will say: “well, we also did it”. Okay we’ve all done it. Therefore, when I heard hon. Mrs Jeewa-Daureeawoo, she says all of us have done it. But if this is the case, what I would like to say here is that we have to pause for a minute and really listen to what we are saying.

Can you imagine the population outside listening to us today at 21:36 hours on this Tuesday; they have listened to us, the MSM saying: “we are entitled to ask for a postponement because this is what the plan is. We are not going to show you the plan; we have not put pen to paper but this is what the plan is. We are going to start thinking”. So, it is justified. Then we heard other Members such as, myself, we can say well in 2010 when we asked for a postponement of the elections, the fact is that, there was indeed a law being prepared, not we were going to think about it but the preparation had started. And let’s not forget that in those days when everything had started, before the alliance between the MSM and the Labour Party, it had started on by the late James Burty David who is then the Minister of Local Government. So, we had already started putting pen to paper. The draft bill had already been prepared and it is only then, when there was a disparity between two existing legislations: 1989 Local Government Act, 2003 Local Government Act. Two legislations: Local Government Act; two different dates,

both having force of law. That was the state of affairs in 2010. So, that is the reason why there was a request for postponement.

But that does not mean, in my view, that it was justified. I learn with experience. Normally, people with age learn from experience. We progress and we do not regress. So, it is not because the MMM has done it or the MSM has done it or the PMSD has done it. Hon. Salim Abbas Mamode takes us back to 1972 and he is proud of it. In 1972, I was four years old. I had stopped wearing diapers. Can you imagine? Am I really bothered with what happened in 1972 when the problems we are facing are in 2023?

(Interruptions)

2023, now, this is what is happening. What is happening today is that all of us are tapping each other on the backs and I am not here giving lessons, I am just speaking facts. I'm not here trying to say that I know better than anyone. If it comes out like that in my speech, I apologise. I am just saying that all of us, we are tapping ourselves on the back saying: "let us be happy, let us not feel bad because all of us have done it in the past". And the people out there, the electorate are the victims – victims of the Labour Party for whatever reason, victims of the MSM for whatever reason, victims of the MMM for whatever reason and the PMSD for whatever reason. And we expect the people to have confidence in *la classe politique* after what we're having this beautiful sharing of responsibility; joint liability for something wrong; taking away the right to vote. If you say that the Labour Party did it in 1972 and it was wrong, fair enough! Fair enough! You are entitled to your views. But why is it that you believe that you are right today? If I was wrong in 1972, you are wrong today for the same reason. It cannot be that I was right in 1972 and you are wrong today. If you are wrong today, I was also wrong in 1972. That's truth! So, that is the second point.

The third point I would like to raise is the following: when I read the judgment of the Law Lords of the Privy Council, there are certain paragraphs that I have taken. I have seen it so important that I have translated them into French. Allow me to say that. We all agree with what the Law Lords say and I read paragraph 32, Mr Speaker, Sir, –

« Les droits conférés par un système de gouvernement démocratique ne sont pas seulement des droits individuels dont jouit chaque personne habilitée à voter. C'est aussi le droit de tous les membres de la communauté concernée d'être gouvernés par des

représentants choisis démocratiquement, qu'ils aient ou non individuellement le droit de voter ou qu'ils aient exercé ce droit. Une société démocratique engagera nécessairement d'autres droits, la liberté d'expression et d'association. »

When the Privy Council talks about the freedom of association that is under section 13 of our Constitution, it does not mean that it is a standalone right. It means that it comes with the right to vote. This is what the Privy Council did not address because it relied on another point.

Let me conclude by saying the last thing that I found in this particular piece of legislation. This piece of legislation has made me realise that the people out there who are listening to us, young and old, professionals, workers in the fields, workers in industries, *artisans et pêcheurs* and from all walks of life, looking at us today, they are not happy at all because when I read what hon. Lesjongard said back in 2010 and I read –

« Quand nous avons vu que pendant ces cinq dernières années, il y a une centralisation de l'administration au niveau des collectivités, on a décrié tout cela pendant tout ce temps-là. »

That is what is happening today and he says –

« Nous disons non, M. le président, à cela. Nous disons non parce que pour nous la démocratie régionale doit être quelque chose de vivant. Les conseillers doivent pouvoir fonctionner correctement. »

And, he says –

« Je vais terminer mon discours tout en soulignant que nous sommes totalement contre le renvoi de ces élections. »

Today, he says exactly the contrary and the hon. Deputy Prime Minister who made his speech 2010, what did he say? He said –

« M. le président, ce pays n'appartient pas au gouvernement du jour. La démocratie n'est jamais la propriété du gouvernement du jour mais le gouvernement lui est redevable. Donc, ce gouvernement n'a pas le droit moral aujourd'hui de reporter ces élections. Alors, dernière remarque, la demande de l'Opposition au Gouvernement malgré les ricanements de certains, c'est que l'on rende au peuple ce que lui est dû moralement, le

droit de décider démocratiquement de qui selon le peuple devrait gérer les municipalités. »

Why is it that the hon. Deputy Prime Minister said this then “*le droit moralement de décider*” *mais aujourd’hui*, the Deputy Prime Minister is on the list of orators and he is going to say exactly the contrary?

So, that is my point. Each one of us, we make speeches and the Prime Minister is right when he says that people make speeches in the Opposition and in Government they say something else. Your neighbour sitting next to you does the same thing. You did the same thing for *Metro Léger*. Hon. Lesjongard, we all did it. So, maybe what we should do is that we should all call for general elections and let the people decide.

Thank you.

(Interruptions)

I think you agree with me!

(Interruptions)

Mr Speaker: MP Uteem!

(9.43 p.m.)

Mr R. Uteem (Second Member for Port Louis South & Port Louis Central): According to the website of UK Parliament, an Explanatory Memorandum provides a clear explanation on what part of the Law the instrument is changing and why.

The Explanatory Memorandum of this Bill does not provide any explanation as to why the President, acting on the advice of the Prime Minister, is given the power to extend the life of an entire Municipal Council for two years and I am afraid the explanation given by the hon. Vice-Prime Minister to postpone municipal election does not hold water. It does not hold water first of all because there is no mention of the setting up of any Interministerial Committee in any Cabinet decision and listening to hon. Lesjongard and hon. Jeewa-Daureeawoo, it is obvious that this committee has never been discussed before because they were all unaware of what it would be doing.

In fact, PQs have been asked to the Prime Minister about holding Municipal Council elections and he never indicated in his answers that those elections would be postponed because Government intended to review the Local Government Act. May I remind him, on 15 November 2022, in answer to a PQ from hon. Nagalingum, this is what he said –

“During my intervention in the National Assembly on Friday 13 May 2022, I had enumerated the reasons for the extension of the life of the Municipal City Council and Municipal Town Councils for a further period of one year. On that occasion, I also gave the assurance that the elections might be conducted at any time within the extended period, if the situation would so allow.”

So, back in November 2022, the hon. Prime Minister wanted to hold the Municipal elections if the situation so allowed but today the situation does not allow. They cannot hold the elections. Why?

Mr Speaker, Sir, they know what is going to be the outcome of this election. They know because like us, they have ears. They know how the population is fed up with the Municipal Councils that are currently run. They know how the population is fed up with this Government and its scandals and mismanagement of the economy and wastage of public funds and you just have to look at adjournment matters. Every other Tuesday in this very House, the bulk of matters raised by MPs from both sides of the House relate to Local Government issues.

There seems to be a competition about which Municipal Council has more problems, is more badly managed. Roads not repaired, street lighting not working, garbage not collected, drains not cleaned, lorries broken down, workers not properly equipped, overtime not paid, football pitches without proper lighting, children’s playground is an abandoned lot, parks not properly maintained, trees not cut and I could go on and on and on like this and the hon. Minister knows every matters that we raise during adjournment every other Tuesdays. And today, instead of allowing city dwellers to choose a new team to administer their towns, Government is extending the mandate of the incumbent for another two years. *Un gouvernement qui glorifie la médiocrité et récompense l’incompétence.*

On this side of the House, we believe that the proposed amendment is not just morally wrong but may also fail the constitutionality test. Law is never static, it evolves. The Attorney General has analysed extensively the Privy Council case of Ravi Balgobin Maharaj. I do not

want to be nasty, especially that he is not here but listening to his arguments, it would appear that his legal reasoning has been seriously clouded by some *kari serf*. Otherwise, how can you explain that he failed to make reference to the comments with Members of the Privy Council made on representative democracy? For example, at paragraph 31 –

“The essential characteristic of a representative democracy, whether at a national or local level, is that the representatives are chosen by popular vote. [...] It is also an essential element of any democratic form of government, whether at a national or a local level, that the electorates choose their representatives for a limited period. The right to vote out representatives is as important as the right to vote in representatives.”

And more damning probably, is paragraph 34 –

“It is inimical to a representative democracy that the representatives are chosen by anyone other than the electorate. It is not for Parliament, still less, the Government, to choose the representatives.”

This is what the Privy Council says; it is for the electorate to choose their representatives, their local Councillors. “It is not for Parliament, still less Government,” to choose the representatives of town dwellers.

Yet, with this Bill, the Prime Minister can direct the President to extend the term of office of incumbent Councillors for two more years. So, it will be the Prime Minister, not the electorates who will be choosing the Councillors for the next two years. Is this democratic? Is this reasonably justifiable in a democratic State? Is this consistent with section one of the Constitution which provides that –

“Mauritius shall be a sovereign democratic state which shall be known as the Republic of Mauritius?”

Section one of our Constitution was extensively considered by the Privy Council in the case of the State v Khoiratty back in 2006. Analysing the concept of democracy, the Privy Council held, and I quote –

“The idea of a democracy involves a number of different concepts. The first is that the people must decide who should govern them.”

So, the very first principle of a democratic State is that people must decide who should govern them. It is for the electorate to choose its representatives, not for the Prime Minister.

In 1991, the Constitution was amended to entrench section 1 of the Constitution, to provide in section 33 that section 1 can be amended only if the proposed Bill had first been approved by three quarters of the electorate in a referendum and has been supported at final voting in the Assembly by all the Members of the Assembly. So, you need a referendum and the vote of Members of the Assembly to amend section 1, that Mauritius shall be a sovereign democratic State. So any other law, including any amendment to the Constitution, which is in violation of section 71, would be struck down as being anti-constitutional.

The only other provision of the Constitution which is so entrenched is set out in section 57 of the Constitution, which provides that, and I quote –

“(2) Parliament, unless sooner dissolved, shall continue for 5 years from the date of the first sitting of the Assembly after any general election and shall then stand dissolved.”

It is with a sense of pride that I can say that both these provisions were entrenched in the Constitution when the MMM was in government!

After the General Elections of 1982, when MMM-PSM won all the seats of the National Assembly, instead of abusing its powers, the MMM used its absolute majority in Parliament to ensure that General Elections must be held every 5 years. No government can postpone a general election beyond a period of 5 years without a referendum, and I am sorry that we did not have a similar provision for Local Government. But this is MMM!

It is with these same strong democratic values which today dictate our conduct and make us object to the postponement of local elections at the whims and fancies of the Prime Minister of the day. I would rather spend my entire life in the Opposition than compromise on my principles and values, unlike many other politicians who are dictated by their self-interest!

The MMM has always...

(Interruptions)

Mr Speaker: Order!

Mr Uteem: ...been in favour of giving more powers to local authorities, to give them greater autonomy, just like we granted Rodrigues its autonomy in 2001 by enacting the Rodrigues Regional Assembly Act. The MMM does not believe in concentration of powers in the hands of the Prime Minister and Central Government. We believe in participating democracy at regional level, at Municipal Council level and at Village Council level. Only once in its entire history has the MMM supported a Bill to postpone a Village Council Election. That was in 2002 when Village Council Elections were postponed.

The reason was because a new Local Government Act was under preparation and a year later, the Local Government Act was indeed voted to make local authorities more effective, democratic, transparent, responsible and accountable, a law which would have brought parity between the Municipal Council and Village Council.

It is unfortunate that hon. Mrs Tania Diolle perhaps does not even realise that the mover of the Bill was none other than hon. Joe Lesjongard, who was the Minister of Local Government. In fact, unlike what hon. Mrs Tania Diolle seems to suggest, elections were held after the law was passed, not before.

But since the MSM is back in power in December 2014, it is the third time they have been amending the law to postpone local elections. First, in 2018, to postpone the Village Council elections; then in 2021, to extend the life of the Municipal Council for up to 2 years because of COVID, and today, to extend it for two more years.

The Prime Minister, who is heading the weakest government ever elected in this government in terms of votes...

(Interruptions)

It is a fact! It is the weakest government in this entire country in terms of number of votes which we have received. Cannot deprive town dwellers of their right to choose the Councillor of their choice!

(Interruptions)

Mr Speaker: Order!

(Interruptions)

Mr Uteem: Cannot deprive!

Mr Speaker: Order!

Mr Uteem: You cannot! The weakest government of the entire history of Mauritius cannot deny town dwellers of their right to choose the party or alliance which will govern their towns and cities.

M. le président, l'histoire retiendra qu'un mardi soir, en ce 23 mai 2023, les membres du gouvernement ont violé la démocratie régionale et ont usurpé le droit de vote des citoyens, étant trop peureux pour faire face à l'électorat.

Merci.

Mr Speaker: Hon. Ramano!

(9.56 p.m.)

The Minister of Environment, Solid Waste Management and Climate Change (Mr K. Ramano): Merci, M. le président, de me donner la possibilité d'intervenir sur ce projet de loi.

M. le président, après avoir écouté le leader de l'opposition, nous avons l'impression qu'il est en train de découvrir la ville de Quatre Bornes, après avoir posé sa candidature pour la première fois en 2005. Il faut bien rappeler au leader de l'opposition qu'il a été successivement *Deputy Prime Minister*, ministre de l'Intégration sociale, ministre du Tourisme, ministre des Finances, quel est son bilan dans la ville de Quatre Bornes, M. le président ? Zéro ! Il ose, aujourd'hui, donner des leçons en termes de projets de développement, de projets d'urbanisation pour la ville de Quatre Bornes, alors qu'il a successivement occupé des grands postes de responsabilité depuis 2005, M. le président !

M. le président, maintenant qu'il se retrouve dans l'opposition, il a subitement un rêve pour la ville de Quatre Bornes. M. le président, peut-être que la mémoire du leader de l'opposition est en train de faire défaut. Je dois quand même lui rappeler que c'est une conseillère de son parti, '*Madam Kaba*,' qui a quand même fait honneur au Conseil municipal de Quatre Bornes de se retrouver avec R 200,000 dans son *kaba* sur la plage de Flic-en-Flac pour la vente des étals pour le marché de Quatre Bornes, M. le président !

M. le président, nous savons pertinemment bien le Conseil municipal Travailleiste-PMSD dans la ville de Quatre Bornes depuis 2005, le nombre de conseillers qui ont été suspendus, qui ont été condamnés pour corruption pour la vente des étals pour le marché de Quatre Bornes. Il y a eu aussi ce cas, M. le président, la balade en hélicoptère des conseillers Travailleistes-PMSD pour la ville de Quatre Bornes sous prétexte qu'ils allaient filmer la ville de Quatre Bornes pour projeter une autre image de la ville. M. le président, c'est cela le bilan du Travailleistes-PMSD pour la ville de Quatre Bornes. Et ils osent aujourd'hui donner des leçons de bonne gouvernance pour la ville de Quatre Bornes.

À chaque fois que le leader de l'opposition a occupé un poste de responsabilité, lorsqu'il était ministre du Tourisme, il allait convertir le marché de Quatre Bornes en un *tourist market* ; lorsqu'il était ministre des Finances, cela a été *eco-market* ; lorsqu'il a été ministre de l'*Empowerment*, c'était un *empowerment market*. M. le président, il vend des rêves pour la ville de Quatre Bornes depuis 2005. C'est cela *rezilta lor rezilta*, M. le président.

Lorsqu'on entend l'honorable Dr. Arvin Boolell réclamer des élections municipales, on a tendance à se demander, M. le président, est-ce qu'il y a des stocks de macaronis qui sont en train de périmer ?

M. le président, le projet de loi qui est devant nous fait mention d'un renvoi des élections. Cela a été communiqué, M. le président, que le gouvernement souhaite approfondir la démocratie régionale à travers une réforme en profondeur du présent *Local Government Act*.

Il a été aussi communiqué qu'un comité ministériel sera constitué une fois la présente loi votée.

À entendre certains députés de l'Opposition encore une fois, il est clair que le réflexe électoraliste qui prend le dessus alors qu'ils ont eux-mêmes, M. le président, dénoncé les manquements dans la loi régissant les collectivités locales. Persister à faire des élections sous quelles règles de jeux, M. le président ? Sous quelle loi, M. le président ? Sur une loi qu'ils ont eux-mêmes vaillamment dénoncée dans le passé, M. le président. On a le droit de se poser la question, M. le président. Est-ce que cet empressement est dû au fait qu'il faut à tout prix légitimer l'alliance Travailleiste/PMSD/MMM qui a grand mal à se faire accepter par l'électorat mauricien ? Ou encore le temps presse, M. le président, pour ces dirigeants de l'Opposition qui

sont arrivés à leur *expiry date*. Et je pense qu'ils pensent pouvoir à travers ces élections jouer leur dernière carte peut-être avant le repos éternel, M. le président.

M. le président, je compte axer mon intervention sur cette nécessité de réforme des collectivités locales ; cette nécessité de démocratie ; cette nécessité de démocratiser le processus des élections ; cette nécessité de décentraliser la prise de décision. Ce que je suis en train de dire a été archi répété par certains députés de l'Opposition, notamment du MMM. Je souhaite maintenant que leur projet d'alliance avec le PTr, leur *koz koze* avec leur nouveau partenaire, leur énième partenaire ne sera pas un prétexte pour mettre aux oubliettes ce qu'ils avaient eux-mêmes réclamé en termes de réforme, ce qu'ils avaient eux-mêmes dénoncé dans la loi Aimée du parti travailliste en 2011, M. le président.

M. le président, lorsqu'on écoute l'honorable Uteem, je pense que de par son attachement à l'alliance avec le PTr, est-ce que le MMM n'est pas en train de glorifier les fossoyeurs de la démocratie et récompenser les droits à l'excès du PMSD ? L'honorable Uteem ose parler d'un gouvernement faible. M. le président, lorsque le MMM négociait des alliances avec le Parti Travailliste dans le passé, c'était sous quel terme, M. le président ? 50/50, M. le président ! Le partage du poste de Premier ministre, M. le président. Il osait même choisir qui serait les candidats du Parti Travailliste, M. le président, tellement il était un maillon fort de cette alliance, M. le président. Et aujourd'hui quel est le *bargaining power* du MMM, M. le président ? Se contenter des miettes du Parti Travailliste, M. de président, c'est cela la force du MMM ?

M. le président, il faut aussi se rendre à l'évidence d'une chose aujourd'hui – ce que le MMM est en train de négocier aujourd'hui avec Navin Ramgoolam. Le Dr. Navin Ramgoolam, M. le président, a perdu les élections en deux occasions, avec des squelettes dans le placard. Cette personne-là ose aujourd'hui décider de l'avenir politique des membres du Parti Travailliste, décider de l'avenir politique de Paul Bérenger, décider de l'avenir politique de Xavier Luc Duval. On parle aujourd'hui d'un MMM fort aujourd'hui, M. le président ? C'est une honte ! C'est une honte ! C'est une honte aujourd'hui pour la mémoire de ces militants qui ont sacrifié leurs vies pour un parti, M. le président.

M. le président, en parlant de la loi Aimée, permettez-moi, une mise en jambe. Citons l'honorable Bérenger qui l'hors des débats sur le *Presidential Address* en date du 10 mars 2015, fait une déclaration qui reflète bien l'état d'esprit du MMM en ce qui concerne la réforme de

l'administration régionale en ce qui concerne la loi Aimée, M. le président. J'espère que cet état d'esprit n'a pas changé au moins, M. le président. Je cite l'honorable Bérenger qui était le Leader de l'opposition à l'époque, M. le président –

« Le régime précédent [il parle du régime Travilliste] malheureusement a tout ruiné avec la loi Aimée, une loi rétrograde, une loi scélérate ... »

Et il ose même dire –

« On nous promet seulement à la page 39 du *Government Programme*, *I quote* –

“*The Government will amend the Local Government Act.* »

Mais c'est *unamendable*, M. le président. C'est *unamendable* ce monstre que le ministre Aimée a produit. *We could throw it in the basket and come with a new law.* Et c'est avec cette même règle de jeu, c'est avec cette même loi qu'il demande maintenant les élections municipales, M. le président.

M. le président, les élections municipales sont une nécessité. Il en est de même pour les élections villageoises. Ces décisions locales ont une importance capitale, permettre la prise de décision au niveau des localités, permettre une décentralisation des pouvoirs, s'assurer que le développement soit à la portée de chaque coin et recoin du pays. Cela est indiscutable. Il n'y a aucun compromis à faire à cet effet, M. le président.

Chers députés du Parti Travilliste, du PMSD et aussi du MMM de grâce, ne venez pas nous faire la leçon en termes de démocratie, M. le président. En termes de démocratie, le Parti Travilliste et le PMSD ont le sang sur leur main, M. le président. En novembre 1969, un amendement fut présenté pour prolonger le mandat du Parlement pour cinq ans. Que n'avons-nous pas vu avec cet amendement constitutionnel scélérat ? Après les élections générales de 1967, cela a été dit par mes collègues, les élections générales devraient avoir lieu en 1973, les donneurs de leçons du Parti Travilliste ont eu cette idée de génie de venir de l'avant avec un amendement constitutionnel, la dictature de la majorité. C'était cela la dictature de la majorité, M. le président. Et que nous dit cet amendement, les élections générales qui auront lieu en 1976 ont fait comme si que ces élections de 1976 ont eu lieu en 1973. Incroyable, M. le président ! Il faut être un fou furieux démocrate pour venir de l'avant avec cette idée de génie, M. le président.

À entendre le Leader de l'opposition, on croirait entendre un nouveau-né de la politique. M. le président, en 1974, le pillage du PMSD, le règne des tapseurs dans les villes dirigées par le PMSD, était-elle avec le népotisme ? Avec des cartons de vin périmé découvert dans les caves de la municipalité de Beau Bassin/Rose Hill et le gouvernement d'alors en 1974, le gouvernement Travailleiste fut obligé de dissoudre les municipalités dirigées par le PMSD, M. le président. Avons-nous oublié sous quelles circonstances Azor Adelaïde a été tué à Curepipe, M. le président ? À cette époque, le règne des tapseurs à Curepipe, à la municipalité de Curepipe, et bien sûr le MMM fait abstraction de cela, M. le président. M. le président, à cette époque il fallait absolument en finir avec les opposants de l'époque. Après les élections générales de 1976, bien qu'une alliance Travailleiste/PMSD ne fut pas publicisée par l'électorat, cela ne les a pas empêché de faire une alliance in extrémis après les élections générales au grand dam du MMM et le MMM ose aujourd'hui s'associer avec ses telles personnes, M. le président.

Le pire est à venir du Parti Travailleiste, M. le président. Les élections municipales ont eu lieu en 1977 et le MMM contrôlait toutes les municipalités. Il fallait absolument en finir avec les opposants politiques dans les villes ainsi l'ADN du dictateur revient au-devant de la scène. Le Parti Travailleiste qui se présente aujourd'hui comme un grand défenseur de la démocratie ne trouvait pas mieux de renvoyer les élections municipales prévues pour 1980. Et après les démissions des conseillers du MMM, les municipalités furent dissoutes et à la place, on institua des commissions avec à la tête des nominés politiques Travailleistes, M. le président. C'est cela la démocratie, M. le président ? Le président du PTr maintenant, le président actuel, l'honorable Patrick Assirvaden ose parler aujourd'hui d'action musclée sur le terrain. M. le président, il a intérêt à faire un nettoyage musclé devant sa propre porte avant de nous pointer le doigt.

M. le président, l'histoire retiendra que c'est le gouvernement... Il ne faut surtout pas faire un déni de l'histoire, il faut reconnaître, l'histoire doit retenir que c'est un gouvernement dirigé par Sir Anerood Jugnauth qui est à la base de l'amendement constitutionnel de 1982 pour donner une protection constitutionnelle à la tenue des élections générales et rendre le renvoi des élections pratiquement impossible. Il en est de même pour le rétablissement de l'élection partielle, M. le président.

M. le président, ce n'est nullement un hasard que les élections municipales furent rétablies lors de la même année et eurent lieu à la fin de 1982. M. le président, la loi qui

gouverne les administrations régionales actuellement trouve son origine dans la loi Travailliste de 2011. Un des chefs-d'œuvre de cette loi ultra démocratique, M. le président, se trouve à la Section 16 du *Local Government Act* qui a été dénoncé par mes autres collègues mais il faut quand même rappeler cela, M. le président. Le libellé de cette section –

“16. Disqualifications for election as Councillor

No person shall be qualified to be elected, or nominated, as a Municipal City Councillor, Municipal Town Councillor or Village Councillor or, having been so elected or nominated, shall sit or vote at a meeting of that authority where he –

(a) is a member of the National Assembly.”

Cela a toujours existé dans les pays démocratiques, M. le président. Être député-maire et cela n'est pas une invention mauricienne, c'est pratique courante dans les démocraties qui se respectent notamment en France, M. le président. Les parties réfractés à cela sont toujours les mêmes parties, M. le président ; Le Parti Travailliste et le PMSD. C'est ce dénominateur commun qui retourne systématiquement pour chaque violation de la démocratie, M. le président. Et ce n'est pas l'électorat qui décide mais bien une loi scélérate votée par le régime Travailliste-PMSD.

Cette section sera appelée à être débattue par le comité ministériel. Les députés MMM savent de quoi je parle ; ils ont eux-mêmes dénoncé cela avec véhémence mais ils ont aujourd'hui choisi leur camp, M. le président. Ils ont choisi de s'associer avec les fossoyeurs de la démocratie. M. le président, un autre point qui mérite toute notre attention, c'est la question de la délimitation des *Wards*. Dans la loi Aimée, dans la loi Travailliste de 2011, M. le président, cette délimitation aurait dû être faite en conformité à la Section 4 du *Local Government Act* de 2003 qui préconise –

“The boundaries of each electoral ward shall be determined by the President [of the Republic] after consultation with the Electoral Boundaries Commission and such other person as he thinks fit.”

L'honorable Bérenger dans son intervention fait de très graves allégations. Je cite –

“Our information is that there has been gerrymandering. Our information is that the hon. Minister, his advisor and a few civil servants have fiddled with the delimitation of the

wards. Therefore to me, it is clear that what has taken place is illegal. That piece of legislation before the National Assembly is illegal and there has been contempt of both the President of the Republic and the Electoral Boundaries Commission.”

Aujourd’hui ce même Paul Bérenger ne jure que par le PTR, M. le président; e jure que par le fossoyeur de la démocratie à Maurice, M. le président. L’honorable Bodha ajoute aussi son grain de sel à la légalité de cette provision de la loi de 2011 –

“Parliament has given powers to the President in the law of 2003 and Parliament will give powers to the President in the law of 2011. Then who gave the powers in between these two processors to the Minister to do what he has done.”

Il parle du Ministre Aimée, M. le président.

M. le président, à mon humble avis, il est souhaitable, vu la gravité des allégations faites, que le comité ministériel puisse rétablir dans ces droits *l’Electoral Boundaries Commission* dans la délimitation des *Wards*, donner la possibilité aux membres du public de faire des représentations comme le prévoyait la Section 4 (5) du Local Government Act de 2003 –

“Every person who wishes to make any representations on the boundaries proposed in the draft Order may do so within 6 weeks, in such manner and at such place as may be specified.”

Cette provision avait disparu dans la loi de 2011, M. le président.

M. le président, il est un fait que le PTR n’a jamais été convaincu de la nécessité d’une décentralisation de pouvoir et de l’autonomie des collectivités locales. La question de réforme de l’administration régionale semble ne pas faire partie des pourparlers PTR-PMSD-MMM. Aucun projet de réforme, aucun programme gouvernemental et aucune proposition de réforme économique; ce qui est discuté, M. le président, c’est une question de *bout* aujourd’hui. Il n’est nullement une surprise que dans le journal ‘ Le Défi’ du 20 mai qui titre sur l’alliance PTR-PMSD-MMM; ‘Les intérêts de Ramgoolam et Bérenger avant tout’. C’est le journal ‘ Le Défi’ qui le dit, M. le président.

M. le président, je vais souligner et je le maintiens, les élections municipales et villageoises font parties intégrante de la démocratie. Une revendication pour la décentralisation des pouvoirs est essentielle et légitime. Dans toute démocratie qui se respecte et l’histoire le reconnaît à

travers le monde, il a toujours existé un certain rapport de force entre le gouvernement central et les collectivités locales mais tout gouvernement qui se respecte donne les pouvoirs nécessaires aux collectivités locales, M. le président.

M. le président, c'est un processus long et constant. En tant que démocrates et en tant que Parlementaires, il nous appartient de s'assurer que toute réforme assure une réelle décentralisation de pouvoir, un processus électoral qui soit le reflet du vœu de l'électorat et des collectivités locales qui soient des exemples de bonne gouvernance et d'*accountability*.

M. le président, il va de soi que le comité ministériel proposé, encouragera la soumission des propositions de tous les partis politiques, des forces vives, de toute personne soucieuse du quotidien de leur localité. M. le président, je suis de ceux qui pensent que tout comme la tenue des élections générales, la tenue des élections des collectivités locales doit aussi faire partie d'une protection constitutionnelle. Avant d'arriver à ce processus constitutionnel, M. le président, il nous faut, il nous appartient de nous assurer que nous sommes en présence d'une loi sur les collectivités locales qui respecte les exigences de la démocratie et bien sûre, le comité ministériel sera appelé à vérifier, à analyser tous les contours d'une telle proposition, M. le président.

M. le président, au début de mon intervention, j'ai parlé de l'importance du rôle de l'*Electoral Boundaries Commission* dans la délimitation des *Wards*, un élément crucial pour un *fair and free election*. M. le président, je suis heureux que tous les dirigeants politiques sont d'accord sur le principe qu'il faut bien qu'il y ait une réforme de notre système électoral. Il a été question et le gouvernement a affiché son intention en ce qui concerne une réforme du système électoral, une réforme en ce qui concerne le financement des partis politiques. Je pense que nous sommes le seul gouvernement à être venu de l'avant avec un tel projet de loi, M. le président.

Nous avons tendance à axer le débat sur l'élection, c'est vrai législative mais je pense qu'il y a lieu qu'on pense aussi en ce qui concerne les élections municipales dans le débat en ce qui concerne la réforme électorale et aussi le financement des partis politiques, M. le président.

M. le président, nous avons beaucoup décrié et condamné les aberrations du *First Past the Post* aux élections générales mais cela ne nous affectent pas outre mesure lorsqu'il s'agit des élections municipales. C'est la raison pour laquelle je pense, M. le président, qu'il y a lieu aussi qu'on puisse analyser, discuter, prendre toutes les propositions nécessaires en ce qui concerne le

processus électoral et les élections municipales. Pourquoi ne pas introduire une dose de proportionnelle éventuellement ? Bien sûr concernant ce débat, M. le président, le comité ministériel a un rôle important à analyser toutes ces propositions, M. le président.

M. le président, lorsqu'on parle de démocratie, la question de financement des partis nous fait courir le risque de corrompre le vœu de l'électorat. La question de financement est toute aussi pertinente pour les élections municipales. Il a beaucoup été question de relancer le débat et je pense qu'il y a lieu que cette question de transparence en ce qui concerne le financement des partis politiques prenne aussi en considération les dépenses en ce qui concerne les élections municipales, M. le président.

M. le président, il convient de reconnaître que la loi Aimée du 2011 tend à centraliser les pouvoirs des collectivités locales au niveau du ministère sinon au niveau des différents fonctionnaires; *Permanent Secretaries*.

M. le président, lors de son intervention en 2011, l'honorable Nagalingum a souligné le fait que le mot « ministre » apparaît pas moins de 80 fois. C'est pour vous dire combien cette tendance centralisatrice a dominé le *Local Government Act* de 2011. Contredisant d'une façon flagrante l'affirmation du ministre d'alors, selon laquelle l'objectif de la loi était la décentralisation des pouvoirs.

Entre autres propositions, il y a eu la création de l'*Unified Local Government Service Board* avec des pouvoirs très larges, M. le président, tels que *establishment of any office, change of posting of an officer, redeploy officers, approve loans, determine applications for Leave Without Pay, decide on temporary vacancy*.

Finalement, toute la question de *human resource* des Municipalités, des *District Councils* et *Village Councils* est déterminée au niveau du *board*. Il en est de même pour le *salary structure*, des conditions de service et *Schemes of Service*. Ceux-ci tombent toujours sous l'ombrelle du *board*, M. le président.

Des pouvoirs retirés des collectivités locales, cette question est d'autant plus pertinente lorsqu'on reconnaît la présence du *Local Government Service Commission* et qui était aussi responsable du *human resource* en ce qui concerne les processus de recrutement, M. le président.

M. le président, cette Assemblée se souviendra que nous avons récemment adopté un texte législatif, novateur sur la gestion des déchets et la valorisation des ressources, dont l'objectif principale est la mise en place d'un système durable de gestion de déchet par l'adoption d'une approche d'économie circulaire axée sur la réduction, la réutilisation, le traitement, l'élimination en toute sécurité, la récupération des matériaux, et le recyclage des déchets.

Lorsque j'entends l'honorable Xavier Luc Duval venir dire qu'il est temps de venir de l'avant avec le tri des déchets, M. le président, parce qu'il a vu cela où habite sa maman en Angleterre, s'il était présent dans cet auguste Assemblée, il aurait su que cette loi vient d'être votée et nous venons de l'avant avec le tri des déchets à la source.

Les autorités locales devront donc jouer un rôle important en remontant la hiérarchie des déchets, en mettant en œuvre la séparation des déchets à la source et en imposant un tri sélectif, un service spécialisé dans le développement durable et la gestion des déchets devra être mise en place au sein de chaque autorité locale.

M. le président, l'autorité locale sera chargée de réaliser des enquêtes locales sur les déchets, élaborer une stratégie et un plan d'action local pour la gestion des déchets solides et mettre en œuvre les initiatives de réduction et de recyclage.

M. le président, pour conclure, il est impératif de considérer que l'approfondissement de la démocratie passe nécessairement par la décentralisation des pouvoirs en faveur des collectivités locales. Le Comité ministériel a une grande responsabilité pour rattraper le temps perdu et pour assurer une véritable autonomie des collectivités locales.

Je vous remercie, M. le président.

(10.23 p.m.)

Mr R. Wochit (Third Member for Pamplemousses & Triolet): Mr Speaker, Sir, it is with profound sadness that I am addressing this august Assembly on the Local Government (Amendment) Bill. Sadness, because it always pains at heart to see the Government of the day coming forward mercilessly with what is termed *une loi liberticide*.

However, I feel blissful when a law is voted to extend the scope of democracy, this is how I felt when the Public Gatherings Act 30 of 1991 was debated and successfully passed by

Parliament because, as we all know, this piece of legislation undoubtedly extended *l'espace démocratique* of Mauritius. Unfortunately, that is the past.

It is heart-rending to note that this Government has never introduced any bill in the House since November 2019 to fortify our democracy and to make it more vibrant.

Mr Speaker, Sir, the right to vote is one of those rights for which generations of patriots, social workers, politicians and NGOs have waged woes and unflinching struggles over centuries.

History is replete with narratives of such movements. Colonialism had deprived India and several other countries of their right to vote for centuries, hence, the struggle of freedom fighters to chase the imperial rulers and to embrace democracy.

Mr Speaker, Sir, even here in Mauritius, there was a time when the right to vote was connected to property rights. Not all citizens could exercise their right to vote indiscriminately. At one stage, only those Mauritians who own land could vote. Later, illiterate people were denied the right to vote.

Mr Speaker, Sir, the right to vote has been always sacred and sacrosanct. Late Professor Basdeo Bissoondoyal launched the *Jan Andolan* in the year 1920's to inculcate the spirit of literacy among the poor and to endow poorer people especially in the rural areas. *Baitkas* were set up all over the island with the aim to have more literate people, hence more voters.

Mr Speaker, Sir, I would like to remind hon. Dr. Husnoo that the right to vote that we have today is not an effort that has plucked with ease from a tree, but rather a right both from intense and exponential fights, struggles, movements and wars. One should be very careful before embarking upon a move that might cause harm to such a right.

It is to be noted that in 2003, a new Local Government Act was voted, but only some sections relating to permits were proclaimed. The new law provided for the municipalisation of villages, but nothing was done. Now, the Government is coming once again with such proposals.

Mr Speaker, Sir, what the previous government did by virtue of Act No. 3 of 2015 was indeed laudable because it did not postpone local authorities elections, but prepone them instead. I mean to say local authorities councils which could have set up to the year 2018 were dissolved and fresh elections were held 14 June 2015. I would thus say that democracy was not thwarted.

Subsequently, the present Government voted Act No. 05 of 2021 in the wake of COVID-19 pandemic to give powers to the President of the Republic, acting upon the advice of the Prime Minister, to extend the life of local authorities councils for a period of not less than 2 years.

Under the said law, the President of the Republic, by proclamation extended the life of local authorities' council by one year on two different occasions. It is worthy of note that no major opposition was raised to the promulgation of Act No. 05 of 2021 because the whole world, including Mauritius, was within the firm grip of the COVID-19 pandemic. But what is happening today with the present Bill has nothing to do with COVID-19.

Almost all sanitary restrictions have been relapsed. Political gatherings are now permitted. The hon. Minister of Health and Wellness was himself present at the political gathering of the ruling party, the MSM, at Vacoas on Labour Day where more or less 4,000 people were assembled. We have not heard of any Vacoas cluster after that, Mr Speaker, Sir!

Mr Speaker, Sir, under Section 12A(1) of Act No. 05 of 2021, the President of the Republic is empowered to extend the life of local authorities councils only during the prevalence of an epidemic of a communicable disease or when a quarantine period is in force in Mauritius. What is outrageous is that Section 12A is being amended by introducing a new subsection being subsection 1A to give the President of the Republic additional powers to further extend the life of the local authorities' council even in situations where there is no public health hazard in force in our country.

M. le président, c'est là où le bât blesse. Such an amendment will open the floodgate to abuses. Now, this amendment is empowering the President of the Republic the unfettered power to postpone local authorities' election even for a reason falling outside section 12A (1A) and (b).

I firmly believe that the Government is conferring this power to the President of the Republic because it is fully aligned to the fact that if elections to return Municipal Councillors are held this year, the ruling coalition will suffer a humiliating defeat, *enn bate bef*.

Mr Speaker, Sir, it is a matter of serious concern that the Government is using its majority to pass a law and to subsequently, use the Office of the President of the Republic for abject political reasons. I consider this to be *une loi liberticide et une loi scélérate* because the aim of this Bill, Mr Speaker, Sir, is to amend the current legislation in order to prevent thousands

of Mauritians from voting. Our citizens in urban areas are being deprived of their democratic rights to choose their local representatives. This is against democracy and the spirit of good governance.

Mr Speaker, Sir, if this Government was really serious in bringing reform to Local Government as stated by hon. Teeluck in his press conference of last Saturday and today by hon. Dr. Husnoo, the reform could have been contemplated after the Municipal Council elections which are long overdue in a spirit of preserving the democratic fabric of our country. By the way, what reforms are being contemplated when we all know that this Government has gradually removed both of powers of the Local Government which today are at the mercy of central Government for their primes.

Instead of giving the local authorities powers to function in a more autonomous manner, every action of the Government is aimed at taking away the powers of democratically elected councillors and therefore, Mr Speaker, Sir, the real reforms won't materialise under this Government.

Mr Speaker, Sir, this Bill is aberrant and I most humbly invite the hon. Minister to withdraw this Bill in the superior interests of the Mauritian nation. Thank you, Mr Speaker, Sir.

Mr Speaker: MP Aumeer!

(10.32 p.m.)

Dr. F. Aumeer (Third Member for Port Louis South & Port Louis Central): Merci, M. le président.

À écouter mon ami le ministre Ramano dans son allocution quelques minutes plus tôt, il semble qu'il est très concerné et surtout occupé avec l'arrangement des différents leaders des partis politiques de l'Opposition dont peut-être lui donnent le tournis et il ne peut pas s'endormir. Mais ce qui m'a interpellé le plus dans son allocution c'est qu'il a dit que le Parti Travailleiste a le sang sur la main. Et là...

An hon. Member: *Weh ! Weh!*

Dr. Aumeer: Et ces '*weh*' que j'entends. Évidemment, ce que je veux dire, est-ce qu'il pourra nous dire qui a le sang sur la main concernant votre propre agent du MSM, Kistnen qui a été assassiné ?

(Interruptions)

Mr Speaker : Non ! Mais écoutez...

An hon. Member: La honte !

Dr. Aumeer: Tout le monde en sait la raison.

Mr Speaker: Hon. Dr. Aumeer!

An hon. Member: La honte!

(Interruptions)

Mr Speaker: I am on my feet. There is no comparison! There is no comparison! And I intend to make an announcement on something you gave. There is no comparison with what you are doing now. Be careful!

Dr. Aumeer: Merci. Revenons à nos moutons.

Mr Ramano : *Tonn touy mouton la !*

Dr. Aumeer: M. le président, 14 juin 2023, l'espoir de tous les citoyens est à l'eau. On vous dit d'attendre jusqu'à juin 2025. J'ai peine à comprendre le pourquoi de cette décision unilatérale et arbitraire du gouvernement de renvoyer ces élections municipales pour deux prochaines années.

M. le président, j'ai entendu divers raisons avancées pas plus tard que samedi dernier quand le ministre Teeluck a été propulsé de l'avant pour défendre l'indéfendable malgré qu'il n'est pas sur la liste des orateurs aujourd'hui. La réforme, réorganisation, restructuration, municipalisation, *musical chair* des conseillers. Toutefois, d'emblée, cet après-midi le ministre Husnoo nous a apporté quelques éclaircissements dans son allocution et a énuméré plusieurs propositions : le *I-Council*, représentation des femmes, de la jeunesse, le changement climatique, la migration vers des villages, la création des *smart cities*. Mais il n'y a qu'un seul qui est directement lié au processus électoral, c'est la possibilité qu'un élu de cette Chambre puisse prendre part aux élections municipales.

M. le président, le ministre semble oublier un principe très fondamental d'un gouvernement. L'échec de votre gouvernement à se préparer n'est pas une raison valable pour que votre gouvernement reporte ces élections tant attendues et prévues. Et si pour une fraction de

seconde où vous croyez, alors vous devriez avoir pu explorer tous les moyens possibles pour apporter le vent de changement si cher à vous, alors que vous avez eu six ans et puis deux ans encore supplémentaires. Et maintenant, vous nous demandez deux ans encore et ne pas maintenant détourner l'attention et mettre la démocratie en attente puisque vous-même, dans certaines des allocutions, j'ai appris qu'il y avait des comités ministériels depuis jadis 2014 qui travaillaient sur les collectivités locales.

M. le président, que le gouvernement organise d'abord les élections puis organise des comités ministériels pour définir votre nouvelle vision si vraiment vous en avez une. Tous cela ne sont que des simples excuses car la vérité c'est la peur de faire face à la colère des électeurs. Qui ne se rappelle pas de cette pagaille de reproches faites un samedi 12 avril 2022 à Vacoas aux membres du gouvernement et à son maire ? C'était une bande annonce de ce qui allait se passer si le gouvernement donnait la voix aux citoyens. Vous avez été et vous serez reconnus comme le champion de renvoi des élections municipales trois fois. Oui, il y en a eu d'autres, mais valable dans les circonstances.

Dans son emblée, cette action en lui-même est représentative de bafouer les droits fondamentales des citoyens et villageois confondus. Et comme l'a bien dit dans le rapport du jugement du *Privy Council* –

« It is not for Parliament, still less the Government, to choose the representatives. »

M. le président, mais qu'est-ce qu'on a vu ? On a vu le Premier ministre lui-même *ad nauseam* nous répéter que les élections municipales auront lieu et vous les aurez. Mais la vérité est toute différente maintenant. C'est comme si l'épisode « Anne, ma sœur Anne, ne vois-tu rien venir ? » C'est cela qu'il nous a fait et c'est exactement le cadeau qu'il a fait aux citoyens. La population n'oubliera pas cette trahison et heureusement, vous n'avez pas la majorité de trois quarts sinon les élections générales auraient été propulsées au deuxième ou troisième plan.

M. le président, le Premier ministre en tant que chef de la nation n'a pas jugé approprié de se présenter et expliquer à la nation une décision aussi arbitraire et dictatoriale qui concerne le droit fondamental d'un électeur inscrit dans notre Constitution. La nation aimerait savoir pourquoi une décision a été prise à la onzième heure, c'est-à-dire, quelques jours avant la date limite prévue en juin 2023 ?

M. le président, pourquoi et pourquoi se demander la raison pour avancer les élections dans deux ans ? Quelle est la raison ultime ? La non-préparation pour le chef de guerre pour amadouer les électeurs ? La non-concrétisation des projets afin de multiplier les épisodes de coupe ruban ? Ou, encore comme on a su ces projets qui ont subtilisé au profit des collectivités locales par les PPS, le *Land Drainage Authority* et le ministère des Finances. La municipalité de Port-Louis joue les seconds violons quand il s'agit du *Urban Terminal* avec les loyers inabordables et des biens détruits par les rats. En imposant cette régulation au cœur même de notre démocratie, on rend difficile le quotidien des gens qui avaient tant de problèmes de voirie, colonnes non-allumées, routes endommagées et plusieurs autres. Les crèches qui demandent à être recalibrées.

M. le président, pourquoi ne pas laisser ce choix démocratique aux citoyens et qu'ils décident qui dirigera leurs municipalités et bien sûr s'engager éventuellement dans des consultations un vrai changement. Nous avons jusqu'à maintenant, M. le président, fait un tour d'horizon ce qu'en pense les citoyens mais aussi ce qu'en pense ceux qui travaillent pour les municipalités et à voir comment ces petits gens qui travaillent matin et soir ne pourront jamais faire comme nous nous devons faire et si souvent leurs demandes à plusieurs niveaux n'ont jamais été respectées et prises en considération.

M. le président, pour terminer, je dirai ce fameux refrain d'un ex-ministre du MSM qui, avec la tyrannie de la majorité, disait dans cette auguste Assemblée –

“Government is Government and Government decides.”

Yes you decide but for how long and time is running out.

Et, pour terminer, quel sera le regard du FMI, la banque Mondiale et le Mo Ibrahim Foundation sur notre pays suite à ce hold-up de la démocratie et mainmise autocratique. Après tout ce que j'ai dit, tout ce qu'on a entendu, c'est clair. C'est immoral de renvoyer une énième fois les municipales mais vous, de l'autre côté de la Chambre, vous êtes les adeptes de votre grand maître. *Moralite pa ranpli vant.*

Mr Speaker: Hon. Ittoo !

(10.41 p.m.)

Mr A. Ittoo (Third Member for Vacoas & Floréal): Merci, M. le président. A écouter les intervenants de l'Opposition, surtout du Parti travailliste, ils nous donnent l'impression de se soucier de l'intérêt des citoyens mais ce même parti, avec ce même leader, *leader in the waiting* de l'alliance *in the making*, il n'avait montré aucun intérêt de travailler pour les citoyens en 2015. Pour les élections municipales, M. le président, *disparet lor map*. Peut-être ils n'avaient pas les personnes avec les compétences requises à ce moment-là, nous dirons-t-ils. Ils ont sûrement fait leur *mea culpa* et sont aujourd'hui en 2023 à leur meilleure version d'eux même. Comme dirait l'honorable Shakeel Mohamed, maintenant il est version 2.0 et c'est maintenant, qu'ils se sont réveillés et prétendent que les citoyens attendent avec impatience la conclusion de l'alliance Mission Impossible. Oui, M. le président, pour venir améliorer leur quotidien. Comme dirait l'anglais, *what a joke !*

M. le président, l'Opposition ne cesse de nous marteler qu'ils vont gagner haut la main les élections. Ce qui m'intrigue, de quelle Opposition on est en train de parler ? Cette alliance qui se fait et se défait jours après jours ou c'est le Parti travailliste seul qui va remporter les cinq municipalités comme le prétend l'honorable Ehsan Juman ? Propos qui, d'ailleurs je vous le rappelle, avait blessé le leader du MMM.

An hon. Member: *Kase lalians tou !*

Mr Ittoo : M. le président, en 2014, ils nous disaient $40+40=80$ et tout le monde connaît le résultat. Aujourd'hui, quand ils veulent nous faire croire $1+1+1=3$ et qu'ils se sentent plus forts que jamais, ils ne se rassemblent pas pour le 1^{er} Mai. *Disparet lor map* encore une fois, M. le président. Comme dirait l'honorable Boolell, *the writings are on the wall*.

(Interruptions)

M. le président, je vais vous dire de ce côté de la Chambre puisque l'honorable Aumeer a parlé de *vant*, on va lui dire – de ce côté de la Chambre, nous ne pensons pas et nous n'allons pas dire que *eleksions pa ranpli vant*. C'est loin de là, M. le président. On ne va pas venir vous dire que le gouvernement a d'autres priorités.

En fait ce qui se passe, M. le président, le taux de participation des municipales en –

- (i) 2005 - 40 % ;
- (ii) 2012 – 45 %, et

(iii) 2015 – 35 %.

M. le président, ces chiffres représentent le taux de participation des trois dernières municipales et qui nous démontrent systématiquement depuis un certain temps qu'il y a une moyenne de 6 personnes sur 10 qui n'y voient aucun intérêt d'aller voter dans nos villes. Par contre, nous avons eu une moyenne de 77 % pour les élections générales depuis 2005 qui est presque le double des municipales.

M. le président, ces statistiques, pas besoin d'aller trop loin pour comprendre que durant les trois dernières élections, élections après élections, nos citoyens se sont désintéressés de l'administration de leur ville. Ainsi, tout gouvernement responsable a un droit d'analyser, de comprendre ce désintérêt généralisé de l'électorat urbain et de venir justement avec ce que nous faisons, une refonte du système et que, M. le président, ne se fait pas du jour au lendemain. Vous imaginez la capitale de Port Louis a enregistré un taux de participation de 33 %. C'est-à-dire, 38 000 électeurs sur un total de 113 000 votants.

M. le président, nous sommes passés à une autre étape de notre développement depuis 2019. Étant classifiés comme un *High Income Economy* par la *World Bank*, oui nous savons tous que la Covid est venue et on a reculé mais le point est que nous avançons vite, même très vite. Le développement, il est partout, pas que dans nos infrastructures. Aujourd'hui notre population est avertie, a adopté massivement la technologie et a beaucoup plus d'attentes de son administration régionale.

La *United Nations Habitat Report* intitulée '*World Cities Report 2022: Envisaging The Future Of Cities*' nous dit –

“Key findings are that cities are here to stay and the future of humanity is undoubtedly urban. We are witnessing a world that will continue to urbanise over the next three decades from 56% in 2021 to 68% in 2050. This translates into an increase of 2.2 billion urban residents living mostly in Africa and Asia. All the regions of the world are expected to become more urbanised.”

M. le président, Maurice n'est pas une exception. N'est-il pas temps de venir avec une urbanisation générale de faire de notre île un état-ville ? Oui, M. le président, état-ville. Ce n'est pas un concept nouveau d'avoir que des municipalités, d'avoir 12 municipalités, des

municipalités plus autonomes, indépendantes, opérant dans la transparence, dans le dialogue permanent tout en ayant comme priorité de planifier le développement durable des villes, stimuler l'épanouissement économique, social et culturel.

M. le président, grâce à notre gouvernement et notre Premier ministre, les villes et villages sont aujourd'hui *at par*, suite à l'abolition de la taxe municipale et on doit le dire, M. le président, ceci est la première étape de notre démarche à réinventer notre administration régionale. Maintenant, n'est-il pas grand temps de mettre de côté nos différences politiques et de concentrer nos efforts pour une meilleure administration régionale qui s'adapte mieux aux attentes de nos citoyens et futur citoyens ?

M. le président, une réflexion, refonte, *revamping, reactualising, reengineering* de notre *Local Government Act*, l'idée ne date pas d'hier. Dans le Manifeste Electoral 2000 du Parti travailliste, le titre 'Aménager le territoire', il nous disait 'l'unité de la nation Mauricienne impose aussi l'unité des régions.' Cela veut dire qu'eux aussi voulaient que toutes les régions de l'île, que ce soit village, ville, soient au même niveau. Bien sûr, ce n'était pas leur priorité, peut être une ligne dans leur Manifeste Electoral. Et encore une fois le Parti travailliste avait montré l'ambition que je cite, M. le président –

« De faire de Maurice une *city state* où les activités économiques, commerciales, administratives seraient réparties dans toutes les régions. Voilà notre avenir. »

M. le président, au MMM, l'honorable Bhagwan qui avait défendu la loi Lesjongard en 2003, avait dit, on ne peut plus clair –

« Nous voulons faire d'île Maurice un état-ville où il n'y a plus cette disparité *nou et banla*. Il y a toujours cette tendance de dire 'nous' au niveau des villes, municipalités et les autres au niveau des régions rurales, des conseils de district. C'est pour cela que le projet de loi vient avec la création d'autres villes. *It was long overdue.* »

Et, M. le président, il le disait en 2003, et aussi j'ajoute, M. le président, je suis vraiment impatient d'attendre son intervention juste après la mienne. Mais, M. le président, suffit-il de changer le nom des *District Councils* en *Municipal Councils*, est-ce que le travail est fait ? Non.

Les *Councils* sont à la base des *service providers* et leur rôle ultime, c'est de travailler pour la satisfaction des citoyens d'aujourd'hui et de demain et le changement, M. le président,

devrait se faire sur différents niveaux et avant de mettre de l'avant ce que je pense devrait être les points les plus importants dans notre *urbanisation journey*, laissez-moi vous partager que lors d'une enquête comparant le niveau de vie dans 100 différents pays réalisé par le magazine Newsweek, il a été constaté qu'une note élevée est directement liée au fonctionnement de l'administration locale.

C'est pour cela, M. le président, que ce n'est pas un mystère pour personne que les pays nordiques comme la Finlande, la Suède et la Norvège – j'ai entendu un intervenant de l'autre côté mentionner ces pays – sont en tête de liste en termes de niveau de vie.

M. le président, on fait référence aux pays nordiques et à juste titre quand le modèle nordique de gouvernement local est basé sur l'idée que les municipalités ne sont pas seulement des communautés formées par les résidents, mais aussi des organismes responsables de la fourniture de services de bien-être, de la création des environnements favorables aux entreprises et à l'industrie.

Un des principes fondamental, M. le président, et il est universellement reconnu, que la qualité de la prise de décision est améliorée lorsqu'elle est prise à l'endroit le plus proche de l'endroit où l'impact de la décision se ferait sentir. Donc, M. le président, cela est précisément la raison pour laquelle on a tendance à emmener toutes les services aux administrations régionales. Mais attention, M. le président, le modèle nordique n'est pas forcément le meilleur modèle adapté pour notre île et notre République, d'où je salue le comité interministériel qui va être mis en place pour revoir notre *Local Government Act*.

Il serait important, M. le président, que notre future législation de l'administration régionale incorpore les responsabilités de nos municipalités pour s'adapter aux nouveaux phénomènes –

- la transition vers une économie à faible émission de carbone et la durabilité environnementale ;
- s'occuper et penser aux personnes vivant jusqu'à un âge avancé, même très avancé ;
- l'augmentation du nombre de cas de soins sociaux parmi les adultes en âge de travailler ;
- de s'occuper du travail en ligne et des changements d'emploi et de carrière plus fréquent parmi certaines couches de population et dans certaines professions ;

- un plus grand nombre d'emplois risquant d'être remplacé par l'automatisation ;
- la diminution de la population dans certaines régions et augmentation de la demande de logements dans d'autres ;
- les entreprises du centre-ville aux prises avec des loyers et des tarifs commerciaux et la concurrence en ligne en remplaçant les propriétés commerciales par des résidences, et
- une prise de conscience croissante de la prévalence des problèmes de santé mentale et de l'importance de la santé mentale et du bien-être.

M. le président, avec cinq plus sept municipalités plus autonomes, dynamique, mon souhait c'est de voir une certaine compétitivité. Je m'explique –

- Plus de sens d'appartenance parmi les conseillers municipaux, le staff de ces municipalités ;
- L'émergence d'une compétition saine créant un certain dynamisme qui va encourager chaque municipalité de se doter d'une meilleure infrastructure, facilité et service, afin d'attirer plus d'habitants, plus de commerces et d'activités économiques. Pas seulement ça, M. le président, peut-être à attirer plus de projets, de résidents IRS, PDS et même des touristes.

Cette compétition saine, M. le président, sera l'élément catalyseur qui va aider à rehausser le niveau de service de nos villes en ajoutant l'élément de fierté d'habiter, par exemple, dans la ville de Savanne. Il faut se rendre à l'évidence, M. le président, pour arriver à cela, ce qu'on pourrait qualifier de *bustling cities*, il faut un *complete rethinking* et de s'engager dans la voie de l'autonomisation administrative et financière de nos villes et futures villes.

M. le président, j'ai entendu de l'autre côté de la Chambre, qu'effectivement, organiser des élections municipales coûte de l'argent, des centaines de millions. Est-ce que nous avons besoin de tenir des élections séparées pour notre Parlement et pour nos villes et une autre pour nos villages ? Je vous rappelle, 190 millions étaient en 2011 pour les villageoises et les municipales.

M. le président, avec l'évolution, non seulement Maurice, mais tous les pays du monde sont confrontés aux défis de développement et de mettre en œuvre une approche cohérente de décentralisation de la prestation des services publics. Nos enfants peuvent-ils hériter d'un avenir urbain plus inclusif, plus vert, plus sûr et plus sain ? Si le monde devait connaître une autre

pandémie ou une autre menace majeure, nos villes seraient-elles suffisamment préparées sur la base de ce que nous avons appris au cours de ces deux dernières années ?

M. le président, derrière notre démarche aujourd'hui, il y a un engagement pour venir de l'avant avec une réforme en profondeur dans la gestion de nos villes et nos villages, avec un projet de loi mieux adapté à notre réalité Mauricienne en 2023 et pour le futur.

Je n'ai pas besoin de vous le rappeler, M. le président, nos amis de l'opposition, surtout ceux du MMM, nous ont fait rêver d'un salaire minimum pendant des lustres. Et c'est nous, M. le président, qui sommes venus rendre aux travailleurs ce qui leur était dû en introduisant le salaire minimum. Les travaillistes nous ont longtemps vendu l'idée d'un métro. C'est nous, M. le président, qui sommes venus concrétiser le projet du métro avec notre gouvernement MSM/ML. La réforme électorale, M. le président, avec une dose de proportionnelle, c'est nous qui sommes venus avec une proposition.

Tout cela pour venir vous dire, M. le président, de ce côté de la Chambre, on ne rigole pas. Nous ne sommes pas là pour faire du *piecemeal*. Nous ne sommes pas là pour faire du show, mais pour travailler dans l'intérêt du pays, du peuple de la République de l'île Maurice, en relevant le défi du jour afin d'améliorer son quotidien.

M. le président, on se donne aujourd'hui une occasion en or de corriger les manquements du passé et de mettre en place des structures avant-gardistes répondant aux aspirations d'une île Maurice moderne pour notre administration régionale, ce que beaucoup d'entre vous, honorables membres de l'opposition, avaient si passionnément plaidé pour entre 2003 et 2011. Je vois beaucoup qui sont toujours là. M. le président, n'est-il pas temps de moderniser davantage notre île en une ville ? Et, M. le président, je demanderai à l'opposition de voir en nos compatriotes des citoyens, et non pas des simples votes.

Merci, M. le président.

Mr Speaker: Hon. Bhagwan!

(10.57 p.m.)

Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière): M. le président, malgré cette heure tardive, je suis sûr qu'il y a une grande majorité des citoyens et même des

habitants et habitantes, nos concitoyens qui ne sont pas dans les autorités urbaines, sont en train de suivre ce débat. C'est un débat qui est devenu hautement politique.

M. le président, j'ai entendu avec beaucoup d'attention les jeunes députés de la Circonscription No. 16. Oui, en 2003, j'étais au gouvernement, le gouvernement de 2000 à 2005. C'est avec beaucoup de fierté que j'avais travaillé en tant que ministre d'alors avec l'honorable Lesjongard et les autres pour une modernisation de nos collectivités locales. D'autant plus, je suis toujours très fier d'avoir aussi participé à l'autonomie de Rodrigues ; de participer à la préparation de ce projet de loi et de voter ce projet de loi pour donner l'autonomie à Rodrigues.

À entendre le ministre Dr. Husnoo parler de ses intentions, M. le président, personne ne croit plus en ce gouvernement au niveau de ses intentions politiques, de venir avec ces changements qu'a énoncés le ministre Dr. Husnoo. Nous sommes déjà en campagne préélectorale. Entendre les discours des membres du gouvernement, qu'est-ce qu'on parle ? De Dr. Ramgoolam, de Bérenger, de Duval qui est ici le leader de l'opposition, du Parti travailliste, du MMM. Le débat, je peux dire, est faussé. C'est un débat éminemment politique.

Nous, au sein de l'opposition parlementaire, mais aussi de l'opposition extraparlamentaire, des ONG, des écologistes, des forces vives des régions urbaines, ils sont tous contre ce projet de loi. Il y a unanimité puisque les habitants des villes, ceux qui ont voté pour la dernière fois, ce qu'ils demandent ce sont des élections.

M. le président, le 01 mai le *front bench* du gouvernement paradait sur une estrade à Vacoas, devant ses partisans exclusivement orange, quelques drapeaux, ici et là, vert, je dis quelque, une dizaine...

(Interruptions)

M. le président...

(Interruptions)

J'ai suivi, une dizaine.

An hon. Member: *Baylouke !*

Mr Bhagwan: Le pauvre Obeegadoo, il a fait faire une dizaine de drapeaux. M. le président...

(Interruptions)

Moi, je n'ai jamais eu peur de ma vie, croyez-moi. *Lamor si mo pa per mwa, ou ou per ou !*

M. le président, le lendemain du 1^{er} mai, l'honorable Lesjongard a dit 20,000. Je me dis *la eleksion p vini la, zot for* et malheureusement on sait on est dans la politique depuis longtemps, j'ai été ministre, je le sais. Le Premier ministre a fait commanditer son rapport. Si aujourd'hui nous en sommes-là, je suis sûr, le Premier ministre ne peut pas le dire, tous les Premiers ministres ont des rapports. *Karay so, zafer pa bon !*

(Interruptions)

Vous allez parler.

(Interruptions)

M. le président...

(Interruptions)

Vous allez intervenir. Je suis resté tranquille depuis ce matin. Vous avez remarqué. N'essayez pas de m'interrompre.

(Interruptions)

Mr Speaker: Order ! Order !

Mr Bhagwan: Certain ont vu drôle que je suis tranquille depuis ce matin. J'attendais mon heure parce que je savais qu'est-ce qu'il allait m'arriver si j'avais intervenu plus tôt – l'intention de certains.

M. le président, *karay so*. On n'est pas dupe, on est dans la politique, cela fait 40 ans, 41 ans que je suis-là. J'ai été au gouvernement, *ti dan* l'opposition, j'ai connu plusieurs Premier ministres mais je sais qu'il y a des rapports malgré 20,000. *Ena inn ale kont bis, inn al avoy* Premier ministre *tou*, je sais, quels sont leur buts, etc. mais c'est la NSS qui fait des rapports. M. le président, tout le monde le sait, ceux qui sont sur le terrain, ceux qui travaillent comme députés parce que comme ceux qui voient que dans les véhicules ou dans les bureaux, ils savent que l'électorat est en colère.

M. le président, lorsqu'il s'agit d'affronter l'électorat et de faire face au secret des urnes, le gouvernement se dérobe en proposant – je vais dire – la quatrième vitesse cet amendement scélérat et perfide piétinant ainsi la démocratie régionale. Pourquoi je suis attaché à la démocratie régionale ? Je suis un produit de la démocratie régionale. J'ai commencé ma carrière en 1982 au MMM. Juste après les élections générales de 1982, il y avait les élections municipales et j'étais candidat, jeune militant de Rose Hill et par la grâce de Dieu, par mon travail, j'étais devenu maire, adjoint maire, maire à trois reprises, ministre de l'Administration régionale, tout comme mon collègue l'honorable Nagalingum, lui aussi est un produit de l'administration régionale, bien d'autres peut-être si. Je suis fier que j'ai commencé ma carrière comme conseiller municipal avec le symbole cœur et couleur mauve et je suis toujours mauve et je resterai mauve.

M. le président, alors, en ce qu'il s'agit de l'administration régionale, on ne va pas venir nous montrer qu'est-ce que c'est que l'administration. Nous avons une histoire de plus de 200 ans de l'administration régionale à l'île Maurice. D'ailleurs, on avait célébré le bicentenaire l'administration régionale mais malheureusement aujourd'hui, au fil des années... Il y a un ami, le ministre qui a été président du conseil des districts qui a très bien fait, l'honorable Hurdoyal. Je n'ai pas peur de le dire. Il a très bien fait.

M. le président, aujourd'hui *panik lor baz* parce que les habitants des villes attendaient les élections. Ils attendent les élections et ce gouvernement, je le dis, a peur des élections. Parce que aujourd'hui les gens qui vont aller voter, mis à part la mauvaise administration, mis à part les services qui ne fonctionnent pas, mais les habitants des régions urbaines des 10 circonscriptions allaient sanctionner ce problème, allaient se prononcer sur la performance de ce gouvernement, allaient se prononcer sur les élus des régions urbaines, que ce soit gouvernement et opposition. Moi-même je suis un élu d'une région urbaine tout comme mes collègues. Les habitants des villes attendaient ce moment mais malheureusement, M. le président, le gouvernement *inn sove* encore une fois et le Premier ministre le sait très bien. Election, *ayo kan tand eleksion ena commotion ladan* ! Ils ont peur.

M. le président, montrez-moi ce mauricien ou mauricienne qui osera prêter foi à ce baratin de comité ministériel pour des réformes des collectivités locales. Même pas un, *kumen dir*, au niveau du projet de loi, le *brief* en haut, *l'object of the Bill*. Le ministre aujourd'hui est venu dans

sa présentation dire que nous allons mettre un comité ministériel et moi-même j'attendais à ce que le ministre Teeluck, porte-parole du gouvernement, que je croyais un expert en administration régionale aller venir participer au débat mais malheureusement il n'est pas sur la liste. Mais personne à la veille des élections générales, venir avec ce comité, le ministre doit nous dire quel est son *deadline*. Quand ce comité va être mis sur pied ? Qui va présider ? Quand le *draft* projet de loi va être prêt ? *Ici gagn eleksion general avan*, ce qu'on nous demande.

M. le président, ce projet de loi est un recul pour la démocratie régionale, un recul pour la transparence dans la gouvernance municipale et un recul pour la moralité et l'éthique politique. Quelqu'un me disait l'autre jour, M. le président, je dois dire – vous allez m'excuser, je suis en train de lire sur mon cellulaire – si le renvoi des élections était un sport olympique, le MSM aurait gagné une médaille d'or et peut-être le ministre Toussaint allait émettre ce truc.

An hon. Member: *Gagn médaille !*

Mr Bhagwan : C'est un sportif qui m'a envoyé.

M. le président, il n'y a plus de Covid-19. Comment expliquer ce refus d'affronter ce rendez-vous démocratique ? C'est un rendez-vous démocratique ! Qu'est-ce que nous avons aujourd'hui ? Des équipes *expired*, comme les médicaments *expired* qui n'ont pas de bilan crédible. Ils vont me dire : on a fait ceci, on a fait cela. On est tous témoin. Les municipalités sont devenues des MINI-cipalités, offrant un service minimum, un entretien aléatoire des voies publiques, une absence totale de politiques d'animation sportive, culturelle et de loisirs. Faut-il s'en étonner ensuite lorsqu'on constate une telle recrudescence des fléaux sociaux tels que la drogue ? J'inviterais le ministre des Sports, souvent je lui demande qu'est-ce qu'on va aller faire avec le centre de jeunesse de Barkly ? Venez dans ma circonscription, vous allez voir ce problème que nous sommes en train de faire face.

M. le président, est-ce que parce que les élus en place ne veulent pas d'élections pour avoir le temps de faire un peu le ménage et de compléter les *unfinished business* ? M. le président, ces élus et maires ont déjà battu les records de longévité politique dans ce championnat truqué et veulent continuer de gérer les collectivités locales sans fitness, sans déclaration, sans l'assurance avec un permis *expired* en plus. *Ey ou la ! Ansam tou posib ! Zis dan MSM sa !*

M. le président, aujourd'hui nous savons tous, j'ai lu l'autre jour deux articles, Jean-Claude de l'Estrac et Yvan Martial, quoi qu'on peut dire Jean-Claude était un maire et Yvan Martial un observateur. Ce qu'ils sont en train de dire, c'est la mort des collectivités locales, M. le président. Aujourd'hui, moi-même je vous dis, j'étais offusqué d'entendre le ministre des Finances, pas un discours du budget ou un maire qui parle dans la salle du conseil, le ministre des Finances vient dire *nou pou fer de terin petang par ici, 4 twalet par lot koter, enn terin de mini-sport par ici* et il dit sa partout. Ce n'est pas son rôle de ministre des Finances. *Li pa rod vin dir* le musée global. Quel va être le discours du budget du maire d'une ville lorsqu'on présente le budget ? C'est le ministre des Finances qui est en train de... et il va le dire, je crois dans quelques semaines encore, il va le répéter.

C'est le ministre des Finances qui va le dire, je crois dans quelques semaines encore, il va le répéter.

M. le président, jamais avant le pays n'avait connu un tel verrouillage, vertical et horizontal de l'appareil de la centralisation. Aujourd'hui, nous sommes arrivés à un point où c'est une décision politique que le gouvernement est en train de prendre. Ne venez pas nous berner, dire à la population qu'on va mettre le comité, etc. Le gouvernement a peur des élections. Ce gouvernement, à entendre tous ces gens de l'autre côté, tous ces députés qui ont parlé, l'honorable Ramano, l'honorable Lesjongard, ils ont peur de cette alliance Travailleuse-MMM-PMMSD. Laissez-moi vous dire. Vous avez peur !

(Interruptions)

Laissez-moi vous dire, vous mentionnez le nom de Ramgoolam. Vous avez peur de Ramgoolam, M. le Premier ministre. Vous avez peur de Bérenger. Vous avez peur ! Donnez les élections, vous allez voir.

(Interruptions)

Mr Speaker: Order!

Mr Bhagwan: Et je le dis à l'honorable Ramano.

(Interruptions)

Mr Speaker: Order on both sides of the House! Order!

An hon. Member: *To pe per.*

Mr Ramano: Je vais attendre.

Mr Bhagwan: L'honorable Ramano, je suis à Quatre Bornes maintenant Kavi Ramano. Vous allez m'entendre, je vais être dans votre chemin. *Pa pou ena eli* Quatre Bornes *san kou la* Ramano.

Merci, M. le président.

(Interruptions)

Mr Speaker: Order! I will ask the hon. Deputy Speaker to take the Chair.

At this stage, the Deputy Speaker took the Chair.

The Deputy Speaker: Thank you very much, please be seated! Hon. Fabrice David, please!

(11.12 p.m.)

Mr F. David (First Member for GRNW & Port Louis West): M. le président, vu l'heure tardive et vu la pesanteur de l'atmosphère, je pense pouvoir dire ce soir que notre hémicycle est devenu une chambre funéraire où nous enterrons la démocratie régionale.

The Deputy Speaker: Non. Non. Hon. Fabrice David, l'hémicycle n'est pas funéraire ou quoi que ce soit. Ce n'est pas correct ! Pas pour le moment.

Mr David : Vu le contexte, on peut dire ça, M. le président.

The Deputy Speaker: It is not properly qualified at this time. I don't want to interrupt you, you know how I work. But it is not proper for the Assembly. Withdraw these words, please. Yes, please!

Mr David : M. le président, si ...

The Deputy Speaker: You withdraw it?

Mr David : Je retire le mot 'chambre funéraire'. Est-ce que je peux parler de veillée funéraire ?

An hon Member: Non.

(Interruptions)

The Deputy Speaker: Alright, continue. You don't have much time. Try to make the most of it.

Mr David: M. le président, si le mandat des collectivités locales était inscrit dans notre Constitution tout comme le mandat du Parlement national y figure à l'article 57, ce débat autour d'un troisième renvoi des élections municipales au cours d'une même mandature qui dure déjà depuis huit ans, n'aurait pas lieu car le gouvernement du jour sait très bien qu'il n'aurait jamais eu la majorité requise des trois quarts pour piétiner à nouveau le droit de vote des citoyens.

Mais voilà, M. le président, notre Constitution, lors de sa rédaction, il y a plus de 55 ans, était pensée pour être la loi suprême des braves, d'une nation démocratique naissante sans penser que cette nation tomberait un jour entre les mains des brigands de la République.

Mrs Luchmun Roy: Withdraw that word!

Mr David: M. le président, notre Parlement voit aujourd'hui la proposition d'un projet de loi dont l'objet est de modifier le *Local Government Act* afin d'habiliter le Président agissant sur l'avis du Premier ministre, de prolonger à nouveau la durée de vie des conseils municipaux ou des conseils de villages pour une période de deux ans ; trois semaines seulement avant la dissolution des conseils municipaux dont le mandat avait déjà été prolongé de deux ans en mai 2021.

Autrement dit, le ministre des Collectivités Locales nous demande aujourd'hui de voter un amendement pour un mandat municipal, qui potentiellement, pourra durer dix ans, M. le président; de juin 2015 à juin 2025.

M. le président, dites-moi quel patriote, quel démocrate, quel citoyen attaché au respect des institutions pourra voter cet amendement ce soir sans rougir de honte ? Le pire dans tout cela, c'est que le gouvernement se retrouve empêtré aujourd'hui dans l'embarras à défendre l'indéfendable, à vendre l'invendable, à faire accepter l'inacceptable et suite à la découverte vendredi dernier des *highlights* du Cabinet Meeting dont le premier paragraphe faisait mention de l'introduction de ce *Local Government (Amendment) Bill*, le lendemain matin, c'est le ministre des Arts et du Patrimoine Culturel qui, lors de la conférence de Presse du MSM, a tenté dans un mauvais numéro d'équilibriste je dois dire, de justifier l'injustifiable allant même

jusqu'à dire que le renvoi des élections municipales était dû à une réforme nécessaire pour, je le cite –

« Apporter un vrai esprit de démocratie dans la loi du *Local Government*. »

Est-ce que le ministre Teeluck, qui comme moi, appartiens à une nouvelle génération de politiciens, considère sérieusement que renvoyer trois fois une échéance électorale au cours d'un même mandat, apporte un vrai esprit de démocratie ? Ou est-ce qu'il s'est juste contenté de chanter la recette de cuisine rédigée par les apprentis cuisiniers du PMO ? Et que n'a pas dit le ministre des Arts sur la loi Aimée ? Lors de cette conférence de Presse qui était publique, permettez-moi M. le président, de citer à nouveau le ministre Teeluck, au sujet de cette loi qui selon lui –

« *Ti enn mem pli bezer reform ki ti ena.* »

Voilà ce qu'un ancien Travailliste, devenu entre-temps ministre du MSM, vient dire en 2023 après que son parti, son nouveau parti, était à la direction du pays pendant huit ans. Pendant ces huit ans, la loi Aimée qui aurait dû porter la loi d'un autre ministre qui est parti plutôt, pendant huit ans, cette loi-là était bonne et ce n'est que trois semaines avant la dissolution des municipalités que subitement *zot somey kase*, et que le *Local Government Act* apparaît comme – *ene mem pli bezer reform*.

Et permettez-moi de rappeler, M. le président, qu'à l'époque en 2010, au moment où le ministre Aimée présentait le projet de réforme du gouvernement Travailliste, alors en alliance avec le MSM, et c'était plus précisément le 9 décembre 2010, c'est l'honorable Madame Dookun-Luchoomun, alors ministre de la Réforme des Institutions, qui a secondé la motion avec la bénédiction de l'honorable Pravind Jugnauth qui était à l'époque vice-Premier ministre et lors des débats sur ce projet de loi, ce fameux jour, c'était en fait un soir aussi, et plus précisément dans la nuit du 9 au 10 décembre 2010, lorsque l'honorable Lesjongard, alors membre du MMM, avait pris la parole vers 1h du matin ; on en est encore un peu loin. Voici ce qu'il a dit et je cite le Hansard de l'Assemblée nationale –

« Nous avons à faire à des poltrons qui ont peur des élections au niveau des collectivités locales. »

Et il poursuit –

« La peur est là, la peur est visible, M. le président. Ils ont peur d'aller vers des élections au niveau des municipalités. »

Est-ce qu'il serait nécessaire pour moi de retourner le compliment aujourd'hui à l'honorable Lesjongard qui, entre-temps, a changé de camp, a changé de parti politique, a changé de statut ministériel ? De quel côté aujourd'hui se trouve les poltrons ? Et que dire, lors de ce même débat, lors de la même nuit, cette fois-ci à 1h37 du matin, selon le procès-verbal de notre Assemblée Nationale, des propos de l'honorable Obeegadoo, également député du MMM à l'époque, qui avait clamé comme il sait très bien le faire et je cite –

« Donc, la première chose que je tiens à dire, c'est que le procédé adopté, la façon d'agir de ce gouvernement est tout à fait inacceptable parce que cela équivaut à tenir la démocratie en otage. Citez-moi une des grandes démocraties du monde, les États-Unis d'Amérique, l'Inde, la France, l'Angleterre où cela aurait été possible d'attendre 5 semaines des échéances pour venir dire que l'on va reporter les élections.»

Que va-nous dire le même honorable Obeegadoo, devenu entretemps le numéro 2 d'un gouvernement, qui a attendu 3 semaines avant les échéances municipales pour venir dire que l'on va reporter les élections ?

M. le président, le *Whip* de l'opposition me fait signe que mon temps est compté. Je vais abréger l'embarras de ces anciens défenseurs de la démocratie en disant aujourd'hui, en ma qualité de premier élu de la première circonscription de notre République, qui se trouve être également la première circonscription de notre capitale qui comprend les trois premier *wards* de Port-Louis, que cet amendement au *Local Government Act* visant à renvoyer une énième fois les élections municipales a provoqué l'indignation et la révolte des Portlouisiens.

Les citoyens et les citoyens n'ont évidemment pas attendu ce nouveau *holdup* de la démocratie pour exprimer leur colère face à ce régime autocratique qui a peur d'affronter l'électorat. Je termine, M. le président, en vous disant qu'il est inutile pour moi de vous dire que je voterai évidemment contre ce *Local Government (Amendment) Bill* qui une fois adopté par la majorité restera dans l'histoire de notre pays comme le *Central Government Runaway Act*.

Merci, M. le président.

The Deputy Speaker: Thank you. Hon. Minister Hurreeram, please!

(11.22 p.m.)

The Minister of National Infrastructure and Community Development (Mr M. Hurreeram): Thank you, Mr Deputy Speaker, Sir. Allow me to begin my intervention with the following –

“A major review of local government legislations will be undertaken in order to better meet the aspirations of the population. Consideration will be given to the creation of new Municipal Councils.”

This, Mr Deputy Speaker, Sir, featured in the speech of former Local Government Minister, Hervé Aimée, when he came in this very Assembly in 2011 to postpone the Municipal elections.

Yes, indeed, our friends on the other side of this House seem to forget, they are the king of avoiding elections! We have got absolutely no lessons to take from them. They might have forgotten; history remembers, history holds testimony! History remembers how the Labour Party deprived the citizens of this country of their right to vote during those dark days that we call *années de braise*.

If it was not a Government led by Sir Anerood Jugnauth, which amended the Constitution to guarantee the General Elections to be held every 5 years, imagine the disaster, the nightmare for this country! *Pas de miracle économique, zéro développement, viol de la démocratie, pillage des biens publics. Le pays aurait été en ruine, M. le président.*

Hon. Dr. Aumeer dares talk about ‘*moralite pa ranpli vant!*’ This is exactly what is happening today by a section of the Press *quand nos propos, nos intentions sont déformées*. Let us set the record right. Pourquoi *moralite pa ranpli vant?* Because Sir Anerood Jugnauth accepted a donation from the Government of Taiwan, a donation of rice to feed the people of this country *comme un bon père de famille parce que le Parti travailliste avait ruiné ce pays. À cette époque-là, on n’avait que 2 semaines de réserves. Nou ti pou mor de fin!*

When we came in this august Assembly, the MMM at that time instead of saying: ‘thank you, Sir Anerood Jugnauth for saving this population from starvation,’ you know what they said? ‘*Ce n’était pas morale!*’ To this, Sir Anerood Jugnauth replied to the then Leader of the Opposition: ‘*to moralite pa ranpli vant!*’ All the records, *par la complicité de cette section de la*

presse, moralite pa ranpli vant! This is all they hear. Maybe they do not know history. So, take good note!

Heureusement qu'il y avait Sir Anerood Jugnauth et le MSM, et heureusement, qu'aujourd'hui, nous avons un Premier ministre, Pravind Kumar Jugnauth, visionnaire à la tête de ce pays ! Et comme je le dis toujours, je le répète encore une fois dans cet auguste Assemblée qu'il sera reconnu comme le père de l'île Maurice moderne.

The Members on the other side of this House want to convince the population that this amendment is a strategy to avoid municipal elections. Nothing could be further from the truth, *rien de plus faux*. It is quite unfortunate that we have had to postpone these elections twice already, but we were in a situation *de force majeure*. We had to stop the propagation of a deadly virus and by doing so we probably saved thousands of lives, Mr Deputy Speaker, Sir. And if we had to do it again, we would do it again the same way.

However, we are a year and a half away from the General Elections, is it not now the right time to do what many have promised before, but have failed to execute? It is an MSM Government which came forward with the Local Government Act in 2003. Hon. Bérenger, himself pointed out in 2011 that the Local Government Act of the Labour Party represented «*un grave recul par rapport à la loi de 2003.* » So, this is an opportunity to review the whole system once and for all. *L'histoire retiendra que c'est un gouvernement MSM avec ses partenaires qui va transformer nos collectivités locales pour être en phase avec le développement sans précédent que le pays est en train de connaître.*

It is difficult to process how my comrades of the MMM, who claim to be democrats, to associate themselves with the Labour Party. You need an example of labour administration, Mr Deputy Speaker, Sir? No need for a flashback! Look at the District Council of Grand Port! My good friend, hon. Ritish Ramful will agree. He may not say it officially, but I am sure he will. *Une véritable catastrophe à l'image de son président. Les plaintes s'entassent et les critiques pleuvent.*

Recently the Chairperson was invited on a radio program to answer to complaints from the public. He was copiously insulted for two hours straight for his mismanagement? I do not think so. This is non-management, Mr Deputy Speaker, Sir!

An hon. Member: *Aswar ki li roule kamion!*

Mr Hurreeram: You would think that one single local authority managed by the Labour Party would showcase their capacity to administer properly. Completely the contrary! It is now a gentle reminder of the disastrous Labour Party regime prior to 2014. You want examples? Check the football ground of Trois Boutiques! Check the football ground of Petit Bel Air! Check the lighting across the Constituencies No. 12 and No. 11! *Au grand dam des habitants du sud, M. le président !*

Cela fait deux ans que le gouvernement central leur a donné presque R 140 millions pour une foire à Mahebourg !

You know what? They made a plan and they forgot the toilets. And it is still being constructed. This is *aberrant. Incapacité*, inability to manage *et voilà pourquoi, M. le président, il faut revoir le fonctionnement pas que de nos mairies mais aussi de nos conseils de districts. Je parle pour ma circonscription, le village de Mahebourg mérite mieux et pourquoi ne pas en faire une ville?*

Sooner or later, the metro line will reach there. So why not prepare for the future? *Gouverner c'est prévoir, n'est-ce pas, M. le président?* I know this has been announced before and we know quite a few villages which deserve to be recognised as cities now. Obviously, *en consultation avec les conseillers locaux*, we can make wonders together. But thing is we have to act and we have to act now.

Right when the whole country is witnessing a complete transformation. I have said this before and I will say it again: we are currently building the Mauritius of tomorrow. We have successfully connected the existing cities through the Metro Express. Our first urban terminal, the Victoria Urban Terminal, is now buzzing with activity on a daily basis. We have considerably improved traffic along the motorway at Phoenix and Quay D and now, it is a non-stop drive in between.

What was a mere vision, became a promise, and now under this Government, under the able leadership of our Prime Minister, it has become a reality. Mr Deputy Speaker, Sir, this is a Government that keeps its word given to its population. *Le train de la modernité a atteint sa vitesse de croisière. Alors pourquoi stopper cette machinerie uniquement pour organiser des*

élections municipales quand on a l'opportunité de revoir nos collectivités locales et redonner ses lettres de noblesse à notre administration régionale ?

Mr Deputy Speaker Sir, we have not closed the very temple of democracy, our National Assembly, for several months. My friends of the MMM will surely recall, especially those who were on this side of the House but still in the Opposition, when they met here for only eight days in 2014. I won't talk about the two days of hon. Dr. Boolell which earned him Rs1 m. *Huit jours de travaux parlementaires seulement, M. le président, alors que bien sûr, ils touchaient leur salaire de député chaque mois de cette même année et ils ont le culot de venir nous faire la leçon aujourd'hui* of what they want, what administration they want. They want elections for what? Just because they want... *partaz makaroni* is one thing. Just because they want to crystallise their alliance. Just because they want to exist, especially after this *bate toufe* they have had this evening, Mr Deputy Speaker, Sir.

Let me recall, the population will remember that year, in 2014, for their political ambitions, this country was deprived even of a budget, Mr Deputy Speaker, Sir. We are here, this Government, week in, week out, whatever may be the conditions to face all your questions as one solid government. And here, there is absolutely no need to try to single out my colleague Avinash Teeluck. Yes, he spoke on our behalf and we will stand by him whatever it may.

Mr Toussaint: *Pa tous nou Teeluck !*

Mr Hurreeram: Mr Deputy Speaker, Sir, even during the toughest times, during the COVID-19 crisis, when you were all this time targeting my colleague hon. Dr. Jagutpal but instead of hiding or disappearing for 72 hours like some would have done when he was the Prime Minister, we were here facing the situation; facing the music as some would say; defending the country; working in the interest of the country and saving our population.

I, myself, Mr Deputy Speaker, Sir, they've tried their luck; they have tried to target me when we built the flu clinics. They were saying: "container, container". Where is container? What have they been able to prove? And this is where, yes, I challenge them. *Inn fini. Inn ale enn sel ale!*

This is a Government which has encountered many challenges, Mr Deputy Speaker, Sir –

- the COVID-19 pandemic, and

- the war in Ukraine and its severe repercussions on our economy.

We have faced all these challenges head on. I think never in history, a government has faced that much challenges and still going strong and still developing the country and still working for the betterment of this population. The population has seen our capacity to deliver at all levels. *Et nous avons, M. le président, un bilan éloquent! Un bilan plus que positif ! Et qu'avons-nous de l'autre côté de la Chambre ?* They are claiming elections ; they want elections. Give elections to whom? *Enn panie krab.* – politicians who despise each other but pretend to be on the same page because they don't have a choice. And let's face it, they know and we know that this alliance will never work and is bound to fail and it is just a matter of time.

Comment convaincre les militants d'aller voter pour un parti Travailleiste et ce même leader qui a traité leur leader historique de « requin » ? Comment ces militants vont-ils se mobiliser avec ce PMSD que l'honorable Rajesh Bhagwan avait lui-même qualifié de « *born to zwir* » ?

An hon. Member: *Ziska torti mem inn sove !*

Mr Hurreeram: Comment faire face à l'électorat avec le seul bilan les frasques à répétition de Navin Ramgoolam et de Xavier Luc Duval ? Should we be afraid of that? Is this what they are saying? Should we be afraid of that? No, Mr Deputy Speaker, Sir!

Yes, we will face each other in the general elections in a little like 2 years, rest assured on that. I hope by then that your alliance withstands this year itself. I believe this is what, in fact, you are afraid of. Because in weeks and days to come, there might not be any, forget alliance I'll call it, "*sanblan d'alliance*".

Mr Deputy Speaker, Sir, this Government at this time of its mandate, despite all its hurdles, as I mentioned, the COVID-19 pandemic and the economic crisis, we are in a race against time to materialise our own promises made to this population.

Why should we then organise Municipal elections and then come with reforms? Because we know that we are here and we will remain here. Why not go straight to it, that is, the reform, and then we proceed with the elections. Why are you in a hurry? What for? Wouldn't this be the wisest decision for our population? Is this not what a caring Government would do? Or spend

some Rs170 m. from public funds to organise municipal elections whose results will become redundant once we implement our reform?

And, Rs170 m. is not a small amount, Mr Deputy Speaker, Sir. For you on the other side of the House, it might be normal I know. *Légèrement moins que le contenu d'un coffre-fort bien rempli.* Give me this amount and we could build another flyover, a new bridge, a new cut-off drain in high risk flood prone area or a new road!

(Interruptions)

An hon. Member: *District Council Jugnauth sa!*

An hon. Member: *To pa ankor trouve la!*

Mr Hurreeram: The truth, Mr Deputy Speaker, Sir, is that no other Government has done more for our towns and villages than the MSM Government. I speak based on facts. It is this Government which abolished the municipal tax and it is the very same MSM Government which will go the extra mile for the betterment of our citizens.

Look at their faces, Mr Deputy Speaker, Sir. This is the face of fear! Because in the context of an alliance PTR-PSMD-MMM...

(Interruptions)

An hon. Member: *.... Dan Plaine Magnien!*

An hon. Member: *Ena pa pou gagn tiket!*

(Interruptions)

Mr Hurreeram:...most of them will not be here because they will not be elected or will not even be ticketable!

(Interruptions)

We, on this side of the House, we have no fear. We are confident for another mandate. Under the able leadership of our Prime Minister, Pravind Jugnauth, as they want it or not, the Opposition they say, they know, they are riding a dead horse.

Thank you, Mr Deputy Speaker, Sir.

The Deputy Speaker: Thank you very much. Hon. Lobine!

(11.43 p.m.)

Mr K. Lobine (First Member for La Caverne & Phoenix): Thank you, Mr Deputy Speaker, Sir. From this loud speaker to that loud speaker, it resonates so hard in my ears but it is okay. It is part of the game.

Mr Deputy Speaker, Sir, in this temple of democracy, it is only fair and within the rules of debate that hon. Members from both sides of the House would participate, opine, give their views; sometimes very passionate debates and sometimes very divergent views on this Bill.

Yes, Mr Deputy Speaker, Sir, references are being made to each political party represented in this august Assembly; what they did in the past with regards to postponement of elections and different views and positions of hon. Members when they were in the Opposition or when they were in Government. It is only fair to quote all these speeches, interventions for the sake of debate but, Mr Deputy Speaker, Sir, this should not be a yardstick to do it again. This should not be the yardstick because in the past this has been done, elections have been postponed, we have to carry on on this path because the other one did it in the past. This should not be the yardstick and I tend to agree with hon. Shakeel Mohamed on this core Mr Deputy Speaker, Sir, that mistakes of the past, should not be repeated again.

So, the crucial thing within this Amendment Bill is about election, about the right to vote, about the freedom for the citizens of this country to express their opinion, their views through their vote. This is the crux of the debate in this very Amendment Bill, Mr Deputy Speaker, Sir. The rest is politics, the rest is for *la gallerie* but the very crucial point of this Bill is the right to vote. We are postponing the right to vote of people of this country and, Mr Deputy Speaker, Sir, I am flabbergasted when I listened to the speech of hon. Minister Ramano. I have been listening to many speeches, passionate debates, their point of views. We do accept it but hon. Minister Ramano – he is not in the House, he left – I am flabbergasted by his speech, Mr Deputy Speaker, Sir.

Mr Deputy Speaker, Sir, hon. Ramano campaigned and accepted to stand as a candidate and was elected under the banner of *l'Alliance Parti Travailleiste-MMM* in 2014, and from 2016 to 2019, he has been working as an Opposition backbencher, an Opposition MP with hon. Xavier Luc Duval as Leader of the Opposition and today, in Parliament, he comes and makes a speech with venom, with hate against the Parti Travailleiste, the MMM, Xavier Luc Duval, the PMSD.

This is unbecoming from a hon. Minister. He should rise to the event. I have been listening to hon. Ramano on a couple of occasions. I do not normally criticise the person, Mr Deputy Speaker, Sir, but there is a limit. He keeps on with this venom, with this hate speech against Xavier Luc Duval and the PMSD and I will tell this hon. Minister: arrogance is the sign of weakness and time will tell. Time will tell, Mr Deputy Speaker, Sir, and hon. Minister Ramano will witness it as to the credential, the worth and contribution of the PMSD for the advancement of this country and the role of the PMSD and Xavier Luc Duval in the very near future. Time will tell, Mr Deputy Speaker, Sir! And, hon. Ramano will witness it and he will feel it too!

(Interruptions)

Mr Deputy Speaker, Sir, it is with a sense of despair as well that I am conveying tonight before this august Assembly, the deception of many people my constituency, La Caverne and Phoenix, when they are now being made aware that they will not have the opportunity in the coming months, to vote for a change of the Municipal Councils after eight years and that they will have to wait for another two years.

The fundamental question, Mr Deputy Speaker, Sir, with regard to this Amendment Bill, is that we are depriving people coming from 11 constituencies – constituencies No.1, No.2, No.3, part of constituency No.4, part of constituency No.14, No.15, No.16, No.17, No.18, NO.19, No.20 of their right to vote. Almost half of the voters of this country are being deprived of voting in the near future, in the coming month. This is what this Bill is all about. It is not about reform of this local administration. It is not about reform because we do not have a draft Bill. It is only mere words from a speech of the hon. Vice-Prime Minister. It is only from a Press conference of hon. Avinash Teeluck because in the Explanatory Memorandum, as very well canvassed by hon. Uteem and hon. Mohamed, we do not have a single line with regard to the object of why we are postponing, why we are giving this power to the Prime Minister to advise the President to extend *la durée des collectivités locales*.

It is not in this Explanatory Memorandum and it is also in comparison with what we had when we had the COVID-19. In the Explanatory Memorandum, it was very clear.

The hon. Vice-Prime Minister explained, we had a pandemic and we were in a state of emergency. We have got a valid reason to postpone elections. Coming up with a new piece of legislation, does not preclude this Government to give elections. Let us renew this bunch of

Municipal Councillors, who after 6, 7, 8 years, they are *dépassés par les évènements*, Mr Deputy Speaker, Sir.

Hon. Assirvaden explained the sad state of what we have at the Municipal Council of Vacoas Phoenix. My hon. good friend, PPS Bablee, will tend to agree with me that we have got serious problems. The MSM people, the Councillors openly are expressing their dismay with regard to how things are being conducted at the Municipal Council of Vacoas Phoenix. They want to renew their personnel.

The grassroot of the MSM in No. 15, go and talk to them! They are frustrated with the way the Mayor is conducting the business of the house at the Municipal Council of Vacoas Phoenix. Now, coming and telling them that we are postponing it, this will not go down very well with the MSM supporters in No. 15, I can tell you,. This is the case, as at now, the numerous messages we are receiving from MSM supporters in Constituency No. 15. I tend to agree that this is the case in all other constituencies that have got Municipal Council.

Mr Deputy Speaker, Sir, hon. friends from both sides of the House have quoted the judgement from Trinidad. The hon. Attorney General has his own opinion and way of reading at this landmark judgment; jurisprudence for us. Hon. Uteem has taken us with regard to paragraph 31 to 34 of this very well written judgement. Hon. Mohamed touched on it. But I would tend to invite hon. Members of this House to read what the Law Lord said at paragraph 34 of this Bill, and I quote –

“It is inimical to a representative democracy that the representatives are chosen by anyone other than the electorate. It is not for Parliament, still less the Government, to choose the representative.”

This is very significant as a paragraph, Mr Deputy Speaker, Sir, because it goes to the very essence of democracy, the right to vote, even if it is not prescribed in our Constitution with regard to people voting for municipal elections, regional elections.

I am of the view that this should be included. All elections should be included in our Constitution so that we could not, with regard to whims and caprices of governments of the day, change the date or have a sort of a hidden agenda to postpone elections. This should be included in our Constitution. What this judgment is saying, we cannot ignore it, Mr Deputy Speaker, Sir.

We got it only a couple of days back. So, I would invite all hon. Members to look at this judgement carefully. Even as to the facts of this judgment, it does not suit the very purpose of our amendment Bill. Go to the essence and the reasonings of the Law Lords in this particular case with regard to the right to vote and as to the essence of democracy to give the people their right to vote.

Mr Deputy Speaker, Sir, *vox populi is vox dei*. The voice of the people is the voice of God. I would invite the hon. Vice-Prime Minister to consider what he himself said way back in 2015, and I quote –

“We all know that the local government is the first public authority due to its proximity where citizens look up to solve their immediate social, welfare and environmental problems. It is also the level of democracy in which the citizen has the most effective opportunity to actively and directly participate in decision-making for the society. In other words, a vigorous local democracy is the basis for a healthy national level democracy.”

I am sorry to say that I do not see the compatibility of this reasoning of the hon. Vice-Prime Minister to this amendment Bill being brought, where we are postponing this election. We are depriving those people the rights to choose their representatives.

Mr Deputy Speaker, Sir, in India, for example, we have got the State elections. In Karnataka, BJP lost. They lost in other states, but they gave the elections. So, I would invite members from all political parties, Members from all sides of this House to consider vote or not to vote. It is with your conscience, not with your allegiance. This is not a Bill that we should vote for because we are depriving people of their right to vote and this is the essence, the crux of this amendment Bill. Nothing else! Reform is another debate that we will debate later on when we get the Draft Bill. I have finished. I am done, Mr Deputy Speaker, Sir.

The Deputy Speaker: Thank you very much. Hon. Ehsan Juman, please!

(11.56 p.m.)

Mr E. Juman (Fourth Member for Port Louis Maritime & Port Louis East): Merci, M. le président. Je crois que l'honorable Bobby Hurreeram n'a toujours pas digéré le fait que son

parti a perdu les élections du Conseil de district de Grand Port. Lui et son parti ont perdu le Conseil de district de Grand Port !

The hon. Minister Teeluck during his press conference said that *lalwa Aimée, lalwa pli dan bez. Mais n'est-ce pas sous cette même loi, honorable ministre Teeluck, que ce même gouvernement a organisé deux élections - élections municipales 2015 et élections villageoises 2020 ? Voilà pourquoi vous n'êtes pas sur la liste aujourd'hui !*

Colleagues, Members, are we still living in a democracy? I doubt it! No wonder Mauritius figures amongst the top 10 autocratic countries in the last V-Dem Report, which states that, I quote –

“(...) democracy seems to hang by a thread in Mauritius.”

Last year, the Municipal Elections were postponed seemingly because of the COVID-19. There was already a lame excuse, when during the same period both Rodrigues Regional Assembly Elections and earlier Village Council Elections were held. During the debate to postpone the elections in 2021, on 25 May, the Prime Minister said, I quote –

« *M. le président, les élections municipales qu'ils réclament tant, comme je l'ai dit, auront bel et bien lieu une fois que le pays aura surmonté la pandémie du coronavirus.* »

Aujourd'hui qu'est-ce qui se passe ? Volte-face !

Ce matin, ce que le Premier ministre nous a dit, répondant à une question de l'honorable Nagalingum, que quand certains membres sont dans l'opposition, ils ont un langage, et au gouvernement un autre. Lui, dans le même gouvernement chaque année, il a différents langages. Par contre, le *Deputy Prime Minister*, l'honorable Obeegadoo, voilà ce qu'il a dit- je crois que mon ami a mentionné cela – « Donc, la première chose que je tiens à dire, c'est que le procédé adopté, la façon d'agir de ce gouvernement est tout à fait inacceptable parce que cela équivaut à tenir la démocratie en otage. Citez-moi un des grands démocraties au monde - les États-Unis d'Amérique, l'Inde, la France, l'Angleterre - où cela aurait été possible d'attendre cinq semaines de l'échéance pour venir dire qu'on va reporter les élections ? » Là, on est à trois semaines, qu'est-ce que vous allez venir nous dire ? L'honorable Lesjongard, pareil !

An hon. Member: *Dan gouvernman enn koze.*

Mr Juman: C'est ça ! *Dan governman enn koze ; dan lopozişion enn koze.* Vous avez raison, M. le Premier ministre, sur vos deux côtés, droite et gauche.

M. le président, c'est clair que c'est une fuite en avant pour le gouvernement. Il se sauve la queue entre les jambes. Pour la deuxième fois consécutive, le gouvernement a peur d'affronter les citoyens, peur parce qu'il sait que c'est une raclée qui l'attend dans les cinq villes. Ils ont peur de Navin Ramgoolam. Le Premier ministre Pravind Kumar Jugnauth a peur de Navin Ramgoolam. Le gouvernement a peur de l'alliance de l'opposition. Vous avez peur de l'alliance de l'opposition. Aucune chance d'obtenir, ne serait-ce qu'un seul siège de la municipalité.

(Interruptions)

Même les fortifiants, les stimulants les plus puissants dont l'honorable Doolub est en quête n'auraient pas pu lui redonner la vie. Vous êtes finis. Déjà ...

(Interruptions)

Ecoutez, M. le Premier ministre, déjà certains d'entre vous n'arrivent même pas à avoir affaire à votre électeurat. Vous avez oublié qu'est-ce qui s'est passé à Manhattan ?

An hon. Member: *Ramgoolam remonte!*

Mr Juman: Ça ne vous dit pas quelque chose ? Souvenez-vous de l'indignation populaire soulevée à Vacoas l'année dernière ?

The Prime Minister: C'est un discours érotique ça !

(Interruptions)

Mr Juman: Ah ! Ah ! Comme vous êtes heureux, honorable Doolub !

The Deputy Speaker: Adressez-vous à moi !

(Interruptions)

The Prime Minister: Je suis heureux.

Mr Juman: Pas sûr ! C'est pour cela...

Mr Hurreram: *Vini mo montre twa!*

The Deputy Speaker: Please keep the decorum!

Mr Juman: C'est pour cela que le gouvernement avait peur d'affronter l'électorat parce qu'il ne pourra pas mettre tous les citoyens derrière les barreaux c'est ce qu'ils ont fait à Manhattan. Ils ont essayé mais ils ne peuvent pas. Les citoyens ont osé lever leur voix à Vacoas. Oubliez Vacoas, ce qui s'est passé à Port Louis le 26 avril dernier. Vous avez vu vous-même l'impopularité de votre vice-Premier ministre lors de l'inauguration où la pose première pierre à Plaine Verte. Vous avez vu vous-même, l'impopularité de votre vice-Premier ministre, l'impopularité de votre député dans la circonscription No. 3.

M. le président, ce matin l'honorable ministre juste avant moi a dit que huit ans ils ont dirigé les collectivités locales mais il ne vous dit pas qu'ils ont dilapidé le fond R 450 millions ont été repris de tous les collectivités locales, tous les *District Councils*, les municipalités, R 450 millions transférés dans le *Reserve Fund*, ça il ne vous dit pas. On a entendu 40% des véhicules à Vacoas ne marchent pas. À Port Louis, on a commencé un contrat, le ministre Bobby Hurreeram nous demande R 120 million. Le ministre Bobby Hurreeram vient nous demander mais il ne vous dit pas R 68 millions, un contrat avait commencé pour construction d'un centre sportif Abercrombie. Trois ans après, ça va nous coûter R 185 millions et le projet n'est pas encore terminé. Vous voulez que je parle de *I-Council* ? Qu'est-ce qui se passe au *District Council* de Moka ? On parle de *I-Council* ; maintenant qu'il va venir mais ça fonctionne déjà. Il y a le *Chief Executive* super puissant, proche du Premier ministre, proche de la cuisine qui dirige le conseil district de Moka. Voilà qu'est-ce qui se passe avec le *I-Council* là-bas.

M. le président, comme mes amis, les honorables membres qui ont parlé avant moi, on est pas du tout d'accord qu'on renvoie les élections. On peut tenir les élections. Les amendements, on peut les faire après. On peut reconsidérer pour les villages de venir une ville tout ça mais après. Là, les élections il faut les organiser maintenant !

Merci, M. le président.

The Deputy Speaker: Thank you very much. Hon. Dr. Mrs Dorine Chukowry, please!

(00.05 a.m.)

Dr. Mrs D. Chukowry (Second Member for GRNW & Port Louis West): Thank you, Mr Deputy Speaker, Sir.

Mr Deputy Speaker, Sir, at the very beginning, my sense of duty supersedes anything else when it comes to standing for and by the philosophy envisioned through the enacting of the Local Government (Amendment) Bill No. VIII of 2023.

I stand before you today to present a Bill of utmost importance but before starting, j'aurais voulu répondre à l'honorable Fabrice David et aussi à l'honorable Ehsan Juman. Je vous dirais que depuis quelque temps déjà, il y a eu plusieurs démissions au sein de votre parti et aussi au sein du MMM. Et par contre, nous, nous avons connu plusieurs adhésions et vous devez prier Dieu qu'on a renvoyé les élections municipales, sinon vous aurez connu une raclée.

An. hon. Member: *Alala! koze! Koze Dorine!*

Dr. Mrs Chukowry: Et pour répondre à certains membres du MMM qui ont dit qu'ils sont fiers qu'ils ont commencé leur carrière au sein du MMM et qu'ils sont toujours mauves. *Good for them!* M. le président, dans certaines fermes, il n'y a pas que des poules ou des chevaux ou des ânes, il y a aussi des moutons.

Let me get back to my speech. As first woman to shoulder the responsibility of Lord Mayor a decade ago, under the banner of the MMM and MSM, my intervention on the Local Government (Amendment) Bill fits the calling of this noble tenure. Mr Deputy Speaker, Sir, I believe that it will be of vital assistance that we refresh our memory for the purpose through a slice of our political history.

Mr Deputy Speaker, Sir, I don't have an iota of doubt that our small island is at a major crossroad and that a non-policy change will condemn our country to a gloomy future. Mr Deputy Speaker, Sir, the amendment to the Local Government Act of 2011 is long overdue. Yes, Mr Deputy Speaker, Sir, it is long awaited!

Mr Deputy Speaker, Sir, to comprehend it better, we have to take as a cue the 2016-2017 Budget Speech entitled "a new era of development" which was delivered by the then Minister of Finance, the actual Prime Minister, hon. Pravind Kumar Jugnauth on 29 July 2016. The then Minister of Finance talked about a new era of development which specified 10 key strategies for development.

Mr Deputy Speaker, Sir, one of those strategies was "Urban and Rural Regeneration". Therefore, Mr Deputy Speaker, Sir, the revamping of our Local Government Act started years

back. Mr Deputy Speaker, Sir, the governing law for local authorities and therefore local planning is the Local Government Act 2011 (No. 36 of 2011).

Mr Deputy Speaker, Sir, 10 years back, I was offered a copy of the said Act when I was elected as Councillor in December 2012. Now it's been more than 10 years since this Act was enforced and in that 10 years, so much has happened –

- (a) The COVID-19 pandemic;
- (b) The war in Ukraine;
- (c) Speedy delivery of building and land use permits;
- (d) The growing impact of climate change and its challenges pertaining to ecological, social, economic and infrastructural issues, and
- (e) The abolition of the Municipal tax.

Therefore, Mr Deputy Speaker, Sir, many sections of the Local Government Act, the one I have in hand, the Local Government Act of 2011 has become irrelevant and obsolete and hence, the need for amendments.

The challenges are many and administrators at both national and regional levels have to resort to rethinking. In this period of rapid change, we have to learn, unlearn and relearn. We have to think of what should be done for the short term, medium term and long-term. There is a need of an analysis of the crisis situation of the last 10 years and see how best we can be prepared for new challenges and how unexpected situations need to be addressed.

Mr Deputy Speaker, Sir, it is very important to build our future by looking from time to time in the past. Mr Deputy Speaker, Sir, in 2010, Dr. the hon. Navinchandra Ramgoolam, Prime Minister, postponed the Municipal Elections twice; from 2010 to 2011 and re-postponed to 2012, because, again, the postponement was backed by reasons which were justified by the then Government.

Mr Deputy Speaker, Sir, I will quote a section of hon. Shakeel Mohamed's speech concerning postponement of elections because I believe it was beautifully said. I quote –

“What we are doing today has nothing to do with anti-democratic principles. Democracy would have been threatened had we cancelled the elections, but democracy here is being

consolidated because we, as a responsible Government, have decided to come to this august Assembly, recognising the principle of separation of powers, recognising that it is Parliament that has to decide upon it. Long live democracy.”

Mr Deputy Speaker, Sir, we are doing the same thing today. Aren't we being democratic?

Mr Deputy Speaker, Sir, *kan zot zot fer tou bon, zot refer bon mem, kan nou nou fer nanien pa bon*. Mr Deputy Speaker, Sir, which is which?

Dr. Boolell: *Zot bizin con fer.*

Dr. Mrs Chukowry: Mr Deputy Speaker, Sir, at that time, there was no COVID-19 pandemic. There was no war, no flash floods; our country has witnessed its first flash flood on the 30 March 2013, and the election was postponed by two years.

Mr Speaker, Sir, and now, our Government strongly believes that there is an urgent need to extend the life of the entire Municipal City Councils and Municipal Town Councils or entire Village Councils for a period of two years. I firmly believe that such an extension will serve as a catalyst for progress, stability, and empowerment within our beloved nation. Many Governments in the past and even from different borders from ours, have gone the extra mile by postponing such elections.

Mr Deputy Speaker, Sir, to comprehend the significance of this proposed amendment, it is vital to delve into the annals of our history. Mauritius has witnessed a remarkable journey of growth and transformation since its independence. Our local government institutions have played an integral role in shaping the developmental landscape of our country. By extending their mandate, we reaffirm our commitment to the principles of democratic governance and provide continuity to the effective functioning of these vital entities.

The objectives of the Bill align harmoniously with our nation's aspirations for a prosperous future. By empowering the President, acting in accordance with the advice of the Prime Minister, to further extend the life of the Municipal City Councils, Municipal Town Councils and Village Councils, we demonstrate a keen understanding of the dynamic nature of governance. Flexibility is a key attribute of any successful administration and this Bill enables us to adapt to the evolving needs of our society.

Moreover, the extension of mandate will fortify the bond between our citizens and their local representatives. Local government institutions serve as the bridge connecting the aspirations and grievances of the people to the corridors of power. By prolonging the life of these councils, we instil a sense of confidence and trust in the democratic process. Citizens will have the assurance that their voices will be heard and their concerns addressed by the elected officials who possess an intimate understanding of their unique challenges and aspirations.

Mr Deputy Speaker, Sir, let us not underestimate the transformative potential of continuity. The extension of the mandate will allow these local government bodies to consolidate the progress they have made thus far. It will provide them with the necessary time and resources to implement and evaluate long-term policies, enabling sustainable development and effective governance. This continuity will also foster stability, enhancing the efficacy of local initiatives and programs that have proven to be successful over time.

Furthermore, we must acknowledge that local government institutions are the bedrock of participatory democracy. They are the platforms where citizens engage directly with their elected representatives, fostering a culture of inclusivity and shared responsibility. Extending the mandate will provide an opportunity for these institutions to further strengthen citizen engagement, enhance public participation and promote a vibrant democratic culture at the grassroots level. By doing so, we reinforce the very essence of our democracy and empower our citizens to actively shape the future of their communities.

Mr Deputy Speaker, Sir, let me remind the people of the Republic of Mauritius that in 2014, the Parliament was closed for nine long months by the then Prime Minister, Dr. Navinchandra Ramgoolam, because he was busy *koz koze* with the Leader of the MMM, hon. Paul Raymond Bérenger. Can we say that it was democratic? Was it democratic?

Mr Deputy Speaker, Sir, they made a fool of our democracy. It was simply undemocratic. Mr Deputy Speaker, Sir. Moreover, the periods of on and off where Parliament was closed did not only affect the temple of democracy, but also caused collateral damages to our local authorities.

At that time, being the Lord Mayor, I, myself, was confused because we did not have the quorum required to run the Council. Mr Deputy Speaker, Sir, I did not know on which foot to dance. So, I then called the Leader of the MMM one day to report the matter and to know the

way forward. He then replied “*Dorine, ou intelizant! Ale, kas pake!*” That was his advice. This is the MMM hon. Reza Uteem! I leave it to the population to see if this was a democratic act.

M. le président, je me souviens comme aujourd’hui le jour que j’ai remis ma lettre de démission au Leader du MMM. À trois reprises, il m’avait demandé si j’étais sûre de ma décision et que je pouvais reprendre ma lettre de démission. Avant de partir, mon époux, qui m’avait accompagné, lui avait posé une question : « Paul, eski pu ena ene laliens avek Dr. Navin Ramgoolam ? » Et il réfuta « bonhomme, ou krwar Paul Bérenger pena mieux pu fer? Paul Bérenger prefere ale vey so ban ti zenfan ki fer laliens avek Dr. Navin Ramgoolam! ». This is what he said at that time. It was in 2018.

To conclude, I congratulate the Vice-Prime Minister, Hon. Dr. Husnoo, for bringing to the House such an important piece of legislation which presents us with a unique opportunity to fortify the pillars of our democracy. By extending the mandate of the entire Municipal City Council and Municipal Town Councils or entire Village Councils, for a period of two years, we demonstrate our commitment to a vibrant and resilient democracy.

The historical context of Mauritius highlights the significance of continuity in governance, and this Bill serves as a testament to our dedication to progress and stability. Together, let us empower our citizens, strengthen our local government institutions, and propel our nation towards a brighter future. I am done, Mr Deputy Speaker, Sir.

The Deputy Speaker: Thank you very much. Hon. Aadir Ameer Meea!

Mr A. Ameer Meea (Third Member for Port-Louis Maritime & Port-Louis East): Yes, thank you, Mr Deputy Speaker, Sir. It is good to see you back in the Chair and I hope to see you again.

M. le président, avant de commencer mon discours sur l’amendement du *Local Government*, laissez-moi commenter sur quelque chose que j’ai remarqué aujourd’hui, et je suis sûr que la population aussi a remarqué cela parce qu’elle nous regarde à la télévision, et pour moi, cela saute aux yeux. J’ai remarqué une sorte de démangeaison de la part des membres du gouvernement par rapport à l’alliance Travailleuse/MMM/PMSD. Une sorte de démangeaison !

Pourquoi je dis cela, M. le président? Because almost every orator who has preceded me, had something to say about this alliance. Almost all orators, even my friend, hon. Minister Hurreeram, in his usual Johnny Bravo style, he was very vociferous about it.

So, Mr Deputy Speaker, Sir, I will say that this is very much telling on their state of mind and in relation to this alliance, I will tell Members from the other side of the House that, it is better to go slow in the right direction than to go fast in the wrong direction. Mr Deputy Speaker, Sir, therefore, on behalf of the whole Opposition, I would like to thank you for the promotion of this alliance. I would like to thank you all for the promotion and for the publicity that you gave this alliance. Really guys, thank you!

Now, let us get back to serious things, Mr Deputy Speaker, Sir, Donc, M. le président, avant de m'engager dans la politique active, je me suis donné la peine d'étudier l'histoire du suffrage universel et surtout toutes ces luttes à travers le monde pour accéder à cet important exercice grâce auquel le peuple parvient à constituer une équipe pour diriger les affaires du pays. Jusqu'à preuve du contraire, c'est la meilleure façon de traduire le vœu de chaque individu ayant atteint l'âge de vote.

Ainsi, les élections sont indispensables dans toute société civilisée et exigent qu'on les respecte comme il le faut. Considérer comme étant sacré, les citoyens responsables veillent au grain que les élections se tiennent après chaque échéance électorale. Le suffrage est donc un acquis, et non un privilège. Voter, c'est un devoir sacré, voire même une obligation à la fois morale et patriotique. Se soustraire à ses devoirs citoyens équivaut un acte de trahison envers son pays et un manque de respect envers tous ces tribuns qui ont luttés, qui se sont sacrifiés pour que le droit de vote ne soit pas réservé à un groupe de privilégiés.

Enlever ce droit de vote aux citoyens par des calculs mesquins, par des manigances occultes, utilisant de faux prétextes constituent en lui-même un crime contre la démocratie, contre la nation.

Les renvoyer pour échapper à un débat annoncé, c'est aussi hautement condamnable pour le gouvernement. Si leur côte de popularité est au rouge, ils renvoient les élections au mépris de l'opinion publique. Les raisons les plus farfelues sont avancées qui ne tiennent pas la route et qui ne convainc personne, sauf les shows aux partisans. Et là, M. le président, j'attends l'honorable

Abbas Mamode, qui a quand même fait référence à moi dans son discours. Donc, je vais très poliment lui administrer une dose de rappel. Sûrement, l'honorable Dr. Jagutpal pourra m'aider par rapport au dose du rappel de vaccin que je vais l'administrer.

M. le président, pour répondre aux nombres incalculables de charabias qu'il a débité pour venir justifier le renvoi des élections. Laissez-moi le rappeler - et c'est dommage qu'il n'est pas là - qu'il détient un record, et un triste record. J'ai fait un tour de la Chambre, tous les députés et ministres y compris, il est le seul député qui a fait le tour du MMM, du PMSD, et maintenant du MSM. C'est lui qui est en train de nous donner des leçons de démocratie, M. le président.

Quand même, il ne faut pas trop exagérer ! Il a commencé avec le MMM et il a été élu plusieurs fois comme Conseiller Municipale.

Le MMM l'a fait Lord-maire et après le Maire de 2005, il est passé au PMSD, également élu plusieurs fois conseiller municipal. Et aux élections de 2014, c'est pour la première fois qu'il a eu un ticket pour les élections générales et il entre au Parlement par le biais du *Best Loser System*. Et après avoir été au Parlement, il devient PPS avec le PMSD et aux dernières élections de 2019, il était colistier avec l'honorable Shakeel Mohamed et l'honorable Eshan Juman parce que le PMSD été en alliance avec le Parti Travailleiste et il s'est fait élire dans la circonscription numéro 3 en alliance avec le Parti Travailleiste.

Vous savez, M. le président, comment est-ce qu'on appelle quelqu'un qui change de partenaire aussi rapidement que ça ? Enfin, pas partenaire mais plutôt qu'il échange de parti aussi régulièrement que ça ? Le qualificatif créole est malheureusement *unparliamentary*, je ne pourrais pas m'en servir mais sans être méchant, c'est une girouette politique, M. le président. Et je n'ai aucune leçon à prendre avec lui. J'ai été élu trois fois sous la bannière du MMM.

Donc, M. le président, laissez-moi revenir à mon discours, je dirais que la décision du gouvernement de renvoyer l'organisation des élections municipales et villageoises pour deux ans encore se résume à une manœuvre qui porte atteinte à la démocratie car il faut le rappeler que les édiles des conseils municipaux sont avant tout des élus dûment choisis par le peuple. Ce qui explique un processus démocratique où les électeurs et les électrices participent au choix des équipes qui dirigeront les municipalités en leur nom. En outre, ce qui me choque davantage c'est le fait que le gouvernement agit de manière autoritaire pour ne pas dire dictatoriale en ne fournissant aucune explication pour sa décision largement controversable dans l'amendement qui

a été circulé. Autant dire que la décision du gouvernement en proposant un nouveau report de ces élections équivaut à un subterfuge pour bafouer les choix de l'électorat.

Puisque le gouvernement ne propose aucune justification plausible pour expliquer sa décision, je me permettrais de dire que l'électorat sanctionnera lourdement ces gabegies. Les tenants du pouvoir sont bien placés pour savoir que nos compatriotes enverront un signal fort par le biais d'un vote sanction pour dénoncer la mauvaise administration, la corruption généralisée, l'abus des passe-droits, l'inflation incontrôlée et la misère croissante du petit peuple.

L'inflation galopante ne cesse de réduire le pouvoir d'achat des consommateurs. Même la classe moyenne s'en plaint. Les produits alimentaires de base sont offerts à des prix exorbitants. Dans les chaumières, la colère gronde. Les familles au bas de l'échelle sociale ne mangent plus à leur faim. Les gens attendent avec impatience le moment pour administrer une raclée aux princes du jour. Je dis aux princes du jour car leurs jours sont comptés.

De par sa gestion catastrophique des affaires du pays et de son incompetence effarante, le gouvernement ne cesse d'attiser la colère du peuple. On se demande avec raison si cette attitude inconsciente et cette façon cavalière de nos gouvernants sont des signes précurseurs d'une fin de règne. D'ailleurs, les observateurs politiques sont unanimes à prévoir que le régime sera sanctionné au cas où des élections municipales et villageoises sont organisées.

D'autant plus qu'au cas où le report de ces élections régionales est cautionné par un vote majoritaire, les électeurs et les électrices de nos villes pourraient récupérer leur droit de vote après 10 longues années. C'est tout simplement du jamais vu dans l'histoire politique de notre pays.

M. le président, d'ailleurs il est grand temps d'élire d'autres équipes plus compétentes pour gérer nos conseils municipaux et nos conseils des villages car une perception subsiste à l'effet que les problèmes inhérents de nos villes et villages, les doléances, les soucis administratifs des citoyens et citoyennes sont traités de manière partisane. Dans le passé lorsque le MMM administrait les villes, nous faisons abstraction de l'appartenance politique des gens ou de leurs régions. Pour nous ce qui comptait, c'était de pouvoir aider à résoudre leurs problèmes et de trouver des solutions à leurs doléances dans un délai raisonnable car ils étaient avant tout des contribuables dont les sous remplissaient en partie les caisses municipales.

M. le président, vu que mon temps est presque terminé, je dirais que c'est triste de voir que certains parlementaires du côté de la majorité formés à l'école du MMM – et la liste est longue – autrefois des puissants défenseurs des valeurs démocratiques se taisent honteusement. Comme la tortue, ils ramassent leur tête sous la carapace et en attendant que les cris et les insultes et les quolibets se taisent. Adieu cette glorieuse époque ! On sacrifie tout sur l'autel de l'opportuniste. On laisse assassiner la démocratie. Comment vont-ils se dédouaner le moment venu quand il faut aller frapper à la porte d'honnêtes gens pour quémander leur vote ? L'histoire en tiendra note.

Et pour conclure, dans le passé, sous l'impulsion du MMM, une loi a été votée pour que les élections générales soient organisées tous les cinq ans et eu égard aux vellétés dictatoriales et antidémocratiques de ce gouvernement, il faudrait aussi légiférer au plus vite pour que les élections régionales soient organisées à des dates prédéterminées dûment inscrit dans la Constitution ce qui mettrait fin à un abus éhonté du régime en place.

Merci, M. le président.

The Deputy Speaker: Thank you very much. Hon. Ms Anquetil!

(12.37 a.m.)

Ms S. Anquetil (Fourth Member for Vacoas & Floreal): M. le président, je vais être directe. C'est la deuxième fois en l'espace de deux ans que nous nous réunissons pour proroger les mandats des élus municipaux mais cette fois-ci sans aucune raison valable. Scandaleux, inacceptable et abusif !

Démocratie, vous dites ! Mais cela ne semble être le cas que sur le papier. Pour ce qui est des pratiques antidémocratiques, ce gouvernement n'a rien à envier aux régimes dictatoriaux. Le Premier ministre mauricien est particulièrement doué dans ce domaine. C'est un précédent antidémocratique particulièrement dangereux.

Posons-nous sérieusement la question : quel est le véritable motif derrière le report de ces élections municipales auxquels le gouvernement central se rend complice sciemment ? Certes, dans certaines situations exceptionnelles, le report des élections est nécessaire pour garantir la sécurité de la population mais ce n'est pas le cas ici. Je souhaite ajouter ma voix à celle de mes

collègues de ce côté de la Chambre pour exprimer fermement notre position au report de ces élections municipales.

Je représente une circonscription urbaine et je ne peux pas rester les bras croisés lorsque la démocratie est entravée, sabotée et violée simplement parce qu'elle va à l'encontre des intérêts des puissants du jour. Il est tout à fait insultant pour la démocratie de vouloir décaler ces élections municipales pour la troisième fois alors qu'elles auraient dû avoir lieu le mois prochain.

M. le président, les Mauriciens et les mauriciennes ne sont pas dupes. L'île Maurice tout entière a pris conscience qu'elle a sombré dans une autre dimension d'autocratie. Il est évident qu'une démocratie saine exige des élections libres, régulières et transparentes. Comme le disait Abraham Lincoln, je cite –

« La démocratie, c'est le gouvernement du peuple, par le peuple et pour le peuple ».

Lorsque les élections sont reportées de manière injustifiée et excessive, cela soulève inévitablement de sérieuses préoccupations quant à la légitimité et la volonté du pouvoir de respecter les droits démocratiques des citoyens et citoyennes de notre république.

Messieurs, Mesdames, les ministres de la république, vous jouez au *kitchen table politics* et en tant qu'élus du peuple, vous êtes des irresponsables. Il n'y a pas l'ombre d'un doute qu'avec vos provocations délibérées dans un proche avenir, vous vous retrouverez au fond du précipice. Allez consulter les critiques du grand public postées sur les réseaux sociaux.

M. président, plus que jamais les électeurs et les électrices de Port Louis, de Beau Bassin-Rose Hill, de Quatre Bornes, de Vacoas-Phoenix, de Curepipe attendaient avec impatience ce scrutin local. Il y a une forte demande de renouveau et un espoir de libérer enfin toutes les municipalités car l'heure du grand nettoyage a sonné. Les citoyens prévoyaient d'infliger une défaite historique aux conseillers et au maire. D'un côté, il y a un profond mécontentement généralisé envers le gouvernement en raison des multiples scandales politico-financiers de la corruption et d'abus de pouvoir et de l'autre côté, une administration bancal de nos villes.

Reconduire ces mêmes maires et conseillers pour un troisième mandat alors que les citoyens et citoyennes de Vacoas-Floréal se plaignent du matin au soir de la qualité des services municipaux. Terrains de football non-entretenus, terrains mal- éclairés le soir ; par exemple, à

Mangalkhan, à Lapeyrouse, drains bouchés occasionnant des inondations, revêtement partiel de certaines routes et j'en passe, j'ai un problème de temps et je ne peux pas rentrer dans les détails.

C'est tout à fait légitime de s'opposer à la prolongation des mandats des conseillers quand les services publics laissent à désirer. Et, pour ajouter, malheureusement il n'est pas là, l'ultime touche, l'honorable Gilbert Bablee qui se fait remarquer par son absence sur le terrain au No. 16, se livre à un spectacle en comparant la ville de Vacoas à celle de Manhattan.

M. président, soyons francs, le Premier ministre n'a pas le courage d'affronter ces élections municipales. Il est la personne la mieux renseignée du pays. Il sait qu'un raz de marée de l'Opposition dans toutes les municipalités, sans exception, est inévitable. Par crainte d'une défaite humiliante, le gouvernement renvoie ces élections.

En conclusion, aujourd'hui notre démocratie est en détresse car dans une véritable démocratie, des élections régulières et équitables sont essentielles pour permettre aux citoyens de choisir leur représentant. Je vous invite à lire comme a dit les autres collègues de ce côté de la Chambre, le jugement du *Privy Council* concernant le renvoi des élections à Trinidad et à Tobago. Cela démontre clairement que le Gouvernement cherche à maintenir son pouvoir en évitant les scrutins et en manipulant les calendriers électoraux.

Pour terminer, les différents Premiers ministres se sont succédé depuis l'indépendance, les différents Premiers ministres ont su quitter le pouvoir. L'histoire retiendra que l'honorable Pravind Kumar Jugnauth a plongé notre pays dans une quasi-autocratie complète. Je vote contre cet amendement hautement controversé car je ne peux soutenir une législation injuste, arbitraire et anticonstitutionnelle.

Je vous remercie, M. président.

The Deputy Speaker: Thank you very much for welcoming me back. The Speaker shall resume his Chair.

At this stage, Mr Speaker took the Chair.

Mr Speaker: Please be seated! Hon. Collendavelloo!

(00.44 a.m.)

Mr I. Collendavelloo (Third Member for Stanley & Rose Hill): Thank you, Mr Speaker, Sir.

For there is not much that I have to rebut from the last intervener because there was a lot of noise but no great substance at all, so, I am relieved on this aspect. The hon. Vice- Prime Minister introduced the Bill and he said the following –

“The purpose is to empower the President to extend the life of the existing local authorities for a period of two years. That is in order that the tenure of office of incumbent Councillors, that is, Municipal, District and Village Councillors be extended for two years.”

The Attorney General has more or less said the same thing. It was important that the Vice Prime Minister and the Attorney General put on record what our intentions are today. I say this, Mr Speaker, Sir, because this is extremely important. It was important because as was stated in the Maharaj case by Lord Briggs in trying to find some meaning to the law of Trinidad, the Board had looked for the *travaux préparatoires*, that is, the debates in the Trinidad Parliament but had not found any indication of what the intention of the Legislator was and this is the only reason why the Privy Council reached that decision and we shall come to that point a little bit later on. But, it is clear that what is important for us tonight is that we all state our intention very clearly that those persons who are Councillors today will continue office and we are not legislating only for the future.

Everybody agrees from the Leader of the Opposition to other Members of the Opposition and us, on this side, that there is a need for reforming our Law on Local Government and this is what we are doing. We want to reform the Law and there is a committee that is going to sit but there is a problem. How can we now dissolve the Councils when we know that there is going to be reform? Let us state one instance. Hon. Diolle tells us that she would like to lower the age of voting and increase therefore, the electorate to electors of 16. I do not know whether this is going to be implemented or not and others have said, let us increase gender representation. I do not know whether it would be done or not but if it is done, that would mean that we are going to have elections in say one month now and in two months, we increase the number of electors, we increase the number of Councillors and what do we do? We wait for four years or do we disband the Council that is going to be elected and have two elections in three months?

This is what the Opposition has not thought through. It is incompatible to have an election today and yet, want to have reform. Either you want reform or you want elections. So, this is why Government is saying we need to postpone our elections. The Opposition tells us one thing. I like the way that hon. Uteem said it: '*nous sommes peureux*'. We are scared of elections.

But, Mr Speaker, Sir, on side of the House, we have a *bilan*. We have a strong *bilan* because contrary to what the Opposition wants to believe and wants to have people believe, we have provided excellent services to the inhabitants of the towns. Roads - I talk of my constituency; see the roads in Rose Hill, there was a time after the CWA had done works when the roads were in a deplorable state, but see how they are today. Drains constructions, Rs494 m. we have spent to improve the infrastructure at the doorsteps of the inhabitants of Rose Hill. Jardin Balfour, Jardin Freddy Appasamy. Do you not think the people see what is happening in front of their doorstep?

The people remember how Plaza was in 2014-2015. The people know what we did, Anerood Jugnauth and Vishnu Lutchmeenaraidoo at that time, they agreed with us to support the Municipal Council in the renovation of Plaza. Look at Plaza today! The theatre was going to be completed. Unfortunately, one bidder has gone to Supreme Court and we need to await the decision of the Supreme Court, or else the theatre would have been operational today to be accessible to the young people. See Malmaison in Curepipe, which is a replica in a smaller scale of the castle when Napoleon spent his last night in France before being exiled. Malmaison in Curepipe is another instance of what we have done of the *bilan* that we have to offer to the population. We have redone the *Stade Gaëtan Duval*, the *Centre Municipal Hervé Duval*.

What did we not hear on the Metro? There was a lady doctor who was going to tie herself to a tree in order to stop the Metro from being built. Today, she is probably travelling in the Metro herself.

The *Promenade Roland Armand*, I remember hon. Adrien Duval talking about *Promenade Roland Armand* of Quatre Bornes, when *Promenade Roland Armand* is in Rose Hill. They talked of *arbre centenaire* when there was no *arbre centenaire*. The train was travelling along Roland Armand until 1970. So, there could not have been *arbre centenaire* in Roland Armand. There was almost a revolution. We have replaced it. See the green park, the green space that has been built.

I know he is now on the opposing side, but I need to mention hon. Bodha because he worked hard together with me, together with the Prime Minister, with all the team. We worked hard to make the Metro reach from Port Louis to Rose Hill. Who has forgotten how people were screaming for violence when there was a squatter who had to be removed. I do not want to *remuer le couteau dans la plaie*, but we still remember this.

But people also know what has happened to their lives: vaccination, minimum wage, pensions paid at home during COVID, all this. And we are scared of going to the people? Let us be frank! Between you and me, Mr Speaker, Sir, they are relieved that we do not have elections. They are probably in their hearts of hearts saying thank you, Pravind Jugnauth or thank you, Dr. Anwar Husnoo. We are confident. The people are with us because they know where their interests lie. The people will vote for their *porte monnaies* and the people know that with the Opposition, there is no hope. With us, on this side, they know, they see the light of day.

Some interveners from the Opposition have mentioned the 1st of May. We had a resounding success on the 1st of May. Hon. Dr. Boolell even clamours for general elections. They cannot organise a meeting on Labour Day and they want to organise elections? This is *démagogie à l'extrême*. They are dreaming!

An hon. Member: *So macaroni pe mont dan latet!*

Mr Collendavelloo: L'honorable Aadil Ameer Meea dit ce que tout le a remarqué, mais tout le monde a remarqué ce soir une opposition sur la défensive, à l'exception de l'honorable Anquetil qui a été très agressive. Mais à part elle, *the tone was very subdued; was set by the Leader of the Opposition. The Leader of the Opposition was extremely sober in his intervention and I suppose that set the tone for all the other Members of the Opposition.*

The Leader of the Opposition mentioned the Chief Executives. I must say, I am not in strong disagreement with him. Since the 2011 law - and that is one of the most serious aspects - the local authorities have increasingly become under the control of the Central Government, and that is bad for democracy in general. That is one of the points that will have to be examined.

The problem is that Chief Executives are answerable to their hierarchy and the hierarchy finds itself in the seat of the public officers who are in the Ministry of Local Government. I will give you two examples. In Rose Hill, there was a person, Mr Dean Tirvengadam, who died in an

accident at work. He was a Deputy Mayor of Rose Hill. He was a member of the *Mouvement républicain*. He was, at the time of the Travailliste-PMSD when they were in the Municipality, a great social worker. In 2014, he joined the ML and he worked and was very active. He, unfortunately, died and a PMSD Councillor moved that a mini-soccer pitch be named after him. Everybody agreed, the MSM, ML, the inhabitants, everybody agreed. But the Chief Executive said no, we need the permission of the Ministry of Local Government. Five reminders have been sent, and up to now, no answer.

The same, an MSM Councillor made a motion that a hall in Foire Da Patten be named after Mr Sooroojbally who was an MMM *maire* at that time because he had been working and he was still in the memory of people. This MSM Councillor felt and everybody agreed that this Hall should be called Sooroojbally. For such simple matters as this, the Chief Executive refers to the Ministry and the Ministry up to now has not replied. So, this is the extent of Central Government interference in Local Authorities. Do you know that when there are *inauguration* and you have to put the names of people, there also, you need the permission of the Ministry, an Officer in the Ministry will tell the Chief Executive, yes you can put that name, not that name. That is not possible and that Committee will look at this instance.

Now, let me conclude on the judgment of the Trinidad case of the Privy Council. The hon. Leader of the Opposition clearly had read the judgment and he was not as excited as others have been since Saturday. We know the story by now; many of us have talked about it. The press bounced on paragraph 31, four lines out of a judgment of 17 pages. It is true that in this paragraph the Privy Council, the Judges, the majority of the Judges do speak of the principles of democracy and you see one paper which prints on Monday 22 May –

« Le Conseil privé déclare anticonstitutionnelle la prolongation du mandat des conseillers régionaux. »

Complètement faux ! Le Conseil privé a dit exactement le contraire. C'est extraordinaire ! And even here, when we come to Parliament, of course, by now the lawyers on the other side have read the judgment and they realise that this is not what the Privy Council has said. But hon. Uteem, I am not surprised in fact, comes to read paragraph 31, he quotes paragraph 31 and 32 where admittedly the Privy Council mentions certain principles –

“The right to vote out representatives is as important as the right to vote in representatives. At the end of the period for which they were elected, the electorate has the right to decide whether they wish the incumbent representatives to remain in office, assuming the stand for re-election.”

That is the principle laid down by the Privy Council. Paragraph 32 as well – the same principle.

Hon. Uteem, however fails to turn the page. He stops reading there because if he had turned the page, he would have hit upon paragraph 35, two paragraphs after what he has just read. Let us be complete in our reading, which I am doing. Paragraph 35 –

“Given that the application of the amendments to incumbent Councillors and Aldermen would not alter rights guaranteed by the Constitution, it is clear that it is within the legislative competence of Parliament to make the amendments, if that were their effect.”

So, it is perfectly within our competence to make the amendments. The issue is whether having regard to the context, sections 11 and 12 as amended by the 2022 Act, they are talking of the Trinidad Act, just as we have the same Act, are to be construed that is *interpréter* as having that effect. As explained above, the respondents' constructions involved an interference with the election of representatives for a period of limited to three years. In other words, it is not a question of constitutional liberties, democracy, etc... *on n'assassine pas, violer la démocratie* and all the other words we have heard. It is a simple question of making clear what we want to do, and what we want to do is to have an extension of the life of the incumbent council.

I trust that after tonight's debate and after... because there have been after all some serious interventions on that issue on the other side, hon. Mohamed has been for once very careful on what he says on that issue. I hope that the media will now cool down and stop saying that the Privy Council has said that our amendment is *un viol de la démocratie, etc... un viol de la constitution*. Or, you may disagree with the decision. That is not the point. The point is that you cannot just say that the Privy Council has said that our law is unconstitutional. I had to say that because if this matter goes to the Supreme Court as the Leader of the Opposition seems to suggest, the Supreme Court will be reading what we have said tonight or should I say this morning and we will need to have made our intention very clear to ensure that this law is upheld.

All being set and done, when we look at what has happened tonight, we see that finally there is no great division between us apart from the political rigmorole. We all agree that it is high time for reform. Okay. Some people say it is too late; others say it is too early. Never mind but what we need to do is to reform whether we are late, we should have done it before that is another matter. But now that we have to do it, what do we do? Do we have elections now and risk having another local elections in four months? Having two elections in four months and then general elections a few months later because our life is going to end in a year's time more or less. Is this what we want? So, let us have the elections in their own time dispassionately. The people of the towns, the citizens know that their life has greatly improved ever since the MSM-ML and now Plateforme Militant, Movement Patriotic are together to work for them in each and every time.

Thank you, Mr Speaker, Sir.

Mr Speaker: MP Dr. Gungapersad!

(1.10 a.m.)

Dr. M. Gungapersad (Second Member for Grand' Baie & Poudre d'Or): Thank you, Mr Speaker, Sir. After listening to some Members on the other side of the House, I am forced not to enlighten them any further, if fools want to live in fools' paradise, let them be happy there and I would request, I don't know who can make the medals; gold medals, silver medals and bronze medals to congratulate this Government for their meeting they held on 01 May because they are so happy; they want to self-garland themselves.

Let me verbally do it. Congratulations! Well done! Gold medal, silver medal, bronze medal, be happy in the fools' paradise. In the fools' paradise!

There is a deception when I go through the list of orators, I expected after the luminary Press conference held by my good friend, hon. Teeluck, who has waved the Labour Party flag perhaps more than me, more than many of us, Minister of Culture. What culture of democracy is he promoting? What culture of democracy is he validating? Which culture of democracy? Is it to postpone the Municipal Elections for the third time in a row?

Let me refer to someone who comes from our common Constituency, Jean Claude de L'Estrac, *et qu'est-ce qu'il dit* –

“ Mais ce renvoi était prévisible et je l’avais prédit. Ce gouvernement n’arrête pas d’utilisé les instruments de la démocratie pour asseoir son pouvoir autocratique. »

And, when I talk of culture, I have heard one or two, and one at least will come after me; culture of turncoats. Culture of turncoats! Turncoats have one special quality – they can easily swipec positions, they easily change their ideological positions. Once they change their political allegiance, they can talk in favor or against something with the same ease and grand eloquence. You will hear it just after me, in a few minutes.

Turncoats easily spit! Turncoats easily spit in the plate they have eaten. These turncoats are dangerous. Let me take an example, 07 February 2011 –

« Ces élections étaient dues en 2010, elles furent renvoyées à 2011 et ne voient-t-ils pas qu’on nous demande d’approuver un nouveau renvoi à 2012 sans qu’il n’y ait aucune justification. »

I hope the hon. Member who will talk after me will come and say “justify”. Again what he said in 2011 –

“Something is wrong, Mr Deputy Speaker. If it suffices for a Minister to say, I am not referring to the old law.”

And he goes further to say –

“Morally, it is unacceptable. Politically, it is extremely dangerous for democracy and the legal logic is dubious to say this.”

I repeat it for him – May he rebut himself, not me – Morally, it is unacceptable. Politically, it is extremely dangerous for a democracy and the legal logic is dubious to say this. He goes further; I am not saying this, I am quoting –

“ It is all too fishy, Mr Deputy Speaker, Sir. Il y a des questions graves que cela souleve...”

Mr Speaker: No, no, you are mistaken. I am the Speaker now.

Dr. Gungapersad: No, I am quoting him, Mr Speaker, Sir. No, I am quoting his speech, he talked about the Deputy Speaker, not you. I am not referring to you. I am quoting –

“Je pense que c’est extrêmement grave pour la santé de notre démocratie. »

Today, I hope, *il va ausculter sa santé démocratique actuelle, à temps réelle et il va nous dire dans quel état est notre démocratie. Un grand défenseur de la démocratie.*

I am quoting –

« If that is not a colourable device – *ce subterfuge légal, auquel je me suis référé*, what is it ? *Il y aurait eu une solution.* »

There is another one, another turncoat. I am referring to Mr Ramano –

“Le niveau démocratique d’un état se mesure bien sûr par la protection des droits fondamentaux du renouvellement des instances décisionnelles à travers le processus électoral mais aussi et surtout, pour une réelle volonté d’un gouvernement à déléguer des pouvoirs à des instances indépendantes. »

J’espère que moi, un jour, je n’aurai pas à me mettre in their shoes, in turncoats. Today they say something, tomorrow they change their positions and this is there in Hansard. They are defending what cannot be defended and I am not going to vote for this Bill because it is against the interest of those people who live in the urban areas and the Prime Minister, in his speech, said –

“This is going to come this election.”

Then, the pretext was COVID-19. Today, the pretext is electoral reform. Let them live in the fools’ paradise. Congratulations! Enjoy your paradise!

Thank you, Mr Speaker, Sir.

Mr Speaker: Hon. Obeegadoo!

(1.16 a.m.)

The Deputy Prime Minister: Merci, M. le président. Évidemment, je ne m’abaisserai pas pour répondre aux insultes et aux adjectives de l’orateur précédent.

M. le président, nous voici ici à la Chambre. Il est 1h17 du matin. Cela n’est pas commun que sous ce gouvernement, nous siégions à cette heure-ci. Ainsi donc, nous serions de ce côté de l’hémicycle, des assassins, les fossoyeurs de la démocratie, n’est-ce pas ?

Et le vote qui est prévu pour tout à l'heure est un vote très significatif, très important. Dans le temps, quand j'étais au MMM, nous aurions demandé une *division of vote* pour placer chacun face à sa conséquence. Mais alors, où est le leader de L'Opposition ? Voilà un vote aussi important. Il est malade mais pour un vote aussi important, je suis rentré au pays ce matin après une nuit blanche. Je suis présent. M. le président du Parti Travailleiste, est-il aussi malade ?

An hon. Member: *Linn sove.*

(Interruptions)

Mr Speaker: Stop with that! Ten times you are saying *malade, malade.*

The Deputy Prime Minister: M. le député Lobine ...

Mr Speaker: Don't become *malade* you. Continue!

An hon. Member: Il est malade.

The Deputy Prime Minister: Très bien, très bien, il est malade. M. le président du Parti Travailleiste ?

An hon. Member: Malade.

The Deputy Prime Minister: Il est malade?

An hon. Member: *Lopozision malad.*

The Deputy Prime Minister: M. Shakeel Mohamed?

An hon. Member: Malade.

The Deputy Prime Minister: Malade.

An hon. Member: Malade.

The Deputy Prime Minister: Et mes anciens camarades du MMM? M. le député Bhagwan ?

An hon. Member: Malade.

The Deputy Prime Minister: M. le député Quirin?

An hon. Member: Malade.

The Deputy Prime Minister : Et les nouvelles, si à cheval sur les principes démocratiques, où sont-elles ? Malade? Madame Bérenger, malade ? Et pourtant ce vote ...

An hon. Member: *Li pan vini.*

The Deputy Prime Minister: Ce vote, il est si important.

Mr Speaker: No, she is well. She is here.

The Deputy Prime Minister : Trois députés sur sept du MMM présents. Félicitations messieurs, mais où sont les autres ?

Hon. Members: Malades.

The Deputy Prime Minister : Je n'ai jamais connu le MMM ainsi. Où sont-ils, M. le président ? C'est rare que nous travaillons jusqu'à une heure du matin. Quand Sir Anerood Jugnauth était Premier ministre, il menait la vie dure à l'Opposition MMM. Nous passions des nuits blanches et Rajesh Bhagwan, Madame Jocelyne Minerve, Monsieur Zeel Peerun et moi, nous étions là, nuit après nuit parce que nous prenions au sérieux nos fonctions de députés. N'est-ce pas le premier devoir d'un député d'être présent et surtout, quand on fait face à des fossoyeurs de la démocratie qui vont s'atteler à enterrer la démocratie régionale?

Alors, expliquez-moi cela ? Je ne sais pas si à cette heure-ci, les Mauriciens nous regardent devant leurs petits écrans. Ceux qui sont toujours devant leurs petits écrans doivent se poser la question : où est le respect de la démocratie parlementaire ? Félicitations aux députés du Parti travailliste ; le Parti travailliste, dans le temps, avait la réputation d'être le parti le plus indiscipliné. Et pourtant, aujourd'hui, les députés sont là, y compris les jeunes et les nouveaux. Félicitations messieurs !

Qu'avons-nous entendu depuis 16 heures cet après-midi ? Chez l'opposition, j'ai noté trois discours, un discours raisonnable et responsable. Je suis d'accord avec ce que disait avant moi, M. le député Ivan Collendavello, concernant le discours du leader de l'opposition, qui est venu nous dire que non, il n'était pas d'accord que l'on reporte les municipales, mais qu'il accueillerait tous projets de réformes. Il a parlé des faiblesses administratives de nos mairies et beaucoup des points soulevés étaient fort pertinents. Il a parlé du problème de gestion des ressources humaines dans les mairies et il a raison sur certains points. C'est pour cela que nous nous ferons un plaisir d'écouter ses propositions pour une réforme des collectivités locales.

Ensuite, il y a eu les discours démagogiques habituels, tintés le plus souvent d'hystéries. Je ne parlerais pas de l'orateur qui m'a précédé, qui nous avait habitué à des discours quand même plus raisonnables dans son domaine de prédilection en tout cas dans l'éducation. Mais aujourd'hui, notre ami, M. le député, Dr. Arvin Boolell, Messieurs Nagalingum, Assirvaden et même, Bhagwan, mais ce sont les mêmes discours ! Ils auraient pu prendre le discours hors d'une occasion précédente, c'est le même discours qu'on a entendu en 2021 et à de nombreuses reprises dans cette Chambre.

M. le député David, qui est venu nous dire « le MSM, le champion des renvois, des reports des municipales. » Cela témoigne, M. le président, - je le dis respectueusement - d'une méconnaissance totale de l'histoire parce que les faits historiques ne mentent pas. Je vais, donc, avec votre permission, M. le président, faire un bref rappel des faits historiques concernant les municipales. Je vais parler des municipales parce que si j'inclus les villageoises, cela va être très longue et très complexe.

Pourquoi cette dose de rappel, comme le dit si bien le Premier ministre ? C'est parce que l'histoire nous permet de relativiser les termes des débats eus à l'égard du prise de l'opposition, des uns et des autres, à travers l'histoire dans le passé. Je pense que M. le député Nagalingum nous a fait pratiquement le même discours quand - je crois que c'était en 2010 ou en 2011 - quand il était le porte-parole du MMM pour les questions des administrations régionales en 2011. Malheureusement, il est resté au MMM, et il est toujours le porte-parole pour les administrations régionales.

Cela nous permet de relativiser, et l'histoire, M. le président, nous offre une véritable leçon d'humilité. Je pense que les jeunes et nouveaux députés gagneraient à lire le *Hansard*, à se familiariser avec ce qui s'est passé avant. Voyez-vous, je parle de dose d'humilité parce qu'il est important de se poser la question pour les députés qui sont de l'autre côté de l'hémicycle : qu'auriez-vous fait si vous étiez de ce côté de la Chambre ? Et il convient aussi qu'en toute humilité, nous, de ce côté de la Chambre, nous nous posions la question, qu'aurions-nous fait si nous étions dans l'opposition ? Parce que dans un discours assez inhabituel en 2021, le député Mohamed constatait comment nous tous ici présents, nous avons en commun une profession de foi en la démocratie, mais que nous nous exprimions différemment ; que nous sommes dans l'opposition ou au gouvernement.

Alors, cet historique nous dit quoi ? En 1968, c'est l'Indépendance. Nous avons cinq conseils municipaux et trois *District Councils* pour un mandat de trois ans. En 1969, a eu lieu les premières élections municipales de l'après-Indépendance, quand même deux ans après les législatives de 1967, mais au lendemain de l'entente électoral PMSD/Travailliste ; à peine un an après l'Indépendance. Donc, tout le monde est content et excité, et on fonce vers les municipales. D'ailleurs, il n'y a pas d'opposition à part quelques dissidents du PMSD.

Mais en 1972, il y aurait dû y avoir eu des élections municipales. Il n'y aura pas d'élections municipales parce qu'entretemps, le MMM a surgi, et donc, il y a eu la défaite de Pamplémousse/Triolet ; il y a eu la razzia du MMM aux élections villageoises de 1970/1971. Donc, en 1972, le régime Travailliste/PMSD reporte les élections générales et reporte aussi les élections municipales. En 1974, entre temps, il y a eu la rupture entre le Parti travailliste et le PMSD. Et que fait le Parti travailliste ? Eh bien, il renvoie tous les élus et ils les remplacent par des nominés politiques, ce qu'on appelle les commissaires. Cela va durer jusqu'aux élections générales de 1976, pendant trois ans où les mairies seront dirigées par des personnalités non-élus.

En 1977, les élections municipales sont remportées par le MMM, trois villes sur cinq, je crois. Et puis, les prochaines élections sont prévues pour 1980. Arriver en 1979, c'est *bis repetita*. Le Parti travailliste reporte les élections municipales de 1980 et les commissions sont nommées à nouveau.

Donc, il y a eu deux reports à l'initiative du Parti travailliste avec le PMSD durant cette tranche d'histoire. Après, il y a les élections de 1982, Sir Anerood Jugnauth, est le Premier ministre, et le gouvernement MMM/PSM va rétablir les élections partielles et les élections municipales. Et il va s'en suivre une période très intéressante où les municipales ont eu lieu systématiquement tous les trois ans –

- en 1982, par le gouvernement MMM/PSM ;
- en 1985, un gouvernement – si je ne m'abuse – de MSM/Travailliste/PMSD, et
- en 1988, les municipales encore une fois.

En 1989, on change de disposition légale. Le mandat passe de trois ans à cinq ans. Mais les élections ont lieu régulièrement –

- en 1991 : MSM/MMM ;

- en 1996 : Travailliste/MMM,
- et en 2001 : MSM/MMM.

Donc, les élections sont organisées régulièrement par différentes régimes et différents gouvernements parce que nous avons tous - j'ose le croire- les mêmes principes démocratiques sur le fond. Et puis en 2000-2001, c'est le MSM et le MMM. Nous sommes au gouvernement. Le Premier ministre, Pravind Jugnauth, mon collègue Joe Lesjongard, moi-même et d'autres. Et que faisons-nous ? Vous vous en souviendrez, M. le président, en 2001, on reporte les villageoises ; en 2002, on reporte à nouveau les villageoises au grand dam du Parti travailliste.

J'avais promis que je ne parlerais pas des villageoises, on va s'en tenir aux municipales. En 2003, on fait voter une loi avant-gardiste, et je salue le rôle du ministre Lesjongard, qui aura présidé n'est-ce pas une commission avant de venir de l'avant avec ce projet de loi sans précédent, qui va parler de la municipalisation de tout le pays et le remplacement des *District Councils* par les mairies et qui va aussi étendre encore une fois le mandat qui va passer de cinq à six ans.

Mais en 2004, le MSM/MMM reporte les municipales en invoquant le fait que les élections arrivent bientôt et qu'il nous faut encore du temps avant de donner effet à toutes les réformes et donc, les élections municipales sont reportées. Et que nous dit alors feu James Burty David ? Je le dis pour rappel, il nous a dit –

« Mr Speaker, Sir, what we have heard is ridiculous, revolting and scandalous (...) Ce sont, M. le président, des poltrons, des froussards. Quand ils entendent parler d'élections, ils trouvent n'importe quel moyen, n'importe quel subterfuge pour renvoyer les élections. »

C'est le discours que tient à l'époque, le Parti Travailliste. D'ailleurs, M. le député, Arvin Boolell renchérit –

« Mr Speaker, Sir, I can't understand why they don't spell out the naked truth, that they have become spent-swimmers, that they are running out of steam, out of the wit and they are scared to face the electorate. »

Et il ajoute son grain de sel –

« They want to introduce rural tax over our dead body! »

Vous vous en souviendrez, M. le député. Et le Leader de l'opposition d'alors, le Dr. Navin Ramgoolam, nous dit – il parle du Premier ministre d'alors, Monsieur Paul Bérenger –

« The real reason is that he does not want to face the local elections before the general elections, because after the raclée that he will get in the local elections ... »

Et là, il y a quelque chose de très amusant, je ne peux m'empêcher de le partager avec mes collègues députés. Vous savez généralement, c'est le Dr. Navin Ramgoolam qui après chaque défaite électorale, va contester le déroulement des élections et va aller en cour. Et que se passe-t-il à cette occasion ? Nous sommes en 2004, c'est le Premier ministre Paul Bérenger qui propose le report des élections. Le Premier ministre dit à l'adresse du Dr. Ramgoolam, Leader de l'opposition –

« You literally stole the elections! »

Le Dr. Ramgoolam qui dit –

« Come on, you should have gone to court! It is not the truth. What have you done in No. 7? In spite of that, you lost. Now, the Prime Minister is saying that the elections are stolen in Mauritius. »

Mais c'est extraordinaire! Comment à différents moments de l'histoire, comme on le dit en créole : *boul vire* ; c'est tout le contraire de ce que nous vivons. Tout cela devrait nous inciter un peu d'humilité à réaliser comment les mêmes personnes adoptent différentes positions selon la conjoncture.

Donc, après en 2005, le Parti Travailleiste est revenu au pouvoir avec le PMSD. La législation va être amendée pour avancer les élections et le Leader de l'opposition qui entre temps s'est Paul Bérenger, dit –

« We are not ashamed at all of the fact that in 2005, being the year of general elections, we thought it better for Mauritius to have municipal elections in 2006. »

C'était la raison qui avait été énoncée de manière très directe, honnête. On ne peut pas faire les élections municipales à la veille des élections générales.

Et puis en 2006, le Parti Travailleiste va reporter les municipales à 2010. Objections du MSM et du MMM ! En 2010, le Parti Travailleiste va reporter à nouveau les municipales et les

villageoises. Et la raison c'est quoi en 2010 ? Monsieur le député Deven Nagalingum n'est plus là, c'est parce que le Parti Travailleiste nous dit qu'il y a une nouvelle législation en préparation pour réformer les collectivités locales, et le MSM et le MMM ne sont pas d'accord. Le député Bérenger nous dit que la réforme proposée par le ministre Lesjongard était une réforme extraordinaire. Vous connaissait l'usage des superlatifs par M. le député Bérenger – 'extraordinaire', et qui a été sabotée par fanatisme politique du Parti Travailleiste et du PMSD.

Et écoutez Monsieur le député Nagalingum, il pose la question –

« Est-ce que dans une année, ce gouvernement, donc le Parti Travailleiste, pourra faire ce qu'il n'a pas pu faire en cinq ans et demi ? »

C'est exactement le langage qu'il a tenu aujourd'hui. Et aujourd'hui, il vient nous dire pourquoi pas les élections municipales et après, les réformes – même langage qui avait été tenu par le Parti Travailleiste en 2004.

Mais le plus beau c'était le député Reza Issack qui était quelqu'un de très raisonnable au sein de l'hémicycle et à ce moment-là, lui qui est de la majorité dit à l'adresse du MMM et du MSM –

« L'Opposition n'a pas que le devoir d'opposer. L'Opposition a le devoir de proposer. L'Opposition doit faire preuve de patriotisme. C'est une occasion pour l'Opposition de prouver sa bonne foi ; de coopérer ; on peut travailler ensemble ; on peut réfléchir ensemble, on peut ensuite approfondir la démocratie régionale. »

J'aurais presque l'envie de tenir le même discours aujourd'hui vis-à-vis de mes collègues de l'Opposition.

En 2011 le Parti Travailleiste va – et c'est à son honneur – amender la Constitution de notre pays pour permettre la discrimination positive en faveur des femmes, n'est-ce pas ? Et en 2011, donc le *Local Government Act* de 1989 va être remplacé par une nouvelle législation. On va augmenter le nombre de *District Councils*, séparant Pamplemousses de Rivière du Rempart, Moka de Flacq, Grand Port de Savanne, créer de nouveaux villages etc. mais surtout on va confirmer que le mandat passe de cinq ans à six ans.

Décembre 2012 – élections municipales et puis en 2015, entre-temps il y aura eu un autre amendement à la législation mais les municipales se tiennent en 2015. Entre-temps le mandat est

passé à six ans. Donc les élections auraient dû se tenir en 2021 mais nous savons que le Covid-19 est passé par là. Donc en 2021, ce gouvernement présente au Parlement, à l'Assemblée une demande de report des élections qui est agréé.

Donc, le mandat des collectivités locales est étendu jusqu'à 2022 et puis reporter encore une fois d'une année jusqu'à 2023. Et là, à ce moment-là, nous débattons du sujet. Monsieur le député Shakeel Mohamed fait une intervention remarquée. Je ne suis pas souvent d'accord avec lui mais ce jour-là il vient nous dire, eu égard au report des municipales –

“So, as it stands right now, I mean, if we are to try to be very practical or very objective about it, Mr Speaker, Sir, the MSM has done it – report des elections; the MMM has done it; the Labour Party has done it; the PMSD has done it; we have just done it altogether. So, we have all done it. So, now, I'm not going to get into a debate as to who was right, who was wrong. It is not because we have all done it that it means that we have the right today to come and do the same thing again, which is to criticise one another but we all agree with one thing, be it the MSM, be it the Labour Party, be it the PMSD or the MMM, the democratic principles are very important. Postponing elections as a principle should be avoided. »

Il vient de dire qu'à différents moments, les différents partis ont tenu des élections selon le calendrier ou ont reporté les élections. Et voilà donc, nous voici en 2023 et un nouveau report est proposé. Pourquoi ?

D'abord, je pense qu'il y a des leçons à retenir de l'histoire. Les partis se ressemblent ; c'est vrai que le report des élections générales aura été le seul fait du Parti Travailleuse/PMSD comme le remplacement des commissaires. Bon, mais limitons-nous aux municipales. Une leçon de l'histoire c'est que tout gouvernement, quel qu'il soit, préfère tenir les élections municipales après les élections générales – aussi vite que possible après. C'est le cas en 1977, en 1982, en 1988, en 1991, en 1996, en 2001 et en 2005, tous partis confondus. C'est une constante même si cela requiert d'amender la loi comme en 2015. Et ce que je disais en 2010, c'est que c'est la pratique consacrée, un nouveau gouvernement arrive et cherche à prendre un nouveau départ se basant sur l'élan que lui octroie la victoire législative pour prendre le contrôle des municipalités et comme ça il y a une cohérence entre l'action municipale et l'action du gouvernement central.

Aujourd'hui, le leader de L'opposition exprimait un peu la même idée, il parlait de *coterminous selections*, c'est-à-dire des élections municipales et législatives qui seraient simultanées ou coïncideraient. Voilà, M. le ministre des Administrations régionales, des Collectivités locales, une idée pour la réforme.

Deuxième leçon de l'histoire, c'est qu'organiser des élections municipales à mi-mandat, c'est vraiment exceptionnel. Cela a été fait à ma connaissance juste deux fois; en 1969, circonstances spéciales, nouvelle alliance Travailliste-PMSD et puis, en 1985. Surtout, jamais avant les élections générales. En 1972, Travailliste-PMSD, 1980 Travailliste-PMSD, 2004 MSM-MMM, 2010 Travailliste-PMSD je crois, jamais avant les élections générales. Donc, trêve d'hypocrisie ! Voyons les faits, ce sont les leçons de l'histoire. Tous les partis ont à différents moments reporté les élections municipales, soit en étendant les mandats des élus et je ne vais pas vous donner la liste de toutes ces dates ou bien en révoquant les élus et les remplaçant par des nominés politiques. C'est ce qu'a fait le Parti travailliste en 1974 et en 1980.

Les élections municipales partielles, il y en a eu beaucoup; 12 partielles entre 1978 et 1984 et après il n'y a plus d'élection municipale partielle. Ni le Parti travailliste, ni le MSM, ni le MMM, ni le PMSD n'a jugé bon de rétablir les municipales partielles. Ce sont des faits historiques, ce sont des leçons qu'il nous faut apprendre de l'histoire et c'est pour le cela que le député Shakeel Mohamed, et je regrette qu'il ne soit pas là, c'est rare que je lui fasse des compliments, va bien nous dire si l'on veut se faire entendre de la population – parce qu'il faut bien que la population nous respecte. Si on passe notre temps à nous contredire selon que nous soyons dans l'Opposition ou au Gouvernement, et cela s'applique à nous tous, le peuple n'aura aucun respect pour nous. Donc, trêve d'hypocrisie, halte à la démagogie, reconnaissons les faits quant au report répété parce que là, cela donne à réfléchir. Et, je pose la question, M. le président, la vérité ne réside-t-elle pas dans le fait que le cadre légal régissant les élections pour les Collectivités locales n'est plus approprié, n'est plus fonctionnel, d'où les reports fréquents, quel que soit le parti qui soit au Gouvernement ? Je pose la question.

Alors, pour comprendre ce que ce gouvernement propose de faire, je demande à tous mes collègues députés de réfléchir aux leçons que nous enseigne l'histoire de la pré-indépendance. Ensuite, je demande aussi que l'on réfléchisse au contexte exceptionnellement difficile qui est le nôtre. Nous avons eu à faire à une Opposition négationniste, nous disant que le Covid importe

peu, la guerre en Ukraine n'a aucune influence mais rappelons-nous que le Covid a imposé la fermeture des frontières dès mars 2020 à septembre 2021. Plus d'un millier de morts du Covid, 1,050 selon les statistiques du ministère de la Santé. Plus de 10,000 mauriciens hospitalisés à cause du Covid. Cela a été la plus grave crise sanitaire depuis la Grippe Espagnole du début du siècle dernier et depuis l'éradication de la Malaria en 1959.

Nous avons connu, à cause du Covid, la plus grave récession économique depuis que l'histoire économique de ce pays s'écrit. Rappelons-nous durant la crise économique de 1980 quand le Parti travailliste était au gouvernement, en 1980 il y a eu une décroissance de 10 % et puis, tout de suite après, les choses reprennent. Une croissance de 6 % en 1981. Par contre, là, en 2020 c'est une décroissance de 14,6 % avec une reprise très lente, 3,7 % en 2021. Et, selon le FMI, la dette publique a augmenté de 14,6 points de 2019 à 2020, comparé aux estimations pré-Covid. C'est cela qui fait que nous sommes un des deux seuls pays au monde qui atteignent le statut de Pays à haut revenu à la veille du Covid et puis qui retombe dans la catégorie de pays à revenu moyen parce que nous avons un revenu par tête d'habitant de 12,740 dollars US en 2019 et puis après, nous retombons sous la barre des 12,375 dollars, fixé par la banque mondiale. Ensuite, il y a l'impact de la guerre en Ukraine avec l'inflation qui va se monter à 11,9 % en 2022.

Donc, on ne peut pas ignorer le contexte exceptionnellement difficile que nous avons connu aucun autre gouvernement depuis l'indépendance et ce qu'il faut comprendre, c'est qu'aujourd'hui, nous n'avons pas encore récupéré, nous ne sommes pas retournés au niveau pré-Covid. Je n'ai pas les chiffres devant moi mais la dernière fois que j'ai consulté le revenu par tête d'habitant, je crois que nous sommes au niveau de 2007-2008. Le tourisme, ces quatre derniers mois, c'est 90 % de récupération. Nous ne sommes pas encore là où nous étions avant le Covid et la priorité dans ce contexte, soyons clairs, je parle des plus vulnérables, des plus pauvres de notre pays ; la priorité c'est quoi pour eux ? C'est de protéger les emplois, de protéger le pouvoir d'achat, de favoriser la croissance et la création d'emplois, de juguler l'inflation ou tout au moins, de protéger et de faire un effort de solidarité vis-à-vis des plus pauvres, d'investir dans le social, le logement, la santé, l'éducation, les pensions et les autres dotations sociales. C'est sans doute cela la priorité des priorités en ce mois de mai 2023. Réfléchissons donc à cela en nous posant la question de l'opportunité d'élections municipales là maintenant.

Mais troisièmement, M. le président, c'est qu'il y a la possibilité de mener des réformes. Je vais être très honnête. En tant que militant, je regrette profondément, avec mes collègues du gouvernement, d'avoir à proposer un report des élections municipales parce qu'évidemment, notre souhait le plus cher aurait été de tenir des élections pour faire vivre la démocratie et je crois que nous partageons tous dans cet hémicycle, les mêmes principes démocratiques. Nous avons tenu des élections quand on pouvait le faire, nous avons reporté les élections quand un gouvernement a considéré qu'il n'était pas approprié de les tenir.

En tant que militant, ce n'est pas de gaité de cœur qu'avec mes collègues du gouvernement, je viens proposer le report des élections mais c'est ma conviction profonde aujourd'hui que se précipiter dans des élections municipales avec tout ce que cela implique, détourner l'attention du gouvernement, détourner les priorités de l'action gouvernementale, effectuer les dépenses que cela nécessite, je suis convaincu que cela desservirai les intérêts de la population car la priorité est ailleurs. La priorité est ailleurs mais aussi et surtout parce que ce report nous présente l'opportunité de préparer une réforme comme en 2003, une réforme pour actualiser le cadre légal, tenant compte de l'expérience du passé et peut-être en se faisant, nous éviterions des reports répétés à l'avenir.

M. le président, j'appartiens à la Plateforme Militante, issue du MMM, et en 2019, nous avons beaucoup parlé de la crise de la démocratie représentative qui est la forme dominante d'organisation politique depuis deux siècles. Nous avons parlé du taux d'abstention qui continue d'augmenter. Et je salue la contribution remarquable de M. le député Ittoo qui nous a offert les statistiques pour étayer mon propos ; comment pour les élections il y a eu une hausse de l'abstention, et pour les municipales aussi. C'est effarant ! Un tiers, nous disait-il de votants.

Et donc, la Plateforme Militante avait théorisé la nécessité de repenser la démocratie. Évidemment, ce n'est pas dans le programme du gouvernement de 2019-2024. C'est dans le programme à long terme de la Plateforme Militante. Nous avons exprimé et articulé des propositions, osé des idées très généreuses pour refonder la démocratie à travers une démocratie participative, comme le disait Madame la députée, Dr. Dorine Chukowry. Par exemple –

- la révocabilité des élus ou le référendum révocatoire pour le rappel des élus lié au mandat impératif des députés pour une démocratie continue, tel que cela se fait dans certains Länder en Allemagne, dans certains cantons Suisse ;

- ériger la parité homme-femme, comme disait Madame la députée, Tania Diolle, en principe organisationnel de la démocratie locale ;
- avoir des dates prédéterminées, comme l'envisageait, je pense que c'était le leader de l'opposition ;
- le référendum d'initiative populaire au niveau local ;
- droit de pétition ;
- sondage délibératif,
- budget participatif comme expérimenté par la Ville de Paris depuis quelques années déjà.

Donc, nous avancerons vers cet idéal pas à pas. Peut-être qu'il n'appartiendra pas à ceux de ma génération de réussir ces réformes, mais on va continuer à se battre pour avancer même si c'est par étapes.

Mais aujourd'hui, M. le président, que nous offre notre Premier ministre ? Que nous offre le gouvernement ? C'est la possibilité de mener une réforme, et le devoir du militant que je suis, c'est de saisir au bon chaque opportunité d'approfondir le fonctionnement démocratique de nos villes, de nos villages et de notre société. M. le ministre des Collectivités locales plus tôt a évoqué justement cette réelle possibilité de réformer les collectivités locales. Il nous a parlé de la différence entre villes et villages qui n'a plus de justification.

J'ai découvert, M. le président, que cette proposition d'aplanir la différence entre villes et villages figurait déjà dans le programme gouvernemental, le manifeste électoral du MMM/PSM de 1982, il y a plus de 40 ans. Et il y a eu ce projet de loi de 2003. Ce projet de loi du gouvernement MSM/MMM conçu, préparé par mon collègue le ministre Lesjongard, qui en 2003 était le ministre des Administrations régionales et qui a abattu un travail extraordinaire. A l'époque dans les débats, il faut voir les superlatifs utilisés par le député Rajesh Bhagwan et par le député Deven Nagalingum qui se disent fiers du travail accompli par le gouvernement et le ministre Joe Lesjongard.

C'est une proposition - ce projet de loi nous propose que toutes les collectivités locales deviennent des municipalités, 12 au total ; que les *Village Councils* évoluent aussi, élections tous les six ans, etc. Donc, 12 collectivités locales pour remplacer les mairies d'aujourd'hui et les *District Councils*.

En 2004, c'est le ministre Choonee qui entre-temps est passé aux Administrations régionales, et il vient nous dire en 2004 déjà, 20 ans de cela –

“The existing dichotomy between rural and urban areas has outlived its existence.”

Je cite du *Hansard* de 2004, et il nous dit –

“The mission that I have set myself is to bring the necessary amenities to all the inhabitants so that there is no feeling of any first class or second class citizen in the country.

It is the vision of this Government (...)”

Le Premier ministre adjoint était notre Premier ministre actuel.

“(...) to scrap out all disparities between rural and urban areas (...). All citizens have to be served alike.”

Et il nous parle du compromis qu'il faut faire entre différentes considérations, y compris avec une attention spéciale à la représentativité des villages.

Le Premier ministre adjoint d'alors, M. Pravind Jugnauth, nous offre un discours remarquable où justement il nous dit que le gouvernement ne va pas se presser, va porter une attention particulière aux représentations exprimées par les conseillers des villages à l'époque pour que nous avançons tous ensemble. Cela reflète la philosophie du Premier ministre qui était alors ministre des Finances, qui lors de la présentation du budget 2005, je pense, énonce ce concept d'un *City State*, d'un État ville. C'est-à-dire que toute l'île Maurice, à l'instar de Singapour, devient une grande ville ou une cité ; c'est toute l'île. C'est cette conception qui était à la base du projet de loi de 2003 et qui évoque à nouveau aujourd'hui et ce n'est pas une coïncidence que le MSM encore une fois est au gouvernement en alliance avec les militants du ML, du Mouvement Patriotique Mauricien de la Plateforme Militante.

M. le président, je demande l'attention de mes collègues du MMM : nous revendiquons l'héritage de 2003. Nous proposons, dès à présent, par rapport à la réforme des collectivités locales, de reprendre le flambeau du gouvernement MSM/MMM de l'époque. D'ailleurs, M. le président, de l'autre côté de la Chambre, il y a combien d'anciens membres du gouvernement de 2000 à 2005 ? Paul Bérenger, Rajesh Bhagwan et Arianne Navarre-Marie : 3. De notre côté, Pravind Jugnauth, Leela Devi Dookun-Luchoomun, Joe Lesjongard, Alan Ganoo et moi-même :

5 membres de cette équipe de 2000-2005 qui avaient proposé la réforme des collectivités. Ivan Collendavelloo était de la majorité, je ne pense pas qu'il avait été au gouvernement, mais il avait réalisé un énorme travail y compris pour la réforme des institutions à l'époque.

Donc, nous avons tous les droits de revendiquer cet héritage et de faire revivre le projet qui était celui du Premier ministre, alors ministre des Finances et Premier ministre adjoint, et du ministre Joe Lesjongard. Je lance ici un appel solennel au MMM d'abord et avant tout. Si vous croyez toujours à cette réforme, et bien, c'est le moment de dialoguer avec le gouvernement et de faire vos propositions. Mais aussi au Parti travailliste puisque je suis convaincu que le Parti travailliste doit être maintenant sur la même longueur d'onde. Il n'y a plus de taxe urbaine. On peut facilement imaginer des dispositifs permettant la municipalisation de Maurice après tous les progrès extraordinaires réalisés depuis 20 ans. Et le PMSD, puisque le leader de l'opposition aujourd'hui nous a offert le discours le plus responsable et raisonnable que nous avons entendu des bancs de l'opposition. Je parle sous la correction de notre Premier ministre, mais nous serions disposés à discuter avec l'un ou l'autre des différents partis de l'opposition, qui comme le demandait à l'époque le député travailliste, Reza Issack, serait disposé non plus seulement à critiquer, mais à proposer et à coopérer dans l'intérêt du pays.

Donc, M. le président, aujourd'hui la possibilité de réformer elle est là. Qu'allons-nous faire ? *City State*, ville-État ? Est-ce qu'on va avoir à la place des *Village Councils* dans les villages, des *Board Councils* dans les villes. On peut imaginer toutes sortes de solutions mais l'essentiel c'est qu'il faut mettre villages et villes sur un pied d'égalité dans l'intérêt des habitants à la fois des villages et des villes à travers la municipalisation.

Quand proposerons-nous de tenir les élections municipales ? Le Leader de l'opposition a fait une proposition intéressante. Devrions-nous donc avoir des élections municipales intervenant juste après les législatives ? Cela semble être la pratique de tous les gouvernements depuis très longtemps. Ou alors devons-nous revenir à la formule d'un mandat de trois ans ? Donc une élection municipale juste après les législatives, une autre à mi-mandat, ça peut se discuter.

Si nous arrivons à nous entendre, par exemple il y a l'idée que la date des élections doit être fixée par la Commission Electorale. C'est une idée. N'est-ce pas faisable ? Mais si on arrivait à trouver un consensus alors l'on pourrait inscrire dans la Constitution le non renvoi des municipales seulement à condition que nous trouvions un consensus et qui serait candidat ? Il

faut avancer pour ce qui concerne les femmes. La députée Tania Diolle nous a parlé de la parité. Nous sentons nous près pour le faire et pourquoi pas ?

Le ministre Husnoo nous a parlé des jeunes. Comment réconcilier le fait que, par exemple ici, à l'Assemblée Nationale, nous ne sommes pas représentatifs de notre population en termes de jeunes et pourquoi ne pas commencer par les collectivités locales ? Une idée énoncée par Madame la députée Tania Diolle, c'était d'offrir le droit de vote à ceux âgés de 16 et 17 ans, à réfléchir mais c'est ce qu'il nous faut là. De nombreuses idées nouvelles dont nous pourrions discuter.

Les députés aujourd'hui n'ont plus le droit d'être candidats aux municipales. Devrions-nous revenir à l'ancienne formule ? Pas les ministres et les PSS, le PMSD avait apporté une telle réforme en 1972 qui avait permis à Sir Gaëtan Duval d'être en même temps ministre des Affaires étrangères et Lord-maire de Port Louis. Je ne pense pas que ce fut un grand succès. Bon passons, mais pour les députés, *backbenchers*, la question se pose. Allons-nous rétablir les partiels pour les municipales ou bien envisager la révocabilité des conseillers, sous quelles conditions ?

Donc je pense qu'il y a énormément de possibilités d'engager un dialogue avec toute personne qui désire une approche constructive. Il y aura un comité ministériel et au parti de l'Opposition de réfléchir sérieusement à s'ils vont se laisser dicter par une approche partisane démagogique en se disant puisque c'est la réforme voulue par L'Alliance Morisien, par le Premier ministre Pravind Jugnauth, on s'en lave les mains, on ne va pas coopérer. Et puis c'est le même cycle infernal qui va se répéter d'une mandature à l'autre. Ou bien y aura-t-il une volonté de coopérer pour reformer les collectivités locales ? M. le président, nous allons sans doute structurer un dialogue avec la société civile, permettre aux gens d'expérience, aux gens qui ont des idées, d'abord et avant tout les élus, des *Village Councils*, des Mairies de venir de l'avant avec leurs idées.

Donc voilà, la réforme, M. le président, elle pourrait être derrière la porte. Nous avons la volonté d'avancer. Évidemment réformer, ce n'est pas aisé ; c'est difficile ; cela exige du temps ; cela exige du courage, nous en avons ; cela exige des idées et nous sommes preneurs si vous avez des idées, M. le député Boolell ou M. le député Lobine ou M. le député Uteem. Nous sommes disposés à vous entendre. L'espoir est là quand j'entends nos jeunes députés, M. le député Ittoo, Madame la députée Tania Diolle et d'autres, l'espoir est là. Et nous de ce côté de la

Chambre, nous avons l'intention d'assumer pleinement nos responsabilités. C'est pour cela, pour toutes les raisons que j'ai énoncées que nous allons voter ce projet de loi en toute sérénité sachant que c'est la meilleure chose à faire pour notre pays ; sachant que nous pensons, nous songeons avant tout à l'intérêt du peuple mauricien, à l'intérêt national.

Je vais terminer par une citation de Barack Obama qui disait –

“Change is never easy but always possible.”

Merci, M. le président.

Mr Speaker: Hon. Prime Minister!

(2.06 a.m.)

The Prime Minister: Mr Speaker, Sir, I have listened carefully to all those who have intervened, and what we have heard from the Opposition side was, I must say, and as expected, a dose of demagogy and empty rhetoric. The hon. Vice-Prime Minister, Minister of Local Government and Disaster Risk Management and other Members who intervened from this side of the House, explained, in very clear terms, that the only objective of this Bill is to pave the way for a thorough reform of our entire Local Government Framework, which is long overdue. We, on this side of the House, are taking a long term view of the evolution of local government democracy in Mauritius. On the other hand, the Opposition is once again lost in its demagogy. Its Members are trying to demonstrate that they are the saviours of democracy, but, when they were in Government, they in fact trampled democracy and went against democratic principles.

Mr Speaker, Sir, our Local Authorities constitute the grass roots of our democracy which is the foundation of sustainable local development. This in turn is a crucial and essential part of our overall democratic set up, as a truly decentralised and effective Local Government can positively and potentially impact on the performance of the State and the overall quality of life of our citizens. It is therefore imperative for us, as a responsible Government, to undertake a rethink of our Local Government Framework to ensure that it responds effectively to the evolving needs and aspirations of our citizens.

The world around us has changed. The environment in which our Local Authorities have been operating has changed drastically while our Local Government structure has remained basically the same. It is therefore high time for a meaningful overhaul of our Local Government

Framework into one that is fit for the 21st Century, and all that we want to achieve through this Bill is to give ourselves the time that it takes to formulate, drive and realise the contemplated reform of such an important aspect of our democracy.

M. le président, une réforme en profondeur des administrations régionales est vraiment *long overdue* pour plusieurs raisons que je mentionnerai au cours de mon intervention.

Il faut d'abord souligner que les avancées de 2003 en ce qui concerne la municipalisation des conseils de district n'ont pu être traduites dans les faits en raison d'un égocentrisme maladif et un manque de volonté politique de la part de ceux qui avaient investi l'hôtel du gouvernement après les élections générales de 2005. A cette époque, le gouvernement du jour était plus intéressé à usurper les pouvoirs des collectivités locales pour les mettre entre les mains du ministre de tutelle et de traficoter les limites des arrondissements pour en tirer des bénéfices électoraux. On avait dénoncé avec force ce *gerrymandering* calculé.

Aujourd'hui, dans les rangs de la majorité gouvernementale, nous sommes d'avis que les conditions sont réunies pour proposer une réforme qui soit en ligne avec les développements que les différentes régions du pays ont connu, plus particulièrement depuis 2015, et qui tient compte des aspirations de nos compatriotes.

Personne ne peut nier que l'île Maurice de 2023 a complètement changé de visage en termes d'infrastructures et d'aménités tant au niveau national que régional. Il est un fait que depuis l'avènement de la *National Development Unit* et les gros investissements consentis depuis 2015 par le gouvernement pour doter les villes et les villages d'infrastructures et de services modernes, la disparité entre villes et villages n'est plus d'actualité. C'est une des raisons qui motivent notre décision de revoir la structure existante et le fonctionnement de notre démocratie régionale. Bien évidemment, cette proposition sur laquelle nous travaillerons au sein du gouvernement fera l'objet de consultations élargies avec les différentes parties concernées.

Même si nous sommes convaincus de notre démarche, nous rechercherons le meilleur consensus possible avant d'aller de l'avant. Il est de notre avis qu'il serait approprié de prendre le temps voulu pour bien préparer la réforme avant de venir à l'Assemblée Nationale avec un projet de loi bien ficelé pour être débattu et adopté.

Je suis d'avis qu'on raterait une occasion en or pour faire progresser les collectivités locales si nous avons à organiser les élections municipales cette année dans la configuration existante. M. le président, les appréhensions par rapport à une éventuelle taxe rurale que le gouvernement Parti Travailleiste-PMSD avait exagérément amplifiée en 2005 lors de la campagne électorale ne tiennent plus. Mon gouvernement a aboli la taxe municipale pour la possession d'une première maison. *A contrario*, il incombe de rappeler que le gouvernement Parti Travailleiste-PMSD avait introduit la *National Residential Property Tax* touchant villes et villages dans le sillage d'une série de nouvelles taxes qui avaient frappé de plein fouet nos compatriotes. J'ai aboli cette taxe injuste quand j'étais ministre des Finances entre 2010 et 2011. C'est dire qu'aujourd'hui, l'argument d'une taxe rurale pour s'opposer à la réforme des administrations régionales est dépassé.

M. le président, je disais plus tôt que nous prendrons le temps voulu pour préparer et présenter une bonne réforme de l'administration régionale et je peux dire, qu'à ce stade, nous réfléchissons en vue de considérer la possibilité d'organiser les élections municipales en même temps que les élections générales. Cette réflexion s'impose compte tenu du fait que la participation des électeurs en moyenne aux cinq dernières élections municipales a été en dessous des 40%. Si nous voulons que la démocratie régionale s'épanouisse vraiment, nous avons le devoir de considérer toute formule qui puisse améliorer ce taux de participation. C'est là une autre raison pour ne pas se précipiter à organiser des élections municipales dans les mêmes conditions qui ont existé ces deux dernières décennies.

Afin de préparer une bonne réforme des administrations régionales en considérant toutes les options possibles et réalisables, deux comités de haut niveau seront mis sur pied, à savoir un comité technique et un comité ministériel avec des attributions spécifiques. L'objectif sera de venir de l'avant avec des recommandations avant la rentrée parlementaire en mars 2024 et la présentation d'un projet de loi quelques mois plus tard. Si tout se passe bien comme nous l'espérons, la réforme sera prête et applicable pour les prochaines élections générales qui, d'après la loi, devront être organisées au plus tard en mai 2025, soit six mois après la dissolution du Parlement actuel. Les différents impératifs tenus en compte expliquent l'extension proposée de deux années des conseils municipaux actuels.

M. le président, le MSM au gouvernement a toujours eu le courage de venir de l'avant avec de grandes réformes dans l'intérêt du pays et de la population.

Personnellement, j'ai présenté et mis à exécution la réforme de l'industrie sucrière en 2001 en tant que ministre de l'Agriculture. Cette réforme que beaucoup redoutaient ou critiquaient a été entreprise avec détermination et courage. Aujourd'hui l'industrie sucrière a été transformée en industrie cannière dont la viabilité à long terme est assurée.

En 2003 et 2004, en tant que ministre des Finances, j'ai entrepris la réforme du département des douanes et du fisc, une nouvelle fois avec détermination et courage, en dépit d'une campagne malsaine de l'opposition de l'époque. Aujourd'hui, la *Mauritius Revenue Authority* est un symbole d'efficience qui fait la fierté de la République.

Le MSM au gouvernement a également eu le courage d'initier et de soutenir la réforme de l'éducation. Cette réforme a eu le succès escompté malgré comme toujours les campagnes malsaines de l'opposition.

M. le président, en tant que Premier ministre, je suis persuadé de la justesse de la réforme des administrations régionales sur laquelle nous allons travailler assidûment. Nous avons, de ce côté de la Chambre, le courage et la détermination de la concrétiser.

Nous croyons dans l'avancement et non pas dans le *statu quo*. La démocratie se consolide dans le progrès et pour moi et mon gouvernement, une réforme en profondeur des administrations régionales et la tenue, si possible, des élections municipales en même temps que les élections générales ou quelques mois seulement après les législatives, constitueraient une avancée démocratique certaine qui fera taire les faux démocrates qui se sont exprimés contre le projet de loi devant la Chambre.

De toute manière, M. le président, l'opposition, telle qu'elle se présente aujourd'hui, est condamnée à s'empêtrer dans la démagogie. Quand les membres de cette opposition se regardent dans le miroir, ils se retrouvent dans l'habit de l'accusateur accusé, car leurs actes passés, soit pour abolir ou renvoyer des élections ou encore fermer le Parlement, leur reviennent au visage comme un boomerang.

Lors de mon intervention en 2021 sur le *Local Government (Amendment) Bill*, j'avais présenté un catalogue de ces actes que chaque gouvernement concerné avait justifié et défendu.

Je ne prendrai pas le temps de la Chambre pour revenir sur chaque élément de mes commentaires l'année dernière. D'ailleurs, mes collègues en ont déjà fait mention lors de leurs interventions mais néanmoins, je tiens à rappeler certains faits saillants à cette opposition démagogue qui essaie d'empoisonner l'esprit de nos compatriotes.

M. le président, il faut rappeler qu'un gouvernement Travailleiste-PMSD avait renvoyé les élections générales en 1972, aboli les élections partielles, de même que les élections villageoises et municipales en 1974.

Durant la période allant de 2010 à 2012, un autre gouvernement Travailleiste-PMSD avait renvoyé les élections municipales à deux reprises, et voulant justifier ces renvois, le ministre des Administrations Régionales d'alors avait lâché laconiquement lors d'une fonction, je cite –

« *élections pas rempli ventre* ». Fin de citation.

Le député Dr. Gungapersad n'est plus là. Il est allé remplir son ventre. Mais voilà ce que le député Travailleiste, au nom du parti Travailleiste, disait, et je cite –

« *élections pas rempli ventre* ». Fin de citation.

Son leader et vice-Premier ministre d'alors, l'honorable Xavier-Luc Duval, intervenant lors des débats sur le *Local Government Bill (No XXX)* de 2011, avait aussi justifié les renvois de ces élections municipales. Il avait, entre autres, déclaré, et je cite –

« this is not a time for bickering; it's not the time for finding all sorts of political reasons why we should do this or not. This is not the time to have elections. They may be in a hurry to *gagne baté encore*. That is not our concern ». Fin de citation.

Le Premier Ministre d'alors, Dr. Navinchandra Ramgoolam, intervenant lors de ces mêmes débats, fustigeait l'opposition MMM en ces termes, et je cite –

“For those who are saying that we are postponing local elections once again - I heard about *assassinat de la démocratie* - I say that they have a very, very short memory. Very short, indeed! Let me remind them. They forget that they have postponed local Municipal elections twice and Village Council elections, believe it or not, three times”. Fin de citation.

M. le président, entre 2002 et 2004, il y a eu effectivement des renvois des élections villageoises et municipales. Le leader du MMM, alors Deputy Prime Minister et Ministre des Finances, avait parlé d'un « petit renvoi obligatoire » en 2002, en vue de la nécessité d'une refonte totale des administrations régionales où la municipalisation du pays avait été mis en avant. Lors des débats sur le *Local Government (Amendment) Bill (No. XIV of 2003)*, l'honorable Paul Bérenger avait déclaré, et je cite –

“I am saying, Mr Speaker, Sir, that we took time in the case of the Rodrigues Regional Assembly as in the case of the Local Government Act we are taking time to make a success as in the case of Rodrigues, a real success of the new legislation that is coming. We have many priorities; and one of our priorities, after Rodrigues is to revolutionise, to have a complete overhaul of democracy in the regions, rural and urban”. Fin de citation.

Le MSM était en alliance avec le MMM à ce moment donné et, comme je disais en 2021, je ne suis pas en train de faire porter le chapeau au MMM. Je suis en train tout simplement de faire comprendre aux parlementaires du MMM qu'il y a des choses qui se justifient et qu'ils doivent s'abstenir à se livrer à la démagogie systématiquement.

M. le président, le Leader du MMM, lors de son intervention sur le *Local Government Bill* de 2011, avait dénoncé l'ingérence ministérielle et les pouvoirs accrus qui étaient en train d'être mis entre les mains du Ministre de tutelle. Il avait parlé de recul en ce qui concerne l'autonomie des administrations régionales, accusé le gouvernement d'alors de *gerrymandering*, contesté le mandat de six ans et s'était opposé au *Reserve List* pour d'éventuels remplacement de conseillers en cas de démission ou de décès. L'honorable Paul Bérenger avait déclaré, entre autres, et je cite –

«I consider that this piece of legislation represents *un grave recul par rapport à la loi de 2003. Un grave recul*, Mr Speaker, Sir! First point: we are not putting on a *pied d'égalité*, rural and urban areas. This is what was done in the 2003 legislation: putting rural and urban areas *sur un pied d'égalité* with Municipalities covering the whole of the island.

Secondly, when I say that it is *un grave recul*, it is in terms of powers - powers that the Municipalities were given under the 2003 legislation and so many of these powers are being taken back. I find that this is very, very sad. I could give dozens of examples

where the Central Government is taking back, hijacking, robbing, powers that the Local Authorities have.

Members of Parliament will no longer be able to stand as candidates... It is a shame! It is a rape of democracy.

Another point with which I disagree totally! Why six years? It is Parliament; the National Assembly is elected for five years. But why six years instead of five years? Why? It should remain five years like the National Assembly.

What is the reserve list? It is one way of getting rid of Local Government by-elections. That's all. Another *recul de la démocratie*."

He continues, and I quote -

"I don't want to go back to the past. We know in the past who postponed general elections, who cancelled by-elections, who cancelled municipal elections, now we abolish municipal by-elections through this monster called the reserve list and even there it is provided, in case we run out of the reserve list, the Minister appoints. How in 2011, nearly 2012, we can provide for that kind of backward step in terms of local democracy.

The law is perfectly clear, Mr Speaker, Sir. It says the boundaries of each electoral ward shall be determined by the President of the Republic after consultation with the Electoral Boundaries Commission and such other person, as it deems fit. It is not the Minister who draws wards with his political adviser.

Therefore, this is generally a very bad piece of legislation. Generally speaking, it is a huge step backward". Fin de citation.

Mr Speaker, Sir, taking from what hon Paul Bérenger said in 2011, it is clear that we have inherited a very bad Local Government legislation. Is it therefore not time to come up with reforms? Is it not time to reflect and propose something better to do justice to local democracy and Local Government?

M. le Président, le Parti Travailleiste et le MMM osent parler d'atteinte à la démocratie quand nous nous donnons le temps voulu pour proposer une réforme tant attendue des collectivités locales. A-t-il oublié que ce même Parti Travailleiste en complicité avec ce même MMM avait fermé le Parlement pendant neuf mois pour 'koz koze' et concocter une alliance

moribonde dans le dos du peuple. Ramgoolam voulait devenir Président avec des pouvoirs et Bérenger rampait pour devenir Premier ministre pendant 5 ans. C'était cela leur priorité. Fermer le Parlement pour assouvir leurs désirs et privilégier leur intérêt personnel. Voilà comment ils avaient assassiné la démocratie! Et aujourd'hui ils sont en train actuellement de concocter une autre alliance basée sur leurs désirs et fantasmes personnels!

M. le président, je vais vous faire un aveu. J'ai entendu certaines remarques. Je crois que c'est l'honorable Ameer Meea qui disait qu'il y a démangeaisons. Je peux vous dire, M. le président, un aveu? Je suis un croyant et je prie Dieu que cette alliance se réalise le plus tôt possible.

(Interruptions)

Je vous dis sincèrement, si vous avez besoin d'un coup de main, car vous ne pouvez pas le faire, Je suis là, je peux vous donner un coup de main. Je n'anticipe rien, M. le président, parce que pour moi, arrivé au moment des élections générales, c'est le peuple qui va décider. Mais je suis confiant, je suis confiant de ce qui va se passer. Vous allez voir.

M. le président, laissez-moi aussi répondre à l'honorable Shakeel Mohamed parce qu'il est venu dire certaines choses, et, comme toujours, il a voulu critiquer tout le monde comme s'il n'était pas dans l'équation lui. À chaque fois, j'ai remarqué qu'il veut se dédouaner. Il critique son parti sans gêne, sans difficulté. Je lui accorde ce crédit au moins de pouvoir critiquer son leader régulièrement d'ailleurs, son parti, les autres et nous aussi. Mais je ne sais pas si parfois il est amnésique.

Laissez-moi vous dire, M. le président, pour lui répondre, malheureusement il n'est pas présent, j'utiliserais ses propres propos prononcés dans cette Chambre lors des débats sur le *Local Government Bill* de 2011, et je cite –

« what I hear from the other side of the House is only one thing: *donn eleksion, donn eleksion*. As authors have written in the past, an election is not democracy in itself. » Fin de citation.

Mamman! An election is not democracy in itself!

Et il a continué en disant, et je cite -

« If there is only one thing in your mind, an election by all means, power at all means and being in the local council at all means, because it is too hot out there when you are out in the dark, in the oblivion because you have not been elected to government. This is not in essence what the people out there want. This is not what they want. I shall count the days and the minutes and the seconds and the time that it will take you to go to the Supreme Court and if you delay, it will be one nail in your political coffin that I will enter and I will smile in front of that coffin. » Fin de citation.

M. le président, je renvoie ces propos à l'honorable Shakeel Mohamed, à l'ensemble de l'Opposition qui est désespéré et réclame de nouvelles élections dès le lendemain des dernières élections générales. Le temps viendra quand le peuple décidera du sort des participants et on verra. Je ne vais pas faire de pronostique mais on verra les résultats.

M. le président, de ce côté de la Chambre, nous sommes des démocrates convaincus. Le gouvernement que je dirige ne va pas confisquer la démocratie régionale, comme allégué par certains membres de l'opposition. Et le Leader de l'opposition has mentioned what he calls the V-Dem Report. I can mention the EIU Democracy Index published by the Economist Intelligence Unit and the World Happiness Report of 2023 published by the Sustainable Development Solutions Network of the United Nations. Mauritius has been ranked as the happiest country in Africa and the 59th happiest country in the world out of 149 countries. This is in the World Happiness Report 2023. We could have achieved a better ranking if they also had been happy.

But, Mr Speaker, Sir, this is based on a 3-year average for 2020 to 2022 and this report measures the happiness and wellbeing of people around the world. It is good to know that it is based on certain factors like GDP per capita, social support to the people, life expectancy, freedom to make life choices and perception of corruption. This achievement of Mauritius is a testament to the progress achieved by our country for the period reviewed in the parametres used for the ranking. And it is good to know as a comparison in the World Happiness Report published in 2015 for the period 2012 and 2014 when the Labour/PMSD was in Government, Mauritius was ranked 71st. This shows and speaks volumes of the level of wellbeing and happiness of the population after almost a decade of Labour/PMSD reign.

Et malgré, comme je le dis, les fausses propagandes concernant l'état de notre démocratie, - cela a été dit auparavant by *one Member from our side* - Maurice est classée en première position en Afrique et 21^{ème} au niveau mondial sur le classement de *EIU Democracy Index*. Donc, notre pays se trouve dans la ligue des *full democracies* au même titre que des pays du G20 comme le Canada, l'Allemagne, le Japon et le Royaume Uni.

M. le président, notre pays ne peut pas et ne veut pas être dicté par des frustrés qui vivent dans le désespoir et dans l'abîme de l'opposition. Nous assumons pleinement, en tant que gouvernement, les responsabilités que nous a confiées le peuple qui continue, majoritairement, à nous faire confiance.

Et je ne sais pas si le député Rajesh Bhagwan est au courant, peut-être qu'il est partiellement au courant. C'est vrai que je fais des sondages régulièrement pour savoir qu'est-ce qui se passe, qu'est-ce que les gens pensent, et contrairement à ce qu'il pense, je peux vous dire ..., je ne dis pas que tout le monde est content, non, mais je ne vais pas vous donner des indications. En tout cas, je sais que c'est très positif en ce qui me concerne comme Premier ministre déjà et en ce qui concerne les actions de mon gouvernement. Et comme je l'ai dit, je prie Dieu que j'ai en face de moi le tandem Navin Ramgoolam-Paul Bérenger. Vous allez voir.

En tout cas, nous assumons pleinement, en tant que gouvernement, les responsabilités que nous a confiées le peuple qui continue, comme je l'ai dit, majoritairement à nous faire confiance.

Les partis de l'opposition le savent, car la vérité sur le terrain, je suis sûre, hante leur esprit. Ils n'arrivent pas à convaincre tant ils ne sont pas crédibles. Ils redoutent la désapprobation. Ils n'arrivent même pas à mobiliser leurs propres troupes. C'est pour cela qu'ils se sont abstenus à organiser un meeting à l'occasion de la fête du Travail.

Vous vous imaginez, M. le président, le parti travailliste et surtout le MMM aussi, un parti qui régulièrement, à chaque 1^{er} mai a l'habitude d'organiser un meeting. Ils ne sont pas tombés d'accord, *fair enough* ! Mais vous auriez pu organiser en tant que parti au moins un meeting. Quelle honte ! Et ils osent prétendre que nous avons peur de l'électorat. Quelle farce !

M. le président, l'histoire reconnaît le MSM comme le parti qui a contribué le plus à l'avancement du pays et à la consolidation de nos traditions démocratiques. Avec nos partenaires

au gouvernement, le ML, la Plateforme Militante, le Mouvement Patriotique, nous travaillons pour le progrès du pays à tous les niveaux.

Le renvoi des élections municipales est encore une fois justifié comme en 2003 parce que mon gouvernement est convaincu que l'île Maurice moderne et avant-gardiste d'aujourd'hui mérite une bonne réforme des administrations régionales. En attendant les prochaines élections, les collectivités locales vont continuer à offrir tous les services qui tombent sous leurs responsabilités.

Merci, M. le président.

Mr Speaker: Hon. Vice-Prime Minister!

(2.40 a.m.)

The Vice-Prime Minister, Minister of Local Government and Disaster Risk Management (Dr. A. Husnoo): Mr Speaker, Sir, I would like to thank Members of both sides of the House for their intervention, ideas shared, contribution and proposal on the Local Government (Amendment) Bill (No. VIII of 2023).

Indeed, the amendment we have proposed to further extend the life of the Municipal Council and the Village Council for a period of two years, is a first step towards reforming the way elections are carried out at the local administration level. This Government, Mr Speaker, Sir, attaches importance in involving the public in general for a nationwide consultation regarding reform proposed in the Local Government. People matter and their opinion matter, Mr Speaker, Sir. Thus, the Government wants to take them onboard on a major decision making, especially when it concerns daily providers by the local authorities. I appreciate the support demonstrated by my colleague on this side of the House to this Bill while they highlighted pertinent points which will contribute to enhance our Local Government.

Mr Speaker, Sir, if you will allow me just to say one or two points raised by some Members earlier. One of the first points – I know it is a bit late – quarter to three now, I am not going to take too much time but I want to say one or two points raised by the Members of the Opposition –

1. Regarding postponing the elections, hon. Nagalingum said *anti-démocratique*.
2. Hon. Assirvaden said *confisquer les droits de citoyens, illégitime*.

3. Hon. Wochit gave us a long story on elections.
4. Hon. Lobine said ‘the crux of the debate is the right to vote’.
5. Hon. Ameer Meea talked about the same as well: postponing elections.
6. Hon. Anquetil said ‘*démocratie sabotée*’.
7. Hon. Juman said – ‘are we still living in a democracy?’ ‘*Démocratie en otage*’.
8. Hon. Ameer Meaa said ‘*to pe asasinn la demokrasi.*’

I mean all these, Mr Speaker, Sir, just to tell you how the Opposition, as the Prime Minister just mentioned, has selective amnesia.

I know that the other Members have talked about it but if you bear with me, Mr Speaker, Sir, the elections for the independence as you know were in 1967. Elections were supposed to be held in 1972 but were postponed to 1976. There were no elections in 1972 with the blessing of the PMSD. That is number one.

From 2011 to 2012, it has been discussed earlier – extension of the life of the Council; because of review of Local Government, it was postponed again. In 2014, this Assembly where we are today, Mr Speaker, Sir, was closed for nine months. This august Assembly which we call the ‘temple of democracy’ was under lock and key. Nobody could come into this House and that was done with the blessing of the MMM.

Surprisingly, Mr Speaker, Sir, in 2015, the *Parti Travailleiste* did not take part in the municipal elections. All the noise that they have been making tonight and yet, they did not take part in the municipal elections. I am surprised. The fact that they have not taken part, how can they justify, with all these comments that they have made? *Franchement*, I cannot understand that. They did not take part and they have the guts to make all these comments. By the way, I am going to mention it as well, in that 2015 municipal election, the result was 120-0. *Enn rakle nou ti donn zot 120-0*. MMM did not even get one member elected and now, they are challenging us again.

In 1972, as we know the elections were postponed. At that time, MMM was organising strikes across the country. *Militan koltar ti pe fer strike partou, ti ena lagrev estudiantine en mai 1975*. I mean, a lot of these kids were beaten by riot unit and had *gaz lacrymogène*. We know

what happened to Azor Adélaïde; he lost his life. That is what was happening to MMM during the 70s and in 1995, 1996, did you know what the MMM and Labour Party did? They declared the elections, the mandates from 1967 to 1976 as two separate mandates. There was no election between 1967 to 1976. They were...

(Interruptions)

Can I finish please? I did not disturb you when you talked.

(Interruptions)

Please, bear with me.

What did they do? The Labour Party and the MMM declared the 1967 to 1976 as two separate mandates, why? So that they can get pension and that is...

(Interruptions)

Exactly, maybe, no it is not a question of 'No'.

(Interruptions)

An hon. Member: *Ki to ress trankil?*

Dr. Husnoo: Maybe, what I am trying to say is that's what they did to reward the Labour party and today, these people are criticising us Mr Speaker, Sir. Just see how they betrayed the people who were supporting them and now, they are saying a lot of stories. That is for the elections.

Now again, what was said by the Leader of the Opposition and hon. Patrick Assirvaden about the projects, I just want to mention a few things about the project. They were talking about the Plaza theatre; it was mentioned by hon. Collendavelloo. We are late with Plaza because there was a bidder who had a filed a case, a judicial review at the level of the Supreme Court. That is why we are late; else, this project would have been completed.

For the Rose Hill Market, we have got the land now because we cannot build the market at the place where it is. We have got an additional plot of land, we can do a better market other there.

For the Port Louis theatre, again, bids have already been launched but a pre-bid meeting with potential bidders and major amendments have been proposed to the Bill. The Central Procurement Board has advised the Municipal Council of Port Louis to cancel the bidding exercise and to bring the necessary amendments prior to relaunching of the bid. That is why we are a bit late.

Now, for lorries, it was mentioned earlier. The Central Procurement Board has on 18 April 2023, approved the Award for the Contract of 45 lorries at a cost of Rs127 m. and they think that we are not doing anything. Waste segregation has been discussed by my colleague earlier.

They mentioned about land drainage, people are not getting their BLUP. Yes, there was an issue but now anybody who has an issue, can contact the local authorities. We are going to discuss with the LDA and see how we can help these people. There was an issue at the beginning but now we are helping them.

As far as hon. Shakeel Mohamed is concerned - he mentioned again earlier - during the debate in 2011, I will just quote him –

“What we are doing today, during the debate, has nothing to do with anti-democratic principle. Democracy would have been threatened had we cancelled the election. But democracy here is being consolidated because we, as a responsible Government, have decided to come to this august Assembly recognising the principle of separation of powers, recognising that it is the Parliament that has the right to decide.”

This is what we are doing. It is this Parliament which is going to decide. That was what he said to justify his position in 2011 and now today he is saying the reverse. Well, Mr Speaker, Sir, I think it is late and I do not want to go into further details. I think I will just stop here.

Allow me to thank all the Members who have taken part in the debate. And allow me to thank the staff of my Ministry of Local Government and the Attorney General's Office for their help as well.

With these few words, Mr Speaker, Sir, I, once again, commend the Bill to the House.

Question put and agreed to.

Bill read a second time and committed.

COMMITTEE STAGE*(Mr Speaker in the Chair)*

The Local Government (Amendment) Bill (No. VIII of 2023) was considered and agreed to.

On the Assembly resuming with Mr Speaker in the Chair, Mr Speaker reported accordingly.

Third Reading

On motion made and seconded, the Local Government (Amendment) Bill (No. VIII of 2023) was read the third time and passed.

ADJOURNMENT

The Prime Minister: Mr Speaker, Sir, I beg to move that this Assembly do now adjourn to Friday, 02 June 2023 at 5.00 p.m.

Mr Seeruttun seconded.

Question put and agreed to.

Mr Speaker: The House stands adjourned!

At 2.56 a.m., the Assembly was, on its rising, adjourned to Friday 02 June 2023 at 5.00 p.m.

WRITTEN ANSWERS TO QUESTIONS

**MV WAKASHIO – COURT OF INVESTIGATION’S REPORT –
RECOMMENDATIONS**

(No. B/580) Mr J. Berénger (First Member for Vacoas & Floréal) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues, Outer Islands and Territorial Integrity whether, in regard to the Report of the Court of Investigation set up to look into the grounding of the MV Wakashio, he will –

(a) state –

- (i) the findings of the Inter-Ministerial Committee set up to examine the recommendations contained therein, and
 - (ii) where matters stand as to the implementation of the recommendations contained therein, and
- (b) table copy thereof and, if not, why not.

(Withdrawn)

SEXUAL ASSAULTS ON WOMEN – REPORTED CASES

(No. B/583) Ms S. Anquetil (Fourth Member for Vacoas & Floréal) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues, Outer Islands and Territorial Integrity whether, in regard to sexual assaults on women, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the number of reported cases thereof over the past five years, indicating the number thereof –

- (a) prosecuted, and
- (b) in which convictions have been secured.

(Withdrawn)

ANGUS ROAD, VACOAS - PROPERTIES ACQUISITION – INQUIRIES

(No. B/588) Mr P. Assirvaden (Second Member for La Caverne & Phoenix) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues, Outer Islands and Territorial Integrity whether, in regard to the inquiries initiated into the acquisition of properties at Angus Road, in Vacoas, he will, for the benefit of the House, obtain from the Independent Commission against Corruption, information as to where matters stand.

(Withdrawn)

LA TOUR KOENIG, SCRAP YARD – COPPER INGOTS’ SEIZURE

(No. B/589) Mrs S. Luchmun Roy (Second Member for Port Louis North & Montagne Longue) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues, Outer Islands and Territorial Integrity whether, in regard to the 20 tons or more of copper ingots seized on a scrap yard at La Tour Koenig on Monday 10 April 2023, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to –

- (a) the name of the company allegedly involved therein, and
- (b) if the sources thereof have been identified.

(Withdrawn)

MAIDEN CUP 2022 – CDM, RACING TRACK – ALLEDGED SABOTAGE

(No. B/590) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues, Outer Islands and Territorial Integrity whether, in regard to the inquiry initiated into the alleged sabotage of the racing track of the Champ de Mars on the eve of the maiden Cup Day last year, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to where matters stand.

(Withdrawn)

DIRECTOR OF AUDIT’S POST – APPOINTMENT CRITERIA & REVIEW

(No. B/592) Mr P. Assirvaden (Second Member for La Caverne & Phoenix) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues, Outer Islands and Territorial Integrity whether, in regard to the Director of Audit, he will state the mode of appointment and eligibility criteria considered for the appointment thereof, indicating if same were reviewed for the appointment of the former and incumbent to the post thereof and, if so, the reasons therefor.

(Withdrawn)

**ITLOS JUDGMENT – INTERNATIONAL MARITIME BOUNDARY –
PROPOSED ACTIONS**

(No. B/593) Mrs S. Luchmun Roy (Second Member for Port Louis North & Montagne Longue) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues, Outer Islands and Territorial Integrity whether, in regard to the Judgment delivered by the Special Chamber of the International Tribunal of the Law of the Sea on 28 April 2023, establishing a binding international maritime boundary between Mauritius and Maldives in the region of the Chagos Archipelago, he will state the actions Government proposes to initiate as a result thereof.

(Withdrawn)

SPECIAL STRIKING TEAM – RESOURCES PROVIDED & ALLOWANCES PAID

(No. B/594) Mr N. Bodha (Second Member for Vacoas & Floréal) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues, Outer Islands and Territorial Integrity whether, in regard to the Special Striking Team, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the –

- (a) reason for the setting up thereof;
- (b) number of officers attached thereto;
- (c) resources provided therefor;
- (d) allowances, if any, paid thereto, and
- (e) number of arrests effected since the setting up thereof to date.

(Withdrawn)

MR Y.S – FICTITIOUS EMPLOYMENT – INQUIRY

(No. B/595) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues, Outer Islands and Territorial Integrity whether, in regard to the inquiry initiated into the statement made by Mrs S. K. against Mr Y.S., for the alleged fictitious employment of the former as Constituency Clerk of the latter, he will, for the benefit of the House, obtain from

the Commissioner of Police, information as to where matters stand, indicating when Mr Y.S. was interviewed by the police.

(Withdrawn)

**ECONOMIC DEVELOPMENT BOARD, EBÈNE – NEW PREMISES –
TENDER**

(No. B/620) Mr D. Nagalingum (Second Member for Stanley & Rose Hill) asked the Minister of Finance, Economic Planning and Development whether, in regard to the new premises of the Economic Development Board in Ebène, he will, for the benefit of the House, obtain information as to if tender was floated for the selection thereof and, if so, indicate the –

- (a) name of the selected bidder thereof, and
- (b) monthly rent payable therefor.

(Withdrawn)

CONSTITUENCY NO. 4 – WASTEWATER MANAGEMENT – MEASURES

(No. B/621) Ms J. Tour (Third Member for Port Louis North & Montagne Longue) asked the Minister of Energy and Public Utilities whether, in regard to wastewater management in Constituency No. 4, Port Louis North and Montagne Longue, he will, for the benefit of the House, obtain from the Wastewater Management Authority, information as to the measures being envisaged to remedy the problems encountered in relation thereto.

(Withdrawn)

ROCHE BOIS – COMMUNITY HEALTH CENTRE – CONSTRUCTION

(No. B/622) Mr S. Abbas Mamode (Second Member for Port Louis Maritime & Port Louis East) asked the Minister of Health and Wellness whether, in regard to the construction of a Community Health Centre at Roche Bois, he will state where matters stand.

(Withdrawn)

OVERSEAS TREATMENT SCHEME – ELIGIBILITY CRITERIA

(No. B/626) Mr A. Ittoo (Third Member for Vacoas & Floréal) asked the Minister of Health and Wellness whether, in regard to the Overseas Treatment Scheme, he will state the

eligibility criteria to benefit therefrom, indicating if consideration will be given for a review of the threshold thereof.

(Withdrawn)

FOREIGN CAPITAL FLOWS – INDIAN MARKETS

(No. B/628) Mr K. Lobine (First Member for La Caverne & Phoenix) asked the Minister of Financial Services and Good Governance whether, in regard to foreign capital flows from Mauritius to the Indian markets, he will –

- (a) provide figures and statistics thereof for the fiscal year 2022-2023, and
- (b) state the amount of Assets under Custody (AUC) from Mauritius as at to date.

(Withdrawn)

TOBACCO CONTROL - ACTION PLAN – IMPLEMENTATION

(No. B/629) Ms J. Tour (Third Member for Port Louis North & Montagne Longue) asked the Minister of Health and Wellness whether, in regard to the National Action Plan for Tobacco Control 2022-2026, he will state where matters stand as to the implementation thereof.

(Withdrawn)

RUISSEAU DU POUCE, TRANQUEBAR – FLOODING & OVERFLOWING WATER – REMEDIAL MEASURES

(No. B/631) Dr. F. Aumeer (Third Member for Port Louis South & Port Louis Central) asked the Minister of National Infrastructure and Community Development whether, in regard to the entrance of Ruisseau du Pouce in Tranquebar, he will state where matters stand as to the remedial measures being envisaged to avoid repetitive flooding and overflowing of water during torrential rains and flash floods thereat.

(Withdrawn)

CEB PENSION FUND (STAFF & MANUAL WORKERS) –DEFICIT – DEC 2022

(No. B/632) Mr P. Assirvaden (Second Member for La Caverne & Phoenix) asked the Minister of Energy and Public Utilities whether, in regard, to the Central Electricity Board Staff Pension Fund and the Central Electricity Board Manual Workers Pension Fund, he will, for the benefit of the House, obtain information as to the respective quantum of deficit thereof as at 31 December 2022, if any.

(Withdrawn)

WAGE ASSISTANCE SCHEME – FUNDING & REIMBURSEMENT

(No. B/633) Mr R. Woochit (Third Member for Pamplemousses & Triolet) asked the Minister of Finance, Economic Planning and Development whether, in regard to the Wage Assistance Scheme, he will, for the benefit of the House, obtain from the Mauritius Revenue Authority, information as to the –

- (a) source of funds thereof;
- (b) total amount disbursed, and
- (c) mode of reimbursement thereof.

(Withdrawn)

MACONDÉ ROAD CLOSURE – EXTENT, COST & SAFETY MEASURES

(No. B/634) Mrs S. Mayotte (Second Member for Savanne & Black River) asked the Minister of National Infrastructure and Community Development whether, in regard to the closure of the road at Macondé, he will, for the benefit of the House, obtain from the Road Development Authority, information as to the –

- (a) nature of the works to be undertaken thereat, indicating the –
 - (i) estimated cost thereof;
 - (ii) expected duration thereof, and
- (b) measures taken to ensure the safe transit of the inhabitants thereat.

(Withdrawn)

WOOTON FLYOVER – PROPOSED CONSTRUCTION

(No. B/635) Mr S. Dhunoo (Third Member for Curepipe & Midlands) asked the Minister of National Infrastructure and Community Development whether, in regard to the proposed construction of a flyover at Wooton, he will, for the benefit of the House, obtain from the Road Development Authority, information as to where matters stand.

(Withdrawn)

NSLD LTD. – TERMS OF APPOINTMENT

(No. B/637) Mr R. Uteem (Second Member for Port Louis South & Port Louis Central) asked the Deputy Prime Minister, Minister of Housing and Land Use Planning, Minister of Tourism whether, in regard to the New Social Living Development Ltd., he will, for the benefit of the House, obtain therefrom, information as to the names and terms of appointment of the –

- (a) Chairperson and board members thereof;
- (b) Chief Executive Officer, and
- (c) Chief Operating Officer appointed thereat since the date of incorporation thereof to date, indicating in each case the monthly remuneration drawn.

(Withdrawn)

SHELTERS – CHILDREN 18 YEARS OLD – STRUCTURE

(No. B/638) Ms J. Berénger (First Member for Vacoas & Floréal) asked the Minister of Gender Equality and Family Welfare whether, in regard to children placed in shelters, she will state the structure put in place by her Ministry for the accompaniment thereof on turning 18 years old.

(Withdrawn)

NGO – KOLEKTIF RIVIERE NWAR

(No. B/641) Mrs S. Luchmun Roy (Second Member for Port Louis North & Montagne Longue) asked the Minister of Social Integration, Social Security and National Solidarity whether, in regard to the Non-Governmental Organisation kolektif Riviere NWAR

(KRN), she will, for the benefit of the House, obtain from the National Social Inclusion Foundation, information as to –

- (a) if the said NGO is registered therewith and, if so, indicate the assistance granted thereto since 2016 to date;
- (b) composition of the board thereof, and
- (c) the main sponsors thereof.

(Withdrawn)

**MULTIPURPOSE COMPLEX CONSTRUCTION - LOWER PLAINE VERTE
TAXI STAND**

(No. B/644) Mr S. Abbas Mamode (Second Member for Port Louis Maritime & Port Louis East) asked the Vice-Prime Minister, Minister of Local Government and Disaster Risk Management whether, in regard to the project for the construction of a multipurpose complex adjacent to the building formerly housing the Anti-Drug Smuggling Unit Office and the Lower Plaine Verte Taxi Stand, he will state where matters stand.

(Withdrawn)

**MRS Y. B. R - AIR MAURITIUS CABIN CREW ASSOCIATION – FORMAL
COMPLAINT**

(No. B/645) Ms S. Anquetil (Fourth Member for Vacoas & Floreal) asked the Minister of Labour, Human Resource Development and Training, Minister of Commerce and Consumer Protection whether, in regard to Mrs Y. B. R., President of the Air Mauritius Cabin Crew Association, he will state if his Ministry is in presence of any formal complaint from the said Association regarding accusations levelled by Air Mauritius Ltd., against her and, if so, indicate the actions taken in relation thereto.

(Withdrawn)

CONSTITUENCY NO. 9 – DRAIN WORKS – 2014 TO DATE

(No. B/646) Mr S. Nuckcheddy (Third Member for Flacq & Bon Accueil) asked the Vice-Prime Minister, Minister of Local Government and Disaster Risk Management whether, in regard to Constituency No. 9, Flacq and Bon Accueil, he will, for the benefit of the House, obtain from the District Council of Flacq, information as to the number of drain works carried out thereat since 2014 to 2019 and 2020 to date.

(Withdrawn)

**NATIONAL GENDER POLICY 2022-2030 – RECOMMENDATIONS &
IMPLEMENTATION PLAN**

(No. B/648) Mrs S. Mayotte (Second Member for Savanne & Black River) asked the Minister of Gender Equality and Family Welfare whether, in regard to the National Gender Policy 2022-2030, she will state the recommendations contained therein and the implementation plan thereof.

(Withdrawn)

METHADONE - DISPENSING PROTOCOL

(No. B/651) Mr A. Ittoo (Third Member for Vacoas & Floreal) asked the Minister of Health and Wellness whether, in regard to methadone, he will state the –

- (a) protocol for the dispensing thereof, and
- (b) reasons for the diversion thereof, if any.

(Withdrawn)

RESIDENCE LA CURE YOUTH CENTRE – UPGRADING

(No. B/653) Ms J. Tour (Third Member for Port Louis North & Montagne Longue) asked the Minister of Youth Empowerment, Sports and Recreation whether, in regard to the proposed upgrading of Residence La Cure Youth Centre, he will state where matters stand, indicating the –

- (a) cost thereof, and
- (b) amenities to be added thereto.

(Withdrawn)

**CAP MALHEUREUX RELAY SHELTER – NATIONAL CHILDREN COUNCIL –
MONITORING & EVALUATION REPORT**

(No. B/654) Ms S. Anquetil (Fourth Member for Vacoas & Floreal) asked the Minister of Gender Equality and Family Welfare whether, in regard to the Cap Malheureux Relay Shelter, also known as L'Oiseau du Paradis, she will state, if any monitoring and evaluation report has been submitted by the National Children Council to her Ministry in respect thereof during the last six months and, if so, give the details thereof and, if not, why not.

(Withdrawn)

**SOLFERINO NO. 3, VACOAS – DRAINS CONSTRUCTION &
REHABILITATION**

(No. B/659) Mr K. Lobine (First Member for La Caverne & Phoenix) asked the Vice-Prime Minister, Minister of Local Government and Disaster Risk Management whether, in regard to the construction and rehabilitation of drains along the road at Solferino No. 3 in Vacoas, he will, for the benefit of the House, obtain from the Municipal Council of Vacoas-Phoenix, information as to the date the contract was awarded, indicating the –

- (a) name of the contractor, and
- (b) total project value thereof

(Withdrawn)

16^{ÈME} MILLE - NEW MULTIPURPOSE HALL - PROPOSED CONSTRUCTION

(No. B/663) Mr S. Dhunoo (Third Member for Curepipe & Midlands) asked the Vice-Prime Minister, Minister of Local Government and Disaster Risk Management whether, in regard to the proposed construction of the new Multipurpose Hall at 16^{ème} Mille, he will, for the benefit of the House, obtain from the District council of Grand Port, information as to where matters stand.

(Withdrawn)

**MAURITIUS FILM DEVELOPMENT CORPORATION LTD. – FILM SHOOTING
WITH WHALES**

(No. B/664) Ms J. Berénger (First Member for Vacoas & Floréal) asked the Minister of Arts and Cultural Heritage whether, in regard to film shooting with whales in Mauritius, he will, for the benefit of the House, obtain from the Mauritius Film Development Corporation Ltd., information as to –

- (a) the number of authorization granted therefor for the years 2021, 2022 and 2023 to date, indicating the –
 - (i) names of the companies/ organizations, and
 - (ii) actions taken to ensure the compliance of the conditions attached thereto, and
- (b) if any non-compliance of the conditions thereof has been reported and, if so, the actions taken in relation thereto.

(Withdrawn)

ROYAL ROAD, HOLYROOD NO.1 - BRIDGE CONSTRUCTION

(No. B/670) Mr A. Ittoo (Third Member for Vacoas & Floreal) asked the Minister of National Infrastructure and Community Development whether, in regard to the project for the construction of a new bridge along Royal Road, in Holyrood No.1, he will, for the benefit of the House, obtain information as to where matters stand.

(Withdrawn)

PUBLIC HOSPITALS – CARDIO-VASCULAR DISEASES PATIENTS

(No. B/671) Mrs S. Mayotte (Second Member for Savanne & Black River) asked the Minister of Health and Wellness whether, in regard to the public hospitals, he will state the number of –

- (a) patients presently being treated for Cardio-vascular diseases, and
- (b) heart surgeries carried out thereat over the past five years.

(Withdrawn)



OFFICE OF THE HIGH COMMISSIONER
FOR HUMAN RIGHTS

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**General Comment No. 25: The right to participate in public affairs, voting rights and the right of equal access to public service (Art. 25) : . 12/07/96.
CCPR/C/21/Rev.1/Add.7, General Comment No. 25. (General Comments)**

Convention Abbreviation: CCPR

GENERAL COMMENT 25

The right to participate in public affairs, voting rights and
the right of equal access to public service

(Article 25)

(Fiftyseventh session, 1996) (1) (2)

Adopted by the Committee at its 1510th meeting (fiftyseventh session) on 12 July 1996. The number in parenthesis indicates the session at which the general comment was adopted.

1. Article 25 of the Covenant recognizes and protects the right of every citizen to take part in the conduct of public affairs, the right to vote and to be elected and the right to have access to public service. Whatever form of constitution or government is in force, the Covenant requires States to adopt such legislative and other measures as may be necessary to ensure that citizens have an effective opportunity to enjoy the rights it protects. Article 25 lies at the core of democratic government based on the consent of the people and in conformity with the principles of the Covenant.

2. The rights under article 25 are related to, but distinct from, the right of peoples to self-determination. By virtue of the rights covered by article 1 (1), peoples have the right to freely determine their political status and to enjoy the right to choose the form of their constitution or government. Article 25 deals with the right of individuals to participate in those processes which constitute the conduct of public affairs. Those rights, as individual rights, can give rise to claims under the first Optional Protocol.

3. In contrast with other rights and freedoms recognized by the Covenant (which are ensured to all individuals within the territory and subject to the jurisdiction of the State), article 25 protects the rights of "every citizen". State reports should outline the legal provisions which define citizenship in the context of the rights protected by article 25. No distinctions are permitted between citizens in the enjoyment of these rights on the grounds of race, colour, sex, language,

religion, political or other opinion, national or social origin, property, birth or other status. Distinctions between those who are entitled to citizenship by birth and those who acquire it by naturalization may raise questions of compatibility with article 25. State reports should indicate whether any groups, such as permanent residents, enjoy these rights on a limited basis, for example, by having the right to vote in local elections or to hold particular public service positions.

4. Any conditions which apply to the exercise of the rights protected by article 25 should be based on objective and reasonable criteria. For example, it may be reasonable to require a higher age for election or appointment to particular offices than for exercising the right to vote, which should be available to every adult citizen. The exercise of these rights by citizens may not be suspended or excluded except on grounds which are established by law and which are objective and reasonable. For example, established mental incapacity may be a ground for denying a person the right to vote or to hold office.

5. The conduct of public affairs, referred to in paragraph (a), is a broad concept which relates to the exercise of political power, in particular the exercise of legislative, executive and administrative powers. It covers all aspects of public administration, and the formulation and implementation of policy at international, national, regional and local levels. The allocation of powers and the means by which individual citizens exercise the right to participate in the conduct of public affairs protected by article 25 should be established by the constitution and other laws.

6. Citizens participate directly in the conduct of public affairs when they exercise power as members of legislative bodies or by holding executive office. This right of direct participation is supported by paragraph (b). Citizens also participate directly in the conduct of public affairs when they choose or change their constitution or decide public issues through a referendum or other electoral process conducted in accordance with paragraph (b). Citizens may participate directly by taking part in popular assemblies which have the power to make decisions about local issues or about the affairs of a particular community and in bodies established to represent citizens in consultation with government. Where a mode of direct participation by citizens is established, no distinction should be made between citizens as regards their participation on the grounds mentioned in article 2, paragraph 1, and no unreasonable restrictions should be imposed.

7. Where citizens participate in the conduct of public affairs through freely chosen representatives, it is implicit in article 25 that those representatives do in fact exercise governmental power and that they are accountable through the electoral process for their exercise of that power. It is also implicit that the representatives exercise only those powers which are allocated to them in accordance with constitutional provisions. Participation through freely chosen representatives is exercised through voting processes which must be established by laws that are in accordance with paragraph (b).

8. Citizens also take part in the conduct of public affairs by exerting influence through public debate and dialogue with their representatives or through their capacity to organize themselves. This participation is supported by ensuring freedom of expression, assembly and association.

9. Paragraph (b) of article 25 sets out specific provisions dealing with the right of citizens to take part in the conduct of public affairs as voters or as candidates for election. Genuine periodic elections in accordance with paragraph (b) are essential to ensure the accountability of representatives for the exercise of the legislative or executive powers vested in them. Such elections must be held at intervals which are not unduly long and which ensure that the authority of government continues to be based on the free expression of the will of electors. The rights and obligations provided for in paragraph (b) should be guaranteed by law.

10. The right to vote at elections and referenda must be established by law and may be subject only to reasonable restrictions, such as setting a minimum age limit for the right to vote. It is unreasonable to restrict the right to vote on the ground of physical disability or to impose literacy, educational or property requirements. Party membership should not be a condition of eligibility to vote, nor a ground of disqualification.

11. States must take effective measures to ensure that all persons entitled to vote are able to exercise that right. Where registration of voters is required, it should be facilitated and obstacles to such registration should not be imposed. If residence requirements apply to registration, they must be reasonable, and should not be imposed in such a way as to exclude the homeless from the right to vote. Any abusive interference with registration or voting as well as intimidation or coercion of voters should be prohibited by penal laws and those laws should be strictly enforced. Voter education and registration campaigns are necessary to ensure the effective exercise of article 25 rights by an informed community.

12. Freedom of expression, assembly and association are essential conditions for the effective exercise of the right to vote and must be fully protected. Positive measures should be taken to overcome specific difficulties, such as illiteracy, language barriers, poverty, or impediments to freedom of movement which prevent persons entitled to vote from exercising their rights effectively. Information and materials about voting should be available in minority languages. Specific methods, such as photographs and symbols, should be adopted to ensure that illiterate voters have adequate information on which to base their choice. States parties should indicate in their reports the manner in which the difficulties highlighted in this paragraph are dealt with.

13. State reports should describe the rules governing the right to vote, and the application of those rules in the period covered by the report. State reports should also describe factors which impede citizens from exercising the right to vote and the positive measures which have been adopted to overcome these factors.

14. In their reports, States parties should indicate and explain the legislative provisions which would deprive citizens of their right to vote. The grounds for such deprivation should be objective and reasonable. If conviction for an offence is a basis for suspending the right to vote, the period of such suspension should be proportionate to the offence and the sentence. Persons who are deprived of liberty but who have not been convicted should not be excluded from exercising the right to vote.

15. The effective implementation of the right and the opportunity to stand for elective office ensures that persons entitled to vote have a free choice of candidates. Any restrictions on the

right to stand for election, such as minimum age, must be justifiable on objective and reasonable criteria. Persons who are otherwise eligible to stand for election should not be excluded by unreasonable or discriminatory requirements such as education, residence or descent, or by reason of political affiliation. No person should suffer discrimination or disadvantage of any kind because of that person's candidacy. States parties should indicate and explain the legislative provisions which exclude any group or category of persons from elective office.

16. Conditions relating to nomination dates, fees or deposits should be reasonable and not discriminatory. If there are reasonable grounds for regarding certain elective offices as incompatible with tenure of specific positions (e.g. the judiciary, high-ranking military office, public service), measures to avoid any conflicts of interest should not unduly limit the rights protected by paragraph (b). The grounds for the removal of elected office holders should be established by laws based on objective and reasonable criteria and incorporating fair procedures.

17. The right of persons to stand for election should not be limited unreasonably by requiring candidates to be members of parties or of specific parties. If a candidate is required to have a minimum number of supporters for nomination this requirement should be reasonable and not act as a barrier to candidacy. Without prejudice to paragraph (1) of article 5 of the Covenant, political opinion may not be used as a ground to deprive any person of the right to stand for election.

18. State reports should describe the legal provisions which establish the conditions for holding elective public office, and any limitations and qualifications which apply to particular offices. Reports should describe conditions for nomination, e.g. age limits, and any other qualifications or restrictions. State reports should indicate whether there are restrictions which preclude persons in public-service positions (including positions in the police or armed services) from being elected to particular public offices. The legal grounds and procedures for the removal of elected office holders should be described.

19. In conformity with paragraph (b), elections must be conducted fairly and freely on a periodic basis within a framework of laws guaranteeing the effective exercise of voting rights. Persons entitled to vote must be free to vote for any candidate for election and for or against any proposal submitted to referendum or plebiscite, and free to support or to oppose government, without undue influence or coercion of any kind which may distort or inhibit the free expression of the elector's will. Voters should be able to form opinions independently, free of violence or threat of violence, compulsion, inducement or manipulative interference of any kind. Reasonable limitations on campaign expenditure may be justified where this is necessary to ensure that the free choice of voters is not undermined or the democratic process distorted by the disproportionate expenditure on behalf of any candidate or party. The results of genuine elections should be respected and implemented.

20. An independent electoral authority should be established to supervise the electoral process and to ensure that it is conducted fairly, impartially and in accordance with established laws which are compatible with the Covenant. States should take measures to guarantee the requirement of the secrecy of the vote during elections, including absentee voting, where such a system exists. This implies that voters should be protected from any form of coercion or

compulsion to disclose how they intend to vote or how they voted, and from any unlawful or arbitrary interference with the voting process. Waiver of these rights is incompatible with article 25 of the Covenant. The security of ballot boxes must be guaranteed and votes should be counted in the presence of the candidates or their agents. There should be independent scrutiny of the voting and counting process and access to judicial review or other equivalent process so that electors have confidence in the security of the ballot and the counting of the votes. Assistance provided to the disabled, blind or illiterate should be independent. Electors should be fully informed of these guarantees.

21. Although the Covenant does not impose any particular electoral system, any system operating in a State party must be compatible with the rights protected by article 25 and must guarantee and give effect to the free expression of the will of the electors. The principle of one person, one vote, must apply, and within the framework of each State's electoral system, the vote of one elector should be equal to the vote of another. The drawing of electoral boundaries and the method of allocating votes should not distort the distribution of voters or discriminate against any group and should not exclude or restrict unreasonably the right of citizens to choose their representatives freely.

22. State reports should indicate what measures they have adopted to guarantee genuine, free and periodic elections and how their electoral system or systems guarantee and give effect to the free expression of the will of the electors. Reports should describe the electoral system and explain how the different political views in the community are represented in elected bodies. Reports should also describe the laws and procedures which ensure that the right to vote can in fact be freely exercised by all citizens and indicate how the secrecy, security and validity of the voting process are guaranteed by law. The practical implementation of these guarantees in the period covered by the report should be explained.

23. Subparagraph (c) of article 25 deals with the right and the opportunity of citizens to have access on general terms of equality to public service positions. To ensure access on general terms of equality, the criteria and processes for appointment, promotion, suspension and dismissal must be objective and reasonable. Affirmative measures may be taken in appropriate cases to ensure that there is equal access to public service for all citizens.

Basing access to public service on equal opportunity and general principles of merit, and providing secured tenure, ensures that persons holding public service positions are free from political interference or pressures. It is of particular importance to ensure that persons do not suffer discrimination in the exercise of their rights under article 25, subparagraph (c), on any of the grounds set out in article 2, paragraph 1.

24. State reports should describe the conditions for access to public service positions, any restrictions which apply and the processes for appointment, promotion, suspension and dismissal or removal from office as well as the judicial or other review mechanisms which apply to these processes. Reports should also indicate how the requirement for equal access is met, and whether affirmative measures have been introduced and, if so, to what extent.

25. In order to ensure the full enjoyment of rights protected by article 25, the free communication of information and ideas about public and political issues between citizens, candidates and elected representatives is essential. This implies a free press and other media able to comment on public issues without censorship or restraint and to inform public opinion. It requires the full enjoyment and respect for the rights guaranteed in articles 19, 21 and 22 of the Covenant, including freedom to engage in political activity individually or through political parties and other organizations, freedom to debate public affairs, to hold peaceful demonstrations and meetings, to criticize and oppose, to publish political material, to campaign for election and to advertise political ideas.

26. The right to freedom of association, including the right to form and join organizations and associations concerned with political and public affairs, is an essential adjunct to the rights protected by article 25. Political parties and membership in parties play a significant role in the conduct of public affairs and the election process. States should ensure that, in their internal management, political parties respect the applicable provisions of article 25 in order to enable citizens to exercise their rights thereunder.

27. Having regard to the provision of article 5, paragraph 1, of the Covenant, any rights recognized and protected by article 25 may not be interpreted as implying a right to act or as validating any act aimed at the destruction or limitation of the rights and freedoms protected by the Covenant to a greater extent than what is provided for in the present Covenant.

Notes

1/ Adopted by the Committee at its 1510th meeting (fiftyseventh session) on 12 July 1996.

2/ The number in parenthesis indicates the session at which the general comment was adopted.



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Annex J



Easter Term

[2023] UKPC 17

Privy Council Appeal No 0016 of 2023



JUDGMENT

**Ravi Balgobin Maharaj (Appellant) v The Cabinet of
the Republic of Trinidad and Tobago and another
(Respondents) (Trinidad and Tobago)**

**From the Court of Appeal of the Republic of Trinidad
and Tobago**

before

**Lord Reed
Lord Hodge
Lord Briggs
Lord Kitchin
Lord Richards**

**JUDGMENT GIVEN ON
18 May 2023**

Heard on 15 March 2023

Appellant

Anand Ramlogan SC

Peter Carter KC

Mohammud Jaamae Hafeez-Baig

Adam Riley

(Instructed by Vishaal Siewasaran of Freedom Law Chambers (San Fernando, Trinidad and Tobago))

Respondents

Thomas Roe KC

Rishi Dass SC

Leah Abdulah

(Instructed by Charles Russell Speechlys LLP (London))

Respondents:

- (1) The Cabinet of the Republic of Trinidad and Tobago
- (2) The Minister of Rural Development and Local Government

LORD RICHARDS (with whom Lord Reed and Lord Hodge agree):

1. On 2 December 2019, local government elections were held in Trinidad and Tobago. In accordance with the Municipal Corporations Act 1990 (“the MCA”), Councillors were directly elected by popular vote for a period of three years. Aldermen were also elected for a period of three years, using a party list system under which Aldermen were elected according to the number of votes cast for candidates of each party in the election for Councillors. The Councillors and Aldermen elected in December 2019 were due to lose office in December 2022 and further local elections were due to be held by March 2023.
2. The periods of office of Councillors and Aldermen were fixed by sections 11(4) and 12(5) respectively of the MCA. Significant changes to the internal structure of local government were made by the Miscellaneous Provisions (Local Government Reform) Act, 2022 (“the 2022 Act”), which received Assent on 1 July 2022. The position of Councillors and Aldermen within the structure of local government was left largely unchanged, save that they were to serve for periods of four years, instead of three years. The 2022 Act did not immediately come into effect, but by section 2 it was to come into operation on such date as fixed by the President by Proclamation. This power may be exercised as regards the whole Act or such provisions as may be specified: section 5(2) of the Statutes Act 1962. The President acts on the advice of the Government.
3. On 7 November 2022, a Proclamation was issued, bringing a small number of provisions of the 2022 Act into force with effect from 8 November 2022. The principal changes were to substitute four years for three years as the periods of office of Councillors and Aldermen.
4. On 3 November 2022, the Minister of Rural Development and Local Government had announced the Government’s intention to bring these provisions of the 2022 Act into force. He stated that the new four-year term would apply to the Councillors and Aldermen then in office (“incumbent Councillors” and “incumbent Aldermen”), who would therefore serve for an additional term of one year until December 2023, with elections postponed for one year.
5. The Government’s interpretation of the effect of the amendments on the terms of office of the incumbent Councillors and Aldermen was challenged by the appellant, Ravi Balgobin Maharaj. He filed applications for leave to apply for judicial review on 15 November 2022 and for interim relief on 21 November 2022. On 30 November 2022, Wilson J refused the application for interim relief. While she considered that there was

a serious issue to be tried, she considered on discretionary grounds that interim relief should not be granted.

6. On appeal against the refusal of interim relief, the Court of Appeal agreed that, having regard to the importance of the case and the seriousness of the consequences, it would determine the “core issue” in the substantive claim, namely, whether sections 11 and 12 of the MCA, as amended by the 2022 Act, applied to the incumbent Councillors and Aldermen. In careful judgments given on 10 February 2023, the Court of Appeal (P Moosai, G Lucky and JC Aboud JJA) unanimously dismissed the appeal. The Court of Appeal granted permission to appeal to the Board.

7. Before the enactment of the MCA, local government was based largely on a system of elected county councils. The county councils were replaced under the terms of the MCA by newly constituted municipal corporations, with four existing municipal corporations continuing but subject to the provisions of the MCA. Section 8 provides that the Mayor, Aldermen, Councillors and electors of each Municipality shall be a body corporate. Section 10 provides that the powers of each municipal corporation shall be exercised by its Council, which shall consist of the Mayor, Aldermen and Councillors. The municipal corporations are tasked with a wide range of duties, many of which are essential to the proper functioning of their areas.

8. As with the county councils, the municipal corporations were established as democratically elected bodies. The Councillors are directly elected by popular vote of the registered electorate. This is provided by section 11 of the MCA which lies at the heart of this appeal.

9. Before the amendments made with effect from 8 November 2022, section 11 was in the following terms:

“(1) Councillors shall be elected by the electors for each Municipality in the manner provided for in the Representation of the People Act.

(2) The number of Councillors to be elected to the Council of each Corporation shall, subject to the provisions of the Elections and Boundaries Commission (Local Government) Act, be as set out in the Third Schedule, or in any Order made pursuant to section 5(2).

(3) One Councillor shall be returned for each electoral district.

(4) The term of office of Councillors shall be three years, and they shall retire together on the last day of every triennial period, the first of which shall be deemed to have begun on the day on which the Councillors were elected to office.

(4A) An election referred to in subsection (1) shall be held within three months of the expiry of the term of office of the Mayor, Councillors and Aldermen comprising the Council.

(4B) Notwithstanding subsection (4A), for the purposes only of the elections due in the year 1995, under this section, such election shall be held within nine months of the expiry of the terms of office of the Councillors and Aldermen comprising the Council.

(4C) Notwithstanding subsection (4A), for the purposes only of the elections due in the year 2002, under this section, such election shall be held within one year of the expiry of the terms of office of the Councillors and Aldermen comprising the Council.

(5) A Councillor who has been elected to fill a vacancy shall hold office until the time when the person whose vacancy he filled would have gone out of office through effluxion of time.

(6) Subject to subsection (7), a person is qualified to be elected as a Councillor if, and is qualified to continue to be a Councillor if, he—

(a) is a citizen of Trinidad and Tobago;

(b) is qualified to be an elector under section 13 of the Representation of the People Act except that such person is not disqualified to be a candidate by reason only that—

(i) he resides; or

(ii) his qualifying property is situated, in the electoral area but in an electoral district other than the electoral district for which he seeks to be a candidate;

(c) is able to speak and, unless incapacitated by blindness or other physical cause, to read the English language.

(7) In subsection (6), 'electoral area' and 'electoral district' have the meanings assigned to those expressions in section 2 of the Elections and Boundaries Commission (Local Government) Act.

(8) A person is disqualified from being a Councillor if he—

(a) is by virtue of his own act under any acknowledgement of allegiance, obedience or adherence to a foreign power or State;

(b) has been adjudged or otherwise declared bankrupt and has not been discharged;

(c) is a mentally ill person within the meaning of the Mental Health Act;

(d) is under sentence of death or is serving a sentence of imprisonment exceeding twelve months imposed on him by a Court of competent jurisdiction in Trinidad and Tobago 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;

(e) is disqualified for such election under the Representation of the People Act;

(f) is a member of the Senate, the House of Representatives, the Tobago House of Assembly or another Municipal Council;

(g) holds any office or place of profit, other than Mayor or Deputy Mayor, in the gift or disposal of the Corporation; but a person shall not be disqualified by reason of—

(i) receiving or being entitled to receive payment by way only of travelling or subsistence allowances, or a refund of out-of-pocket expenses;

(ii) his receiving fees as a medical practitioner from the Corporation as the local authority of a sanitary district, fees for the notification of cases of infectious diseases under the Public Health Ordinance or any similar written law;

(h) is debarred from exercising the practice of his profession on account of any act involving dishonesty;

(i) has within five years before the day of the election or since his election been surcharged to an amount exceeding two thousand five hundred dollars under the Exchequer and Audit Act or under Part VI of this Act;

(j) is a person whose name appears on the List of Aldermen under section 12A; and

(k) is a person who is a sitting Alderman having been declared an Alderman by the Elections and Boundaries Commission under section 13.”

10. Each Councillor was therefore elected by popular vote for a term of three years (section 11(4)), as had been the case under the previous system of local government, with a requirement added by amendment in 1992 that elections be held within three months of the expiry of their term of office (section 11(4A)). Likewise, section 12(5) provided that the term of office of Aldermen was three years.

11. As mentioned above, the 2022 Act, running to 64 pages without its schedules, makes extensive and varied changes to the MCA. In particular, it provides for the creation of a municipal council and an executive council for each municipal corporation, with provisions for their composition, functions and duties, and detailed provisions for the divisions to be established by each municipal corporation for different areas of activity.
12. However, the provisions for the democratic election of Councillors and Aldermen remain unchanged except for the extension of the terms from three years to four years. This is achieved by substituting “four years” and “quadrennial period” for “three years” and “triennial period” where they appear in sections 11(4) and 12(5).
13. The 2022 Act contains no provision as to whether these changes are to apply to incumbent Councillors and Aldermen. There are, for example, no transitional provisions.
14. The appellant’s challenge to the Government’s stated position that the amended periods of office applied as from 8 November 2022 to the incumbent Councillors and Aldermen was put on the following bases. First, if that was the effect of bringing the amendments to sections 11 and 12 into force, the amendments contravened entrenched rights to vote under the Constitution, to be derived from the right to join political parties and to express political views under section 4(e). Second, in the alternative, on the proper construction of the 2022 Act, the amendments did not apply to incumbent Councillors and Aldermen. These submissions were fully considered by the Court of Appeal and rejected.
15. While it appears from the judgments in the Court of Appeal that the appellant’s submission based on the Constitution was his primary case, it was presented to the Board as a secondary argument.
16. The Board can deal briefly with the submission based on the Constitution, which must in our view fail.
17. The appellant is right to say that democratic values and the requirement for a representative democracy lie at the heart of the Constitution. The Preamble states:

“Whereas the People of Trinidad and Tobago –

(c) have asserted their belief in a democratic society in which all persons may, to the extent of their capacity, play some part in the institutions of the national life and thus develop and maintain due respect for lawfully constituted authority.”

18. The Constitution contains extensive provisions concerning the establishment, composition, powers and privileges of Parliament and of its constituent parts, the Senate and the House of Representatives, and concerning the constituencies for which representatives are to be elected: see Chapter 4, comprising sections 39 to 73. There are provisions directly addressing the qualification to vote at general elections (section 51), a maximum term of five years for Parliament (section 68), a general election to be held within three months after the dissolution of Parliament (section 69(1)), bye-elections in the event of a vacancy (section 69(3)), and the system of balloting (section 73).

19. The Constitution contains no express reference to democratic participation in local government and no detailed provisions as regards local government similar to those concerning elections for members of the House of Representatives. The Court of Appeal deduced from this that there is no constitutional provision for any particular form of local government nor any constitutional right to participate in elections for local government assemblies, and that accordingly the appellant’s constitutional challenge must fail.

20. It is unnecessary to decide the issue on as fundamental a basis as that adopted by the Court of Appeal and in those circumstances, given in particular the general terms of paragraph (c) of the Preamble, it is in the Board’s view better not to do so. However, on any footing, the absence of any detailed provisions concerning local government elections leads to the inevitable conclusion that a change in the length of the terms of office of incumbent Councillors and Aldermen cannot amount to a contravention of the Constitution. The term for which representatives have been elected is important but an increase by one year in the term of incumbent Councillors and Aldermen does not of itself breach any provision of the Constitution.

21. We turn to the principal issue on the appeal to the Board: whether as a matter of construction, applying relevant principles of construction, the amendments to sections 11 and 12 of the MCA apply to incumbent Councillors and Aldermen at the time that the amendments came into force.

22. The Court of Appeal held that a plain reading of the amended provisions of the MCA revealed Parliament’s intention to alter the terms of office of incumbent

Councillors and Aldermen from three to four years. It held that the language used was clear and unambiguous in revealing this intention. The reasons were as follows. First, section 2 of the 2022 Act expressly provides that the amendments made to the MCA were to come into operation on the date fixed by the President by Proclamation. Secondly, section 11(4), as amended with effect from 8 November 2022, “plainly states that [the] term of office shall be for four years and that Councillors shall retire together on the last day of every quadrennial period” and that “the last day of this quadrennial period is calculated with reference to their first day of holding office, which the section states is deemed to have begun on the day on which they were elected to office” (para 96). The same applied to Aldermen, by virtue of the amendments made to section 12. The court continued at para 97:

“The current officeholders were elected to office on 2 December 2019. The last day of the quadrennial period is 1 December 2019 [*this is clearly intended to be a reference to 1 December 2023*]. Therefore, the next election was to be called within three months of 1 December 2023. When this is considered against the expressly stated intention that the provisions were to come into force on the date of proclamation, and in the context of the statutorily imposed presumption that upon proclamation laws were to be treated as having always existed [section 30 of the Interpretation Act 1962], the answer as to when, and by extension, to whom the amendments applied, is capable of precise calculation and/or determination.”

23. The Court of Appeal added some observations at para 98, of which the third was that “the language of the amended sections 11 and 12 does not suggest that it applies only to persons elected to the office of Councillor in the future”.

24. The Board is unable to share the Court of Appeal’s confidence that a plain reading of the amended sections 11 and 12 applies to incumbent Councillors and Aldermen at the time that the amendments were brought into force. There can be no dispute about the points made in para 96 of the judgment but they do not provide an answer to the question whether the changes from three to four years apply only to Councillors and Aldermen elected in the future or also apply to incumbents at the time that the amendments took effect. The fact that the amendments came into force on the date specified by the Proclamation also provides no answer to that question.

25. Nor does section 30 of the Interpretation Act 1962 supply an answer. Section 30 provides:

“An amendment [of a] written law shall, so far as consistent with the tenor thereof, be construed as part of the written law that it amends, and, without prejudice to section 17(1), has, as from the date on which it comes into operation, effect accordingly for the purposes of the construction and operation of any other written law that refers to, or is incorporated with, the written law that it amends.”

26. The second part of section 30 affects only the construction of other statutory provisions. The Board does not read the first part as having the effect, stated in para 97 of the judgment, of creating a “statutorily imposed presumption that upon proclamation laws were to be treated as having always existed”. This reading amounts to a statutory abolition of the presumption against retrospectivity and would require much clearer language. The first part of section 30 is altogether more modest in scope and says nothing about an amendment’s effect on past events and their continuing impact.

27. The question therefore remains whether the amended sections were intended to apply to incumbent Councillors and Aldermen. In our view, even read on their own, they more naturally read as applying to Councillors and Aldermen elected after the amendments come into force. When the amendments took effect on 8 November 2022, section 11(1) (“Councillors shall be elected by the electors for each Municipality...”) was looking to the future. It is not, as at that time, referring to elections that have already taken place. The same is true of section 11(2), referring to the “number of Councillors to be elected”, and section 11(3), providing that “[o]ne Councillor shall be returned for each electoral district”. It is a natural reading of section 11(4), stating that the “term of office of Councillors shall be four years”, that it too applies to Councillors elected in the future. There is no difficulty in concluding, on the terms of the amended sections, that incumbent Councillors and Aldermen continue to hold office for the terms for which they were elected. Nor is there any difficulty in concluding that section 11(8) (“A person is disqualified from being a Councillor...”), which is not relevantly amended by the 2022 Act, continues to apply to the incumbent Councillors.

28. The Board does not, however, go so far as to say that the Court of Appeal’s reading of the amended sections is not a possible reading. The Board accepts that there is a degree of ambiguity if the focus is solely on the language of the amended sections. That is not, however, the proper approach to their construction, nor to be fair did the Court of Appeal suggest that it was. The court must have regard to the context and purpose of the amendments and to relevant principles and presumptions of statutory construction.

29. It is central to a consideration of the intended application of the amendments to sections 11 and 12 that, if construed to apply to incumbent Councillors and Aldermen, they effected a change to the basis on which those Councillors and Aldermen had been elected.

30. It might be thought unnecessary to state some basic features of a representative democracy but, in view of some of the submissions made to the Board, it is appropriate to do so in this case.

31. The essential characteristic of a representative democracy, whether at a national or local level, is that the representatives are chosen by popular vote. In a modern democracy, such as Trinidad and Tobago, all individuals have the right to participate in the popular vote, subject only to specified conditions and disqualifications. In the case of municipal corporations, the popular vote is direct for the Councillors and indirect, by means of party lists, for Aldermen. It is also an essential element of any democratic form of government, whether at a national or a local level, that the electorate choose their representatives for a limited period. The right to vote out representatives is as important as the right to vote in representatives. At the end of the period for which they were elected, the electorate has the right to decide whether they wish the incumbent representatives to remain in office, assuming they stand for re-election.

32. The rights conferred by a democratic system of government are not only individual rights enjoyed by each person entitled to vote. It is also the right of all members of the relevant community to be governed by representatives chosen democratically, whether or not individually they are entitled to vote or have exercised that right.

33. A democratic society will necessarily engage other rights – freedom of expression and association, for example – but the election of representatives for a fixed or maximum period is the foundation on which it is built.

34. It is inimical to a representative democracy that the representatives are chosen by anyone other than the electorate. It is not for Parliament, still less the Government, to choose the representatives. But, if the amendments to sections 11 and 12 are construed to apply to the incumbent Councillors and Aldermen, the effect will be that they have been chosen as representatives for an additional year, not by the electorate but by the Government, which brought the amendments into force while those Councillors and Aldermen were still in office.

35. Given that the application of the amendments to incumbent Councillors and Aldermen would not alter rights guaranteed by the Constitution, it is clear that it is within the legislative competence of Parliament to make the amendments, if that were their effect.

36. The issue is whether, having regard to the context, sections 11 and 12 as amended by the 2022 Act are to be construed as having that effect. The context is the regulation of the electoral process. As explained above, the respondents' construction involves an interference with the election of representatives for a period limited to three years.

37. The appellant submits that, on a matter of such importance as the democratic basis on which incumbent Councillors and Aldermen have been elected, Parliament must make its intention clear.

38. Before the Court of Appeal, the appellant submitted or characterised this as an appeal to the "principle of legality" but the respondents submitted that it was inapplicable.

39. The "principle of legality" is a term used to describe a principle of statutory construction that, in the absence of clear words, legislation will not be construed as being contrary to fundamental common law rights (see *R (Project for the Registration of Children as British Citizens) v Secretary of State for the Home Department* [2022] UKSC 3, [2023] AC 255 at para 33 (Lord Hodge)) or, as Lord Reed put it in *AXA General Insurance Ltd v HM Advocate* [2011] UKSC 46, [2012] 1 AC 868 at para 152, "Parliament cannot itself override fundamental rights or the rule of law by general or ambiguous words".

40. The right of citizens to vote for Councillors and, indirectly, for Aldermen, indeed the whole democratic structure of local government, is statutory. This is true of all voting rights and democratic processes, at the level of central as well as local government. Voting rights are not a product of the common law: see *Moohan v Lord Advocate* [2014] UKSC 67, [2015] AC 901.

41. It does not, however, follow that, in construing legislation that is said to have an effect which diminishes the rights of the electorate or interferes with the democratic process, the courts will approach issues of construction in a way which is no different from the construction of what might be called ordinary legislation. In view of the fundamental importance of these matters to the workings of a democratic system of

government, at a local as well as a national level, the courts are bound to scrutinise the legislation to discern whether it does indeed have that effect. It cannot be supposed that Parliament can have intended to compromise the electorate's right to choose their representatives without that being clearly the intention of Parliament.

42. The fact that the democratic process, and the voting rights of individuals in that process, are derived solely from statute does not diminish their fundamental importance: see *Hipperson v Newbury District Electoral Registration Officer* [1985] QB 1060 at 1067 (Sir John Donaldson MR), *Watkins v Secretary of State for the Home Department* [2006] UKHL 17, [2006] 2 AC 395 at para 25 (Lord Bingham of Cornhill) and para 61 (Lord Rodger of Earlsferry), *Moohan v Lord Advocate* [2015] AC 901 at para 33 (Lord Hodge). Ambiguities in legislation are resolved in favour of democratic rights: for an old example, see *Piercy v Maclean* (1870) LR 5 CP 252 at 261 (Willes J).

43. While the principle of legality is, strictly speaking applicable only to fundamental common law rights, it does not follow that general or ambiguous words will be a sufficient basis for interfering with the basis on which incumbent representatives were elected. In the Board's judgment, it is the central importance of the statutory regime for democratic government that requires the use of clear language.

44. Although the respondents have submitted that democratic rights, unless embodied in the Constitution, are not of such significance as to attract this approach to construction, this was not accepted, rightly in our view, by the Court of Appeal. In a passage addressing the principle of legality, it was noted at para 75 that counsel for the respondents had not ruled out the applicability of the principle to rights created by statute, but he had submitted that they must be "fundamental to the country's democracy" in the sense of having a mooring in the Constitution. The Court of Appeal rejected this submission at para 76:

"We would nonetheless hesitate to conclude definitively that the principle is inapplicable save and except where expressly stated or implicit constitutional rights are potentially engaged. Our reservations in this case are borne mainly from the fact that we view the scheme of local government as an integral feature of our democracy, even in the absence of a constitutional link. Local government has historically made up one tier of our two-tiered system of governance. As long as it continues to exist, the attendant right to vote in these elections can be viewed as nothing less than basic and important. Given this significance, it is difficult to accept that any potential impairment of the right is excluded from a

higher level of scrutiny on the sole basis that it does not find its expression in the Constitution.”

45. While the need for clarity in a case such as the present may be thought self-evident, it is worth saying that it is the subject matter of legislation that may require clarity, even though the principle of legality is not directly engaged. A person’s right to maintain the confidence of communications with lawyers for the purpose of obtaining legal advice (legal professional privilege) is a common law right that attracts the principle of legality. If the common law right were replaced by a statutory right in similar terms, it cannot be supposed that the need for clarity in a subsequent statutory modification would no longer apply. It is the nature of the subject matter that, as a matter of construction, demands clarity.

46. In the Court of Appeal, as mentioned above, the respondents submitted that the heightened scrutiny associated with the principle of legality is appropriate only where the right in question has “a constitutional mooring”. This submission misunderstood the effect of the scrutiny. The Constitution, and the rights conferred by it, are protected in a number of ways, including sections 2 and 54 and the requirement that an interference with the individual rights set out in section 4 was permissible provided only that it had a legitimate aim and used means that were proportionate to that aim. Unless permitted by the Constitution, legislation that is inconsistent with constitutional rights is void, irrespective of the clarity or otherwise of the terms of the legislation. The principle of legality is very much more modest. It requires only that Parliament should have expressed itself specifically, clearly and unambiguously. Likewise, when considering the effect of legislation such as that amending sections 11 and 12 of the MCA, no more than clarity is required in the way in which Parliament expresses its legislative intention.

47. The need for clarity arises also on the basis of the retrospective effect of the amendments to sections 11 and 12, if interpreted as applying to the incumbent Councillors and Aldermen. As regards the electorate, this is in substance no more than a restatement of the points made above. If the amendments apply to incumbent Councillors and Aldermen, it directly interferes with and undermines the electorate’s decision to elect them for a term of three years.

48. There is a further sense in which the amendments would have retrospective effect. The Councillors and Aldermen stood for election on the basis of a three-year term. If the amendments apply to them, there will be imposed on them an obligation to serve a further period of one year. It may well be that some, perhaps many, of them will welcome a further year in office without the need to submit themselves to the electorate. But, one Councillor gave evidence that he did not wish to do so and it

cannot be assumed that there are not others who are of the same view. This would not cause a problem if they were free to resign. However, under section 25(1) of the MCA, they can do so only on payment of a fine currently fixed at \$4,000 and due to rise to \$10,000. If the amendments were intended to apply to incumbent Councillors and Aldermen, the presumption against retrospective effect would require clear language.

49. In assessing whether the amendments were intended to apply to the incumbent Councillors and Aldermen, it is of course right to consider other provisions in the MCA and the 2022 Act. As already mentioned, there is nothing in the 2022 Act that provides expressly for the amendments to apply to them. It is generally conventional for legislation dealing with the terms on which public offices are held to make clear, if that is the intention, that changes are to apply to current office holders: for a recent example in the United Kingdom, see paragraph 43 of Schedule 1 to the Public Service Pensions and Judicial Offices Act 2022, increasing the retirement age for judicial office holders. On the several occasions on which the terms of incumbent Councillors and Aldermen have been increased, this has been expressly provided in the MCA (sections 11(4B) and (4C) and 273(1A) to (1K)). Section 273(1) expressly extended the term of office of Council members in the pre-MCA local authorities in office on 13 September 1990 “for a period of one year or to such date as the President may specify by Order published in the Gazette, whichever first occurs”.

50. In the Board’s view, all this suggests that the amendments were not intended to apply to the incumbent Councillors and Aldermen. But, perhaps the most powerful indication in the text of the 2022 Act is section 2, giving the President, which in reality means the Government, power to bring the Act (or parts of it) into effect on the date(s) specified by Proclamation. The amendments to sections 11 and 12 can therefore be brought into effect at a time when there are incumbent Councillors and Aldermen or at times after they have vacated office and before elections have been held. If the respondents are right, Parliament has therefore conferred on the Government power to decide whether or not the terms of office of elected representatives should be extended by a year. Counsel for the respondents described this as a “modest” and “relatively anodyne” change. The Board disagrees. The continuation in office of elected representatives for a year, an increase of one-third in their term, without reference to the electorate does not seem to the Board to be modest. If Parliament had intended to give the Government such a power, it is reasonable to expect that it would have done so expressly. The legislation does not do so, nor does it appear that any consideration was given to this possibility in any of the steps which led to the changes made in local government by the 2022 Act.

51. For the reasons given in this judgment, the Board is unable to agree with the Court of Appeal that the amendments to sections 11 and 12 of the MCA, increasing

terms of office from three to four years, applied to the incumbent Councillors and Aldermen. The Board therefore allows the appeal.

LORD BRIGGS (dissenting, with whom Lord Kitchin agrees):

52. I have the misfortune to disagree with the reasoning and decision of the majority in this difficult and urgent case. In my judgment the effect of the amendments to section 11(4) of the MCA which came into force in November 2022 was to extend the term of office of Councillors already in office at that date from three to four years. By the same token the similar amendments to section 12(5) of the MCA had the same effect in relation to Aldermen. The combined knock-on effect of those two changes was to postpone the next local government elections for a year.

53. I wish to make it plain that my different conclusion is not the result of applying different legal principles to this question of construction than those applied and explained by the majority. We agree that those principles include the following, for the reasons given by them. First, nothing in the Constitution of Trinidad and Tobago prevents Parliament altering the term of office of elected local government office holders from that in force at the time of their election, whether by extension or abridgment, or prevents Parliament from thereby altering the periodicity of local government elections. This is so even if the right to vote in local elections is an aspect of the right of free expression of political opinion which is protected in general terms by the Constitution.

54. Secondly, although Parliament has such a power, the alteration of the term of office of an incumbent elected local government office holder from that in force when they were elected is an important matter affecting democratic life in the country. Such a change therefore needs to be articulated in clear terms, either expressly or by necessary implication. The court will not lightly assume that Parliament has done such a thing, if the relevant statutory language admits of an alternative interpretation which does not have that effect.

55. Thirdly however, and subject to the need for clarity, this is a question of statutory interpretation to be resolved on the usual objective basis, that is, divining the meaning of the language used by appropriate reference to its context and purpose. It became common ground during the hearing before the Board that the answer to this question was not illuminated by any *travaux préparatoires* or other extraneous materials.

56. Fourthly, the court should lean against an interpretation which gives legislation retrospective effect, if there is an available alternative interpretation which does not, or which does so to a lesser extent.

57. This appeal does not give rise to any question of construction of the 2022 Act itself. Provision is made by sections 3(c)(iii) and 3(d)(iii) for the insertion of amendments to sections 11 and 12 of the MCA, and they have no meaning of their own outside the context of the provisions of the MCA which they amend. It is common ground that by the combined effect of section 2 of the 2022 Act read with section 5(2) of the Statutes Act 1962, Parliament conferred power on the President (acting on the advice of Cabinet) to bring single provisions into force on different dates. There is thus no challenge to the legitimacy of the bringing into force of the provisions (which amend sections 11 and 12 of the MCA) so as to replace three year terms with four year terms for Councillors and Aldermen in November 2022, shortly before the then expected local government elections, separately from the rest of the reforms to local government contained in the 2022 Act.

58. The precise question which the Board is called upon to answer also became common ground. It arises mainly from section 11(4) of the MCA which (as amended in November 2022) now reads as follows:

“The term of office of Councillors shall be four years, and they shall retire together on the last day of every quadrennial period, the first of which shall be deemed to have begun on the day on which the Councillors were elected to office.”

The question which arises from that amended form of words is whether the subsection does or does not apply to Councillors who were in office in November 2022 when the amendment (substituting four rather than three years and a quadrennial rather than triennial period) came into force. I will call them incumbent Councillors. It is common ground that, if it does apply to incumbent Councillors, then their term of office is extended for a year beyond the three year term in force at the time of their election or, to use the language of the majority, the term for which they were elected. A similar question arises in relation to Aldermen under section 12(5), but it is not suggested that it yields to any different analysis than does section 11(4).

59. My reasons for answering that question in the affirmative may be summarised as follows:

- 1) The plain language of section 11(4) of the MCA, read on its own and in its context as part of section 11, uses "Councillors" as including incumbents. Both its language and its functional purpose apply to incumbents, for whom election is a past event.
- 2) If "Councillors" were to mean only those to be elected at the next election, there would be no statutory provision in the Act at all specifying the term of office of incumbent Councillors. That is a strange vacuum which construction should if possible avoid.
- 3) At all times prior to November 2022 section 11(4) applied, and was clearly understood by Parliament as applying, to incumbent Councillors. By no sensible process of construction can the simple change from three to four (or triennial to quadrennial) effect such a radical change to the scope of the subsection as a whole, as would be achieved by limiting it to future Councillors upon election.
- 4) Even on the interpretation of the majority section 11(4) will apply to incumbent Councillors after the next local government election.
- 5) Thus, the interpretation of the majority has the effect of treating section 11(4) as having one meaning (in terms of its scope) for the whole of its life from October 1991 when it originally came into force until November 2022, and after the next election into the indefinite future (subject to any further amendment), but a very different and much narrower scope during the short period between November 2022 and the next local government elections. That would be a transitional meaning. But it is common ground that section 11(4) is not on its face a transitional provision, and the construction of the majority would treat it as subject to an essentially transitional special meaning purely by implication.
- 6) There is no basis for reading the MCA as a whole as a hostile environment for the extension of the terms of office of elected local government officers beyond that in force when they were elected. On the contrary, Parliament has done so by amendment of this very Act on numerous occasions during its life to date.
- 7) Since the plain purpose of Parliament was to extend the term of office of Councillors and Aldermen from three years to four years, and the periodicity of

local government elections from three to four years, the interpretation of section 11(4) which includes incumbent Councillors within its scope (and of section 12(5) in relation to Aldermen) enables government to implement that change sooner than under the interpretation of the majority, and thereby more quickly to give effect to that purpose.

8) The construction of section 11(4) which applies it to incumbent Councillors does not truly have retrospective effect.

9) Accordingly, section 11(4) expresses the necessary clarity of intention by its express words, and the alternative interpretation faces obstacles which, in respectful disagreement with the majority, stand in the way of it being reasonably available.

I will take those points in turn.

60. Speaking generally, section 11 of the MCA does not make consistent use of the word "Councillors" either as always including or always excluding incumbents. Subsections (1), (2) and (3) are expressly about elections, and about Councillors to be elected at such elections. They have no application to incumbents, save only in the pure happenstance that a person wishing to stand for election happens already to be an incumbent. But their status as incumbents is not why subsections (1) to (3) apply to them.

61. Subsection (8) is by contrast plainly about incumbents. This is because it deals with disqualification from "being" i.e. serving as a Councillor, not just about disqualification from standing for election. Working backwards, subsection (7) makes no mention of Councillors, but subsection (6) plainly applies both to incumbents and those seeking election. This is because the words "and is qualified to continue to be a Councillor" in the opening sentence can only mean while an incumbent.

62. Subsection (5) is, like subsection (4), about a Councillor's statutory term of office. It plainly applies to a particular class of incumbent, namely a "Councillor who has been elected to fill a vacancy". Its purpose is to prescribe (by a formula) the date when such a Councillor shall cease to hold office, i.e. shall retire.

63. Subsections (4A), (4B) and (4C) each refer to Councillors as part of the phrase "the expiry of the term[s] of office of the...Councillors". Their purpose is to set a deadline by when there must be a further election of Councillors under subsection (1),

but the reference to Councillors in each of them is necessarily to incumbent Councillors. Otherwise the formulae for identifying those deadlines would not work.

64. Subsection (4A) is now (although not a part of the MCA in its original form) the primary provision regulating the date by which elections of Councillors must be held. Subsections (4B) and (4C) may be described as transitional or temporary provisions, since they make different short-term provision from subsection (4A) for the holding of elections in two particular past years. They are now spent, in terms of having any statutory force but, like others to which I shall have to refer in due course, they remained embedded in the MCA as a visible part of its history by the time when section 11(4) was amended in November 2022.

65. This perhaps discursive trawl through the rest of section 11 apart from subsection (4) serves two purposes. First it sets subsection (4) in its immediate context. Secondly it shows how, by close attention to the language and functional purpose of each subsection it is possible to discern whether references to Councillors include references to incumbents.

66. Applying those tools of construction to subsection (4) clearly leads in my opinion to the conclusion that it includes incumbents. I would be disposed to accept that, if the first phrase "The term of office of Councillors shall be four years" had stood alone, it would not be easy to decide whether this was providing simply the term for which they were to be elected, or for their statutory term of office once elected. If it had said "The term of office for which Councillors shall be elected shall be four years" then the former of those meanings would have been indicated, putting this early part of subsection (4) in line with the references to Councillors in subsections (1) to (3), and thereby not referring to incumbents. But the language actually used in the first phrase may be said to be neutral.

67. But the rest of subsection (4) expressly provides the required clarity. It continues: "and they shall retire together on the last day of every quadrennial period, the first of which shall be deemed to have begun on the day on which the Councillors were elected to office." The first point to note is that "they" clearly refers to "Councillors" in the opening phrase, so that if "they" must be incumbents, so must the "Councillors" in the opening phrase. Secondly the purpose of the remainder of the subsection is precisely to define (with some help from section 2(2)), when their periods of office are to finish. It is about when they are to leave office, described by reference to retirement, and by use of a formula (the last day of a quadrennial period after their election), both of which assume that they have already been elected. In short their election is treated as a past event, both expressly ("day on which the Councillors were elected") and as a necessary inference for the formula to work. This is in my view as

clear an express reference to incumbent Councillors as in any of the other subsections which follow.

68. The next point (no. 2 in my summary), that if section 11(4) does not apply to incumbents, then there is nothing in the Act which prescribes their term of office and when they are to retire, was made by a member of the Board during argument. In my view it received no satisfactory answer. Following November 2022 when the amendments to sections 11 and 12 came into force, there is only a provision for a four year term, which either does or does not apply to incumbents. There is no provision there or anywhere else that for incumbents as at the date of commencement of the amendments the now repealed three year term in the old section 11(4) is to continue to apply.

69. Nor is there any provision, if subsection (4) does not apply to incumbents, by reference to which the deadline for the next election is to be calculated. Section 11 (4A) provides a deadline for election of three months from "the expiry of the term of office of the ...Councillors and Aldermen comprising the Council". That must (for reasons already given) mean the term of office of the incumbent Councillors. If section 11(4) does not apply to incumbent Councillors, then what is their term of office? There is nothing in the MCA which says that, if there is a lacuna in the statutory provision of a term of office, it is to be deemed to be the term of office for which the incumbent Councillors were elected, under the Act as it then stood. On the contrary, a reasonable reader of section 11(4A) would think that the term of office of the incumbent Councillors being referred to would be the term specified in section 11(4).

70. It is in my view nothing to the point that there may have been an expectation in Trinidad and Tobago prior to the proclamation of the amendments to sections 11 and 12 in November 2022 that there were going to be local government elections in early 2023. But for the amendments, there would have been such elections, because that was what the MCA clearly then prescribed. But that prescription was not preserved by any transitional provisions when section 11(4) was amended, to the effect that, despite the amendments, incumbent Councillors would continue to serve only a three year term, with elections shortly thereafter. As I shall shortly explain, my principal objection to the construction adopted by the majority is that this is precisely what they are seeking to conjure up from a silent void.

71. I have thus far been seeking to construe section 11(4) in its current amended form. It is now necessary to consider what Parliament itself must be assumed to have thought was the scope of section 11(4) in its original (three year) form when they set about to amend it. Of course, all the points thus far made about the language of section 11(4) in its current form apply with equal force to its three year predecessor.

Furthermore, the main reasons why the majority would construe section 11(4) in its current form so as to exclude incumbents do not apply to the same subsection in its three year form. This is because it is precisely the change from three to four years as the term, by way of a non-democratic extension (using their language) of the term for which the incumbents were elected, that is said to call for clear express words, which they conclude are absent. I do not understand that the majority would take issue with my view that the three year version of section 11(4) did apply to incumbent Councillors.

72. But it is also clear from the express terms of other amendments and additions to the Act made when section 11(4) was in its three year form that Parliament must be taken to have understood that it applied to incumbent Councillors. They are to be found in section 273, which contains a miscellany of (now spent) transitional provisions. The first is section 273(1D). It provided for a continuation in office of Councillors for twelve months from the date of the expiry of their existing office, solely for the purposes of the elections due in 2006. It did so "Notwithstanding section 11(4) and (4A)..." The Councillors whose terms were thereby extended were all incumbent as at the date when section 273(1D) came into force. The express overriding of section 11(4) only makes sense on the basis that Parliament then thought that it applied to incumbents, and then specified a three year term of office which Parliament wished to extend. Secondly, in section 273(1J) exactly the same provision was made in relation to the elections due in 2009, with the same overriding of section 11(4) and (4A).

73. The question then arises whether it is reasonable to suppose that Parliament, being of the view that section 11(4) applied to incumbent Councillors, but wishing (on the majority's view) to carve out from its usual effect all Councillors incumbent as at the date of coming into force of the four year amendments, would have done so simply by changing three to four and triennial to quadrennial. Those numerical changes affect only the consequences of the subsection on those within its scope. They say nothing at all about what that scope is and leave its application to incumbents apparently entirely unaffected. It seems to me that, objectively speaking, Parliament cannot have so intended.

74. To complete the picture of the scope of section 11(4) over time, it is no part of the reasoning of the majority that section 11(4) should be interpreted as permanently altered in November 2022 so as to be inapplicable, ever again, to incumbent Councillors. On the contrary, the appellant's case, and the majority's reasoning, is only that its effect on incumbent Councillors should be interpreted as suspended, until the holding of the next local government elections, in 2023. It is conceded that it now applies to prospective councillors, so that their terms of office, once elected, should be four rather than three years. Following the election, they would be the incumbent

Councillors, serving for four years pursuant to the amended section 11(4). And on the majority's construction the reacquisition by section 11(4) of its previous effect upon incumbents would happen, at the next election, without any change of its wording at all.

75. Standing back, the interpretation of the scope of section 11(4) over time which has persuaded the majority is this. From the inception of the Act until November 2022 it applied to incumbents, mainly because its three year term was consistent with the understanding by incumbent Councillors and their electorate upon the basis of which they had been elected. From November 2022 until the holding of elections in 2023 it has no application to incumbents. Then from that election it applies again, for the indefinite future (until further amended) to all those who are incumbents thereafter. The first of those changes in scope is effected simply by the change from three to four years. The second is effected without any change in the language at all.

76. In my respectful view that interpretation faces a number of steep hurdles beyond those already identified which are, at least in the aggregate, insuperable. First, the reasoning that section 11(4) suffers a very large diminution in its scope, for a very short period, before reverting, with no further amendment, to its original scope, in effect erects a transitional provision as a way of construing a section which, even as amended, is of indefinite rather than transitional effect. Those responsible for giving effect to the wish of Parliament that there be temporary or transitional provisions by way of departure from the permanent provisions of this Act were well capable of doing so by conventional and clear means, as is illustrated by section 11 (4B) and (4C) and by the lengthy series in section 273.

77. Secondly, there is simply no language or text which even hints at such a temporary or transitional provision. The only amendment of section 11(4) is an alteration of its effect upon those within its scope, not an alteration of scope itself, let alone the dramatic reduction of scope which would be achieved by excluding all incumbent Councillors. It would be a large (albeit short term) derogation from the plain meaning of section 11(4) even in its amended form, arrived at not by suitable words but purely by implication.

78. Thirdly, the effect of suspending the operation of section 11(4) upon incumbent Councillors from the date of Proclamation until the next election would run directly counter to Parliament's decision to confer upon the Government (the President upon the advice of Cabinet) the right to decide when the three to four year amendments should be brought into force. That may sound a relatively modest postponement when measured from November 2022 to early 2023. But suppose that the same amendments were proclaimed one month after the next elections in, say, 2023. They

would in effect be suspended in their effect upon the timing of local elections for almost six years, because the date of the 2026 elections would be unaffected, and the first relevant consequence would be to extend the 2029 elections to 2030.

79. At the heart of the reasoning of the majority is the proposition that to extend the term of office of Councillors and Aldermen beyond that for which it may be said that they have been elected, and to give the timing of the change to the Government, is such an inroad into democracy that it should only be concluded that Parliament really intended to do it by the use of the clearest language. I recognise that there is some element of an inroad into the democratic process, particularly in the sense that Councillors and Aldermen are thereby required to serve an extra year beyond that for which it may be said that they volunteered, and are only able to avoid that additional burden by resigning on terms involving the payment of a civil penalty. But Parliament has legislated for so many such extensions during the relatively short life of this Act, that doing it again at the outset of a permanent change from three to four years' service can hardly be described as surprising. It only requires an inspection of section 273 to see that it was done for four consecutive years in a row, namely 2006, 2007, 2008 and 2009. It was also done in substance in 1990, 1995 and 2002, under the cloak of making them members of an advisory committee on the same terms and conditions as they enjoyed as Councillors and Aldermen. All those extensions were made against the background of the general retention of a three year cycle. It strikes me as considerably less of an inroad into democracy to provide for a one year extension of service of current Councillors and Aldermen against the backdrop of the introduction of a permanent change to a four year cycle.

80. Further the notion that this extension of the service of incumbent Councillors and Aldermen is an inroad into democracy has to be seen against the facts that Parliament is a superior democratically elected institution in its own right, with a longer five year cycle of renewal by election, and that the Government to which Parliament entrusted the fine tuning of the timing of the change is itself a democratically elected body, accountable to the people through Parliament.

81. The relevance of this point is that, although I acknowledge that any legislative alteration in the term of service of elected officers is an important matter which calls for careful scrutiny, the context in which the change implemented in November 2022 happened was one of a background of repeated changes of a similar type, and was in fulfilment of a permanent rather than merely temporary change from a three year to a four year cycle, as part of a planned reform of local government by Parliament, the democratic body charged with that responsibility.

82. It cannot I think be doubted that the interpretation of section 11(4) (as amended) in November adopted by the Court of Appeal better enables the Government to proceed by Proclamation to a speedy implementation of the overall move to a four year cycle upon which Parliament had resolved than that favoured by the majority, as is demonstrated both by what has happened (proclamation before the 2023 election) and by the example given at the end of paragraph 78 above.

83. The appellant places significant weight upon the supposed retrospectivity inherent in the Court of Appeal's interpretation. The submission appears to be that a change to four years' service for Councillors and Aldermen elected to serve for only three years somehow revisited that election and changed its effect retrospectively. I respectfully disagree. The effect of the election of the incumbent Councillors and Aldermen was to put them in office for a statutory period specified in the MCA from time to time. That period was, like any other provision in the MCA, liable to be varied by Parliament, and it could be either lengthened or shortened at any time thereafter. The incumbent Councillors and Aldermen had no vested right based on their election either to serve the then full term or to retire at the end of the three years in force at the time of the election. The MCA contained other provisions (such as qualification and disqualification) which might shorten that period, and the three year period in force under section 11(4) at the time of their election had frequently been extended in the past. The historic fact of those extensions remained recorded in the MCA itself, and was in any event probably a well-known aspect of local electoral history accessible to any aspiring Councillor or Alderman. The only practical effect of the amendment proclaimed in November 2022 was prospective: namely that at the conclusion of the previously three year term at the end of 2022 they would remain in office for another year. Accordingly, there was nothing truly retrospective about the November 2022 amendment, as construed by the Court of Appeal, that needed to be scrutinised and subjected to any kind of clear words test.

84. It was also submitted for the appellant that sections 11(4) and 12(5) lacked sufficiently clear words to apply to incumbent Councillors and Aldermen and thereby extend their terms of office when compared with the language of the provisions which brought about such extensions earlier in the history of the MCA. It is certainly true that sections 273(1D) to (1K) do prescribe extensions of office in very clear terms, which may be said to be even clearer than the extensions which I consider were wrought by sections 11(4) and 12(5). Sections 273(1D) to (1K) are, as I have already said, transitional or temporary provisions. But the comparison between them and sections 11 and 12 as amended does not in my view serve the appellant's forensic purpose. The reason why sections 273(1D) to (1K) have to be in such precise terms is because they bring about temporary departures from the continuing three year terms at that time still provided by sections 11(4) and 12(5). The same may be said of the temporary effect of section 11(4B) and (4C) upon section 11(4A). In sharp contrast the

amendments to sections 11(4) and 12(5) bring about permanent alterations in the duration of the terms of service. They do not need to be in precise terms as to date because there is nothing anywhere else in the MCA in contradiction with them.

Annex K


Survey Judicial Review for Time Taken by the Supreme Court in 2023

S/N CASE	REFERENCE	DECISION DATE	LEAVE DATE	leave/revier	JUDGMENT	DELAY YEARS
1 THE MAHATMA GANDHI INSTITUTE	2023 SCJ 231	21-Aug-19	28-Aug-19	Review	09-Jun-23	3.8
3 v THE PUBLIC SERVICE	2023 SCJ 169	13-Aug-21		leave	09-May-23	1.74
4 TEYLION TELECOM & ORSDIRECTOR	2023 SCJ 151	27-Jun-16	16/02/17	Review	19-Apr-23	6.81
5 APPA JALA N v THE HONOURABLE CHIEF	2023 SCI 132	22/3/2019		leave	21-Mar-23	4
6 BODIES APPEAL TRIBUNAL & ORS.	2023 SCJ 111	21-Nov-16	28-Jan-19	Review	14-Mar-23	6.31
7 OMBUDSPERSON FOR FINANCIAL	2023 SCJ 98	31-Jan-22		leave	08-Mar-23	1.1
8 COMMISSION v THE PUBLIC	2023 SCJ 96	28-Jan-20	24-Feb-20		07-Mar-23	3.11
9 TOURISM AUTHORITY	2023 SCJ 70	26-Sep-18		leave	16-Feb-23	4.39
10 SOCIETE COLINLOC v THE TOURISM	2023SCJ 71	23-May-18		leave	16-Feb-23	4.74
11 COMMISSISON AGAINST	2023 SCJ 53	06-Jul-15	22-Jun-17	Still pending	09-Feb-23	7.6
12 REVENUE AUTHORITY	2023 SCJ 22	30-Jun-12		Review	20-Jan-23	10.56
13 LTDV THE ECONOMIC	2023 SCJ 17	27-Aug-21		Leave	18-Jan-23	1.39
14 LABOUR WELFARE FUND & ANOR	2023 SCJ 2	04-Jan-22		Leave	09-Jan-23	1.01

IN THE SUPREME COURT OF MAURITIUS

In the matter of:

1. **Nandcoomar Bodha**, a Member of the National Assembly, residing at Solferino No. 2 Vacoas
2. **Maynanda Rajaratnam**, a small entrepreneur and former councillor, residing at Impasse Cantin, Vacoas
- Vir Abhi Manuyu Trilochun**, self-employed, a registered voter for the Municipal Council of Vacoas Phoenix residing at Solferino No. 2 Vacoas

APPLICANTS

v.

The Prime Minister, service to be effected at Old Treasury Building, Port Louis

RESPONDENT

And in the matter of :

EXPARTE

1. **Nandcoomar Bodha**, a Member of the National Assembly, residing at Solferino No. 2 Vacoas
2. **Maynanda Rajaratnam**, a small entrepreneur and former councillor, residing at Impasse Cantin, Vacoas
3. **Vir Abhi Manuyu Trilochun**, self-employed, a registered voter for the Municipal Council of Vacoas Phoenix residing at Solferino No. 2 Vacoas

APPLICANTS

STATEMENT OF CASE

NAME, ADDRESS AND DESCRIPTION OF THE APPLICANTS

1. **Nandcoomar Bodha**, a Member of the National Assembly, residing at Solferino No. 2 Vacoas
2. **Maynanda Rajaratnam**, a small entrepreneur and former councillor, residing at Impasse Cantin, Vacoas

Ms. De Kaviraj Bokhoree
Attorney-at-Law / Avoué
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608 Saint Denis St, Port Louis
Tel: 213 5034 / 212 9451
Fax: 212 9452 3
Email: kbchambers@live.com

3. Vir Abhi Manuyu Trilochun, self-employed, a registered voter for the Municipal Council of Vacoas Phoenix residing at Solferino No. 2 Vacoas

ALL the Applicants are registered voters for the Local General Elections of the Municipal Council of Vacoas Phoenix. Applicant No.1 is the leader of a political party intending to field candidates in the next said elections. Applicant No. 2 was an elected candidate for the 2015 Municipal Elections of Vacoas/Phoenix. Applicant No.3 is a registered voter.

NAME, ADDRESS AND DESCRIPTION OF THE RESPONDENTS

4. The Respondent is the Prime Minister of Mauritius and was appointed by the President of the Republic of Mauritius pursuant to Section 59 of the Constitution. Service is to effected at Old Treasury Building, Port Louis.

RELIEF SOUGHT

5. The Applicants pray to this above Honourable Court:

(A) For an Order granting us LEAVE to apply for JUDICIAL REVIEW against the decision of the Respondent to advise the President to *further extend* the life of the Municipal City Council and Municipal Town Councils by 2 years with effect from 13 June 2023

(B) In the event LEAVE FOR JUDICIAL REVIEW is granted,

- (i) For a procedural Order setting out a calendar for the matter to be heard by the Supreme Court within a delay of 3 months as a matter of urgency;
- (ii) for a MANDATORY ORDER ordering the Respondent to advise the President of the Republic of Mauritius to issue writs of election within 60 days of the present Court Order, in line with Section 11 of the Local Government Act, and the said elections to take place according to law;
- (iii) for a DECLARATION declaring that the advice given to the President to further extend the life of the Municipal City Council and Municipal Town Councils is against the Rule of Law and/or unlawful and/or procedurally improper and/or irrational and/or arbitrary and/or unfair and/or made without purpose and/or unreasonable in the Wednesbury sense, thus void for all intents and purposes,
- (iv) An order Declaring the Respondent has broken his Oath of Allegiance taken by him before acceding to the position of Prime Minister.

(v) and /or such Other Order/s as the above Honourable Court may deem fit in the present circumstances.

(C) Such Other Order/s as the above Honourable Court may deem fit.

GROUNDS IN RESPECT OF THE APPLICATION

The grounds upon which the said relief sought are set out in the affidavit solemnly affirmed by the Applicants and which is annexed to the Motion Paper, and which are in essence the following:-

- (A) the impugned decision is ultra vires, illegal and tainted with procedural impropriety in much as it relies upon the existence of an "extended life" of the Councils which did not even exist at the material time.
- (B) the Respondent failed to adhere to the principles of the rule of law when it purportedly decided to "further extend" the life of the Councils, inasmuch as :
 - (i) the decision making process is unclear and lacks transparency
 - (ii) the impugned decision rested solely and entirely on the discretion of the Respondent and has been exercised in a way which is unfair, arbitrary, irrational, without purpose and Wednesbury unreasonable. It further removed the possibility of review and examination by the Courts of the legality and correctness of the such impugned decision.
 - (iii) the impugned decision is further unfair, arbitrary and irrational as it does not apply equally to all
 - (iv) the impugned decision denies us the protection of our fundamental human rights and is further inconsistent with national and international laws
- (C) the impugned decision has thwarted our legitimate expectation to vote and/or stand as candidate at the elections of the Councils which were reasonably expected to take place this year.

Under all legal reservations.

Dated at Port Louis, this 16th day of June 2023.


K. Bokhoree

Of Ground Floor, St James Court, St Denis Street, Port-Louis
Applicants' Attorney, instructing Counsel Mr. S. K. Trilochun