



LAW REFORM COMMISSION

**2024-2025 Program of
Review, Reform and Development of the Law**

(Under section 4(3) of the Law Reform Commission Act)

[July 2024]

**13th Floor, SICOM Building II
Reverend Jean Lebrun Street
Port Louis, Republic of Mauritius
Tel: (230) 212-3816/212-4102
Fax: (230) 212-2132
E-Mail: lrc@govmu.org
URL <http://lrc.govmu.org>**



About the Commission

THE LAW REFORM COMMISSION OF MAURITIUS consists of –

- (a) a Chairperson, appointed by the Attorney-General;
- (b) a representative of the Judiciary appointed by the Chief Justice;
- (c) the Solicitor-General or his representative;
- (d) the Director of Public Prosecutions or his representative;
- (e) a barrister, appointed by the Attorney-General after consultation with the Mauritius Bar Council;
- (f) an attorney, appointed by the Attorney-General after consultation with the Mauritius Law Society;
- (g) a notary, appointed by the Attorney-General after consultation with the Chambre des Notaires;
- (h) a full-time member of the Department of Law of the University of Mauritius, appointed by the Attorney-General after consultation with the Vice-Chancellor of the University of Mauritius; and
- (i) two members of the civil society, appointed by the Attorney-General.

Under the direction of the Chairperson, the Chief Executive Officer is responsible for all research to be done by the Commission in the discharge of its functions, for the drafting of all reports to be made by the Commission and, generally, for the day-to-day supervision of the staff and work of the Commission.

The Secretary to the Commission is responsible for taking the minutes of all the proceedings of the Commission and is also responsible, under the supervision of the Chief Executive Officer, for the administration of the Commission.

The Commission may appoint staff on such terms and conditions as it may determine and it may resort to the services of persons with suitable qualifications and experience as consultants to the Commission.

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- Chairperson** : Mr. Guinness RAMDEWAR, SA, OSK, GOSK [Attorney]
- Chief Executive Officer** : Mr. Sabir KADEL
- Members** : Representative of Judiciary
[Judge Nicholas F. OH SAN-BELLEPEAU]
Solicitor-General or his Representative
[Mr. Rajeshsharma RAMLOLL, SC]
Director of Public Prosecutions or his Representative
[Mr. Abdool Rashid AHMINE]
Mr. Yatindra Nath VARMA [Barrister]
Mr. Marie Thierry Vincent KOENIG, S.A. [Attorney]
Mr. Nicolas BOULLÉ [Notary]
Mr. Mohamed Idbal TORABALLY [Member of Civil society]
Ms. Ashna Devi GUNPUTH [Member of Civil society]
- Secretary** : Mrs. Saroj BUNDHUN

Staff & Human Resource

Chief Executive Officer : Mr. Sabir M. KADEL

Law Reform Cadre

Law Reform Officer/Senior Law Reform Officer : Ms. Dhan Devi SOOKUR
Mrs. Nishita Devi HORILL – GOPAUL
Ms. Beebee Nawsheen Shaseeb MUNGUR
Mr. Ghirish RAMSAWOCK

Law Reform Intern (Under STM) : Ms. Hooriyyah Banu RUJUB

Administrative Support Staff

Secretary to Commission : Mrs. Saroj BUNDHUN

Office Superintendent : Mrs. Marie Roseliette SOOBRAMANIA

Office Management Assistant : Mrs. Neelamani BANSRAM
: Mrs. Kajal RAMDUT

Senior Office Attendant/Technical Assistant : Mr. Subhas CHUMMUN

Driver/Office Attendant : Mr. Naraindranathsingh JANKEE
: Mr. Chundunsingh BOODOO

Explanatory Note

Pursuant to section 4(3) of the Law Reform Commission Act, the Commission has elaborated, and is submitting to the Hon. Attorney-General, its 2024-2025 Annual Program for the review of specific aspects of the laws of Mauritius with a view to their reform and/or development.

In preparing this program, the Commission has been guided by its strategic objectives, which are to ensure our laws are responsive to the needs of society in the light of the exigencies of globalisation, are in conformity with our international obligations and reflect best international practices.

For the 2024-2025 term, the Mauritius Law Reform Commission will direct its efforts towards several critical areas, reflecting a broad and multifaceted agenda designed to ensure that the legal framework in Mauritius is both comprehensive and contemporary.

Firstly, a significant portion of our focus will be dedicated to **Human Rights Standards and International Obligations**. This initiative aims to scrutinise and align national laws with international human rights conventions and treaties to which Mauritius is a signatory. Ensuring that our legal system upholds the highest standards of human rights is paramount, not only to fulfil our international commitments but also to safeguard the dignity and freedoms of every individual within our jurisdiction.

Secondly, the Commission will rigorously examine the **Compliance of Laws with the Constitution**. This review is essential to identify and amend any statutory provisions that may conflict with the constitutional rights of citizens. A meticulous constitutional compliance audit will help fortify the legal foundations of Mauritius, ensuring that all legislative instruments are congruent with the supreme law of the land.

In the realm of the **Criminal Justice System**, our work will encompass a thorough assessment of **Criminal Offences**, as well as Criminal Evidential and Procedural Rules. This comprehensive review aims to modernise the criminal code, streamline procedural norms, and enhance the efficacy and fairness of criminal prosecutions. By addressing outdated provisions and introducing reforms based on comparative law studies and best practices, we seek to bolster the integrity and efficiency of our criminal justice system.

Additionally, the Commission will undertake an extensive review of the **Code Civil Mauricien** and other related legislation. This endeavour will involve a critical analysis of existing civil law provisions, with the objective of harmonising and updating the civil code to reflect contemporary societal needs and values. Particular attention will be given to areas such as family law, succession, contracts, and obligations, ensuring that the civil legal framework remains robust and relevant.

Our agenda will also include a focus on the **Legal Framework for Business**. In recognition of the pivotal role that a clear and efficient legal environment plays in fostering economic growth, we will examine laws governing commerce, corporate governance, and financial regulations. The

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aim is to create a more conducive legal environment for business operations, which in turn will attract investment and stimulate economic development.

Finally, **Environmental Law** will be a key area of our focus. Given the pressing global environmental challenges, it is imperative that Mauritius strengthens its legal mechanisms for environmental protection and sustainable development. This will involve reviewing and updating existing environmental laws, enhancing regulatory frameworks, and ensuring compliance with international environmental standards and obligations.

In summation, the Mauritius Law Reform Commission's agenda for 2024-2025 is ambitious and comprehensive, targeting critical areas of human rights, constitutional law, criminal justice, civil law, business law, and environmental protection. Through these focused efforts, we aim to ensure that the legal system of Mauritius is just, equitable, and capable of meeting the challenges of the modern world.

In addition to the international and comparative approach for benchmarking of laws, laws reviewed will also be examined from an empirical perspective by having recourse to surveys and questionnaires, and the laws reviewed will, moreover, be looked at from an economic and sociological perspective. The Commission may have recourse to Advisory Panels for interaction with stakeholders and shall also use other innovative techniques for consultation.

The following Outcomes are expected:

- (a) More accessible and user-friendly legislation that enhances public awareness, confidence and understanding of the law;
- (b) Higher quality legislation that facilitates underlying policy objectives, which meets society's contemporary needs and reflects its diverse values;
- (c) Constitutionally appropriate and consistent law that acknowledges the international human rights instruments and other treaties to which Mauritius is a party; and
- (d) The development of a legal environment that reflects the increasingly international nature of law and co-operation between legal systems.