



# **LAW REFORM COMMISSION**

**2025-2026 Program of  
Review, Reform and Development of the Law**

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

**[July 2025]**

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## 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.

# LAW REFORM COMMISSION

**Chairperson** : Mrs. Yanilla MOONSHIRAM, SC [Barrister]

**Chief Executive Officer** : Mr. Sabir M. 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, SC]

Mr. Anwar MOOLLAN, SC [Barrister]

Mr. Bernard D'HOTMAN DE VILLIERS [Notary]

Mr. André ROBERT, SA [Attorney]

Dr. Roopanand MAHADEW [Law Academic (UOM)]

Mr. Percy YIP TONG [Member of Civil society]

Ms. Nirmaladevi Marutha MUTHU [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 Roselilette 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. Ritesh JEEBUN

## **Explanatory Note**

Pursuant to section 4(3) of the *Law Reform Commission Act*, the Commission has the honour to submit to the Honourable Attorney-General its Annual Programme for the legal year **2025–2026**, outlining the areas of law identified for review, reform and/or development.

In formulating this programme, the Commission has remained steadfast in its commitment to its strategic mandate: to ensure that the legal system of Mauritius is not only attuned to the evolving needs of its society but also aligned with the exigencies of globalisation, our international and regional obligations, and the dynamic evolution of best international practices. The Commission continues to act as a conduit between tradition and transformation, drawing from comparative legal models while remaining grounded in the constitutional and social realities of the Republic of Mauritius.

For the 2025–2026 term, the Commission will pursue a **broad, rigorous and future-focused agenda**, targeting key thematic areas that are critical for the strengthening of the rule of law and the resilience of our democratic institutions.

### **1. Human Rights Standards and International Obligations**

The Commission will devote substantial attention to ensuring that Mauritian legislation is compatible with its obligations under international human rights conventions. This review is not merely a matter of treaty compliance but is a reaffirmation of our national ethos - namely, that law must serve as the vigilant guardian of human dignity, freedom, and equality. A legal framework that is at variance with fundamental human rights principles undermines not only our international standing but the trust of our citizenry in the justice system.

### **2. Constitutional Conformity of Legislation**

The principle of constitutional supremacy demands that every statute be subject to close scrutiny. In this spirit, the Commission will embark on a **constitutional compliance audit** of legislative provisions that may be outdated, inconsistent, or incompatible with the fundamental rights and guarantees enshrined in our Constitution. This exercise will further consolidate legal certainty, legislative coherence, and institutional accountability.

### **3. Criminal Justice System Reform**

A comprehensive review of the Criminal Code, together with evidential and procedural laws, will be undertaken with a view to modernising our criminal justice system. The Commission will focus particularly on the classification and definition of offences, the admissibility of digital

evidence, the protection of victims, and the streamlining of criminal procedure. Emphasis will also be placed on comparative law, ensuring that reforms draw inspiration from jurisdictions with exemplary systems of procedural fairness and efficiency.

#### **4. Reform of the Civil Code and Related Legislation**

As part of its ongoing work, the Commission will pursue its systematic review of the *Code Civil Mauricien* and related legislation. This initiative aims to consolidate and modernise key aspects of civil law - especially in the fields of family law, successions, obligations, and contracts - while preserving the underlying doctrinal coherence and integrity of our civilist tradition. Where appropriate, the Commission may also draw upon the experience of the recent French reform of the *droit des obligations*, as well as developments in other mixed legal systems.

#### **5. Legal Framework for Business and Investment**

Recognising the pivotal role of law in economic development, the Commission will undertake a review of legislation affecting commercial transactions, corporate governance, and financial services. The objective is to foster legal certainty, reduce regulatory burdens, and enhance the attractiveness of Mauritius as an international business and investment hub. Special emphasis will be placed on removing ambiguities, simplifying processes, and ensuring compatibility with international commercial standards.

#### **6. Environmental Law and Intergenerational Justice**

In a context of escalating ecological crises, environmental law reform is no longer optional, it is imperative. The Commission will therefore continue to work on strengthening the legal mechanisms for environmental protection and sustainable development. This includes reinforcing the regulatory framework governing natural resources, pollution control, biodiversity, and climate resilience. Furthermore, building on its recent Discussion Paper entitled “*Securing Tomorrow: A Proposal for Intergenerational Justice in Mauritius*” [LRC\_R&P 192, July 2025], the Commission will explore normative avenues for institutionalising intergenerational equity within the legal system, thereby safeguarding the well-being of future generations.

#### **Methodological Framework and Consultative Approach**

While comparative legal analysis remains a cornerstone of the Commission’s methodology, the 2025–2026 Programme will also integrate a **strong empirical and interdisciplinary dimension**. Where appropriate, proposed reforms will be informed by data from public consultations, surveys, and targeted stakeholder engagement. Laws will not only be assessed in their legal dimensions but also in their **economic, sociological, and institutional impacts**. To this end, the Commission will continue to discuss with stakeholders, composed of professionals, academics,

civil society actors, and members of the Bar and Judiciary, to provide informed feedback on complex or sensitive reforms.

Digital tools, public calls for comments, and sector-specific roundtables will also be used to broaden participation and improve public engagement in the reform process.

### **Expected Outcomes**

The following outcomes are anticipated from the implementation of the 2025–2026 Programme:

- (a) Legislation that is **clear, accessible, and user-friendly**, thereby enhancing public trust in the legal system and encouraging civic literacy;
- (b) Legal reforms that **better reflect the realities and aspirations of a modern and plural society**, balancing tradition with transformation;
- (c) Enhanced **constitutional compliance and alignment with human rights instruments**, reinforcing the legal legitimacy of State actions; and
- (d) A robust legal infrastructure that facilitates **cross-border cooperation, legal harmonisation, and economic integration**, consistent with Mauritius' global positioning.

Through this ambitious programme of reform, the Mauritius Law Reform Commission seeks to play a catalytic role in shaping a legal order that is fair, future-ready, and firmly anchored in the values of justice, equality, and accountability.

## **LRC Program on Aspects of Law under Review**

<b>Aspects of Law under Review</b>	<b>Expected Outputs</b>
<p><b>1. Human Rights Standards and International Obligations</b></p> <p><i>With a Particular Emphasis on the Protection of Vulnerable and Marginalised Groups</i></p> <p>The Commission will assess the compatibility of existing legislative instruments with Mauritius' obligations under core international human rights treaties, with particular focus on statutes affecting children, persons with disabilities, older persons, victims of gender-based violence, and other vulnerable constituencies. The objective is to reinforce substantive and procedural safeguards, in line with evolving human rights jurisprudence and the principle of equal dignity under the law.</p>	<p>At least 8 Reports/Papers on aspects of Law reviewed containing recommendations for reform</p>
<p><b>2. Constitutional Compatibility of Legislative Instruments</b></p> <p>The Commission will undertake a systematic constitutional audit of selected laws to ensure conformity with the provisions of the Constitution of Mauritius. This exercise will identify inconsistencies, lacunae, or provisions of doubtful constitutional validity.</p>	
<p><b>3. Criminal Justice Reform</b></p> <p><i>Including Substantive Offences, Evidentiary Frameworks, and Procedural Guarantees</i></p> <p>A comprehensive review of criminal law will be undertaken, focusing on the classification and modernisation of offences, the admissibility and probative value of evidence (especially digital and forensic evidence), and procedural efficiency in criminal trials.</p>	



Emphasis will be placed on fairness, due process, and the protection of both victims and accused persons, in line with international best practices and the jurisprudence of the United Nations Human Rights Committee.

#### **4. Reform of the *Code Civil Mauricien* (Law of Obligations) and Ancillary Statutes**

The Commission will continue its in-depth review of the law of obligations, with a view to modernising and harmonising civil law in Mauritius while respecting the coherence of the civilist tradition. This includes potential reforms relating to contractual fairness, pre-contractual duties, extra-contractual liability, and good faith, drawing from comparative reforms such as the French Ordinance of 2016.

#### **5. Legal Framework for Business and Commerce**

*Including Recommendations on Mauritius' Declarations under the MAC Protocol to the Cape Town Convention*

The Commission will examine legal barriers to commercial efficiency and investment, with particular attention to secured transactions and the implementation of international commercial instruments. Recommendations will include whether Mauritius should make declarations under the *Mining, Agricultural and Construction (MAC) Equipment Protocol* to the *Cape Town Convention*, to enhance asset-based financing and international mobility of high-value equipment.

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## **6. Environmental Law and Climate Justice**

Recognising the urgency of ecological degradation and climate risk, the Commission will review the legislative framework governing environmental protection, climate adaptation, and intergenerational justice. This includes proposing legal mechanisms to enforce the right to a healthy environment, enhance regulatory enforcement, and align national law with key international environmental conventions.