

RÉPUBLIQUE DE MAURICE

DRAFT CONSTITUTIONAL CLAUSES THE DEMOCRATIC QUINTET

QUINTETTE DÉMOCRATIQUE

Constitutional architecture and legislative formulation
Electoral representation · institutional restraint · Horizon 2050

CONSULTATION TEXT | NOT AN ENACTED BILL

Constitutional Review Commission Act 2026 (Act No. 7 of 2026)

SUBMITTED TO

CONSTITUTIONAL REVIEW COMMISSION

Republic of Mauritius

SUBMITTED BY

DENIS BERNARD PATRICE LEBON

Consultant, entrepreneur, essayist, journalist and author

DOCUMENT ARCHITECTURE

- 01 32 proposed clauses
- 02 Four schedules
- 03 Explanatory memorandum
- 04 Concordance and determination register

PRELIMINARY MEMORANDUM

Status, drafting method and constitutional architecture

This consultation text gives proposed legislative expression to the Canon through 32 numbered clauses, four schedules and a separate apparatus of concordance and reserved determinations. Its purpose is to make the proposed electoral settlement, the constitutional powers which would arise from it and the restraints attending those powers traceable from governing principle to operative rule. The Canon and the Letter of Transmittal remain the controlling policy instruments. Any further drafting determination introduced here is identified as such and kept distinct from propositions already settled in those instruments.

C1 Canon, Version 1.0 | September 2026 C2 Transmission letter

Common examination; constitutionally distinct powers of enactment

The Commission’s statutory inquiry extends across electoral and constitutional reform, but the breadth of that inquiry does not enlarge the constitutional powers of adoption. Each proposed alteration must therefore be classified by reference to its text, its legal incidence and its substantive effect under section 47, and must thereafter proceed through the institutions and majorities competent to enact it. Electoral design and constitutional restraint are examined together because the allocation of political power cannot sensibly be severed from the rules governing the alteration of its limits.

C1 Book IX; transmission letter S1 S2 S34

Consolidation	Operative effect in the proposed text
Representation and stability	70 seats; modified Sainte-Laguë 1.4, 3, 5...; bounded PMS; necessity and donor records; fixed constitutional denominator.
Mandate and government	14-plus-7-day formation; constructive censure; closed existence votes; judicial anti-defection; 10% recall over six weeks.
Senate and popular initiative	22/6/5 composition; qualified civic draw; defined cardinal procedure; an express, delimited section 47 citizen gateway.
Guarantees and transition	Effective remedies, divided appointments, finance and data safeguards; 18-month protection; readiness and 12-18-month post-election audit.

Juridical status and limits of the proposed text

The clauses and schedules constitute proposed drafting text for consultation. The explanatory notes, concordance tables and review annexes assist examination but form no part of the proposed enactment. Final constitutional placement, consequential amendments, office-specific appointment provisions and the complete operational specification must be settled in a formally engrossed Bill and the instruments lawfully made under it. Nothing in this document purports to be enacted law, an approved Bill or a formal opinion of the Attorney-General’s Office.

The determination register isolates eight matters which remain expressly open to constitutional choice or further proof. Among them are the effect of PMS upon unanimity, the legal consequence of a 22-seat territorial majority in a 33-seat Senate and the relationship between the proposed 35 % approval floor and the higher entrenchment requirements already imposed by the Constitution.

NAVIGATION

Contents

The 32-clause architecture is retained throughout. Part headings, source calls, schedules, concordance tables and page references provide a single navigational spine between proposed normative text, explanatory justification, reserved determinations and the governing policy sources.

Part I · Preliminary and interpretative provisions [1-3]	4
Part II · Democratic traceability and the National Assembly [4-7]	6
Part III · Proportional entitlement and the stability allocation [8-10]	8
Part IV · Formation and accountability of government [11-13]	10
Part V · Integrity of the parliamentary mandate and recall [14-16]	12
Part VI · The Senate of the Republic [17-19]	14
Part VII · Constituent popular initiative [20-23]	16
Part VIII · Electoral justice, administration and appointments [24-27]	19
Part IX · Political integrity and democratic information [28-29]	21
Part X · Transition, continuity and evaluation [30-32]	22

Schedules

Schedule A · National allocation and the stability adjustment	24
Schedule B · Senate composition and selection safeguards	26
Schedule C · The closed cardinal domain and applicable assent	27
Schedule D · Readiness evidence and indivisible commencement packages	28

Review apparatus

Annex I · Concordance with the Canon and letter	30
Annex II · Constitutional adoption and consequential laws	31
Annex III · Decisions requiring express determination	33
Annex IV · Sources and citation method	35

Authorities, concordance and citation convention

Superscript source identifiers, for example S2, preserve the Canon's reference numbering. C1 and C2 identify the two governing source instruments; D1-D8 refer to the determination register in Annex III. Historical dates identify external authorities, while the present draft is identified by version and month of issue.

Sources and citation method

C1 and C2 are the two governing source instruments for this consultation text. S-numbers preserve the Canon's bibliography and are intentionally non-contiguous. Comparative authorities are cited to illuminate a mechanism, constraint or caution; they do not validate a proposed Mauritian threshold merely by analogy. The register contains only authorities actually relied upon in this draft.

C1 | Governing policy document

Denis Bernard Patrice Lebon, *Le Canon constitutionnel du Quintette démocratique à l'horizon 2050*, Version 1.0 | Septembre 2026. Book and section locators identify the supplied text.

C2 | Transmission letter

Denis Bernard Patrice Lebon, transmission to the Constitutional Review Commission, Version 1.0 | Septembre 2026. The letter supplies the common-review premise, protection without assignment, evidential method and implementation status.

S1 | Mauritian statute

Constitutional Review Commission Act 2026, Act No. 7 of 2026, supplied official Act. Sections 3-4 and 7 distinguish examination and recommendation from constitutional adoption.

Primary text / official source

S2 | Constitutional text

Constitution of Mauritius, official government-published text, especially sections 1, 17, 31-47, 53, 57, 59-60, 76-84 and the First Schedule. Use together with all subsequent amending enactments when settling the engrossed Bill; a published compilation alone is not a certificate of complete consolidation.

Primary text / official source

S6 | Comparative constitutional mechanism

Basic Law for the Federal Republic of Germany, Article 67. Comparator for constructive no confidence; institutional setting and voting rules require Mauritian adaptation.

Primary text / official source

S10 | Comparative recall legislation

United Kingdom, Recall of MPs Act 2015, especially sections 1-2 and 8-15; official Explanatory Notes. Its six-week/10% mechanism is a comparator. The proposed Mauritian mirror replacement differs from the United Kingdom's by-election consequence.

Primary text / official source

S11 | Referendum guidance

Venice Commission, Revised Code of Good Practice on Referendums, CDL-AD(2022)015, in particular III.7-8 and the explanatory discussion of quorums. The general caution against approval quorums and the fundamental-constitutional exception must both be retained.

Primary text / official source

S34 | CRC consultation instrument

Constitutional Review Commission, Invitation for written submissions on Constitutional Reform, communiqué of 28 August 2026, especially the electoral-process and democratic-accountability theme. The date identifies the source, not this document's edition.

Primary text / official source

S35 | Constitutional jurisprudence

The State v Khoyratty (Mauritius) [2006] UKPC 13. Cited for substance-based constitutional analysis and the relationship between democratic structure and section 1 entrenchment; not for an automatic classification of every proposed clause.

Judgment text · SAFLII