

Constitutional Evolution of Mauritius

From British rule to Independence

The Council of Government

Mauritius came under British rule in 1810 following the capture of the island from the French. In 1825, it obtained its first Constitution under British Rule and a Council of Government was set up to assist and counsel in the administration of the Government. It was an all-British Council with four top officials namely the Chief Justice, the Chief Secretary, the Commander of the Forces and the Collector of Customs.

After grievance from local planters and merchants, the Council was expanded in 1831 to consist of the Governor as President, seven ex-officios, namely, the Chief Justice, the Senior Officer in Command of the Forces, the Colonial Secretary, the Collector of Customs, the Advocate General, the Procureur General and the Protector of Slaves; and seven unofficials, all Franco-Mauritian, representatives of the aristocracy of planters and merchants.

Constitutional Amendments

The Constitution of 1885 presented a Council of Government made up of the Governor as President, eight ex-officio members, nine nominated members and ten elected members. The island was divided into nine constituencies coincident with the districts of Mauritius for the purpose of the election. Each constituency would return one member, apart from Port Louis which would send two members.

Those who could vote had to possess one of the following qualifications:

- (a) Ownership of immovable property of annual value Rs 300;
- (b) Payment of a monthly rent of Rs 25;
- (c) Ownership of movable property of Rs 3000;
- (d) Being husband of a wife or the eldest son of a widow, possessing anyone of the above qualifications;
- (e) Drawing a monthly salary of Rs 50;
- (f) Paying a licence duty of at least Rs 200 per annum.

The franchise qualifications were so high that for the elections held in January 1886, out of a population of 360 000, only 4 000 persons could cast their votes.

In 1933, a minor revision was brought to the Constitution by making provision for an increase in the membership of the unofficial nominees. Thus, two non officials were admitted to the Executive Council.

A Consultative Committee to study the reform of the 1885 Constitution

A Consultative Committee was set up in 1945 by the Governor Sir Donald Mackenzie-Kennedy consisting of all the members of the Council of Government and other representatives of the Mauritian Society to examine the reform of the 1885 Constitution.

Earlier, the right to vote was reserved to sugar planters, merchants and other moneyed classes of Mauritius. The mass of the population was totally deprived of any form of participation in the political process. Consequently, the Labour Party, founded in 1936 by Dr. Maurice Curé, demanded unconditional adult universal suffrage.

Extension of franchise

In 1948, the British Government approved a new Constitution for Mauritius. Under this new Constitution, women were given the right to vote, property qualifications for the franchise was abolished, but still inhabitants had to go through a simple literacy test. As a result, the electorate increased from 12 000 to 71 806 people.

The fight between different political parties and politicians to get the support of the masses that had recently been given the right to vote in the General Elections of August 1948 also changed the character of Mauritian politics. Some of the eminent politicians elected in that elections were: Renganaden Seeneevassen, Guy Rozemont, Edgard Millien, Jules Koenig, Raoul Rivet, Sookdeo Bissoondoyal, Seewoosagur Ramgoolam, and Harilal Vaghjee, amongst others. The 1948 General Elections also gave the country its first female member of the Legislative Council in the person of Mrs. Emilienne Rochecouste.

The First Legislative Council, comprising 19 elected members, 12 members appointed by the Governor and three officials, met on 1 September 1948. The Constitution made provision for a majority of non officials in the Executive Council which was a constitutional organ that exercised executive power and advised the governor.

Three members of the Executive Council were appointed 'Liaison Officers' in 1951. A Few years later, in 1955 and in 1957, the second and third Constitutional Conferences led to the introduction of the ministerial system.

Elections are held on the basis of universal suffrage

Following the recommendations of the Trustram-Eve Commission in 1958, 'One man one vote' became a reality and was first implemented in the 1959 General Elections. Moreover, the island was divided into 40 single-member constituencies.

The elections were held on the basis of universal suffrage and in addition to the 40 elected members, 12 members were appointed by the Governor to sit on the Legislative Council.

For that election, the Labour Party (LP), under the leadership of Dr. S. Ramgoolam and its ally the Muslim Action Committee (MAC), led by Abdul Razack Mohamed, won 31 seats, the Independent Forward Block (IFB) of S. Bissoondoyal, won six seats and Jules Koenig's Parti Mauricien (PM), three seats.

The Constitutional Review Conference

A Constitutional Review Talk was held in London in 1961 to design the course for the future constitutional development of Mauritius. It was concluded that there would be two stages for the constitutional advance for Mauritius, that is, appointment of a Chief Minister, who should be consulted by the Governor on certain matters; and self-rule after the elections of 1963.

The first stage was implemented in 1962 and Dr. Ramgoolam, who became the leader of the Labour Party after the death of G. Rozemont, became Chief Minister.

The second stage was reached after the general elections in 1963 when the Chief Minister became Premier. On 12 March 1964, internal self-government was introduced with the Governor retaining wide powers.

Meanwhile, the Independent Forward Block and Muslim Action Committee rallied behind the Labour Party under the leadership of Sir S. Ramgoolam, and pressed for independence within the Commonwealth while the Parti Mauricien wanted association/ integration with Britain.

At the Constitutional Conference held in September 1965 in London, the Secretary of State, Mr. Anthony Greenwood, announced that the island should move to independence after the general elections based on a new electoral system to be recommended by a Commission.

A new electoral system and Constitution

In 1966, the Banwell Electoral Commission proposed a new electoral system which would include the increase in deputies from 40 to 60, and instead of 40 constituencies, there would be 23 including Agalega, Cargados Carajos and Rodrigues. There would also be additional deputies as a corrective

measure; if any party won over 25% of seats but secured no representatives in the Assembly, further seats would be allocated until it reached the nearest round figure of 25%.

The new electoral system was considered unacceptable by the pro-Independence political parties, namely LP, MAC and IFB. Consequently, Mr. John Stonehouse, Under Secretary of State visited Mauritius to adjust certain recommendations of the Commission considered anomalous.

On 4 July 1966, Stonehouse recommended the institution of the present best-loser system. The introduction of that unique system was considered to be a mode of Proportional Representation based on the following: a safe and adequate representation of the various ethnic groups comprising the Mauritian people while not upsetting the verdict of the polls and ensuring a majority of seats for the winning party/alliance.

There were 307 908 electors for the General Elections held on 7 August 1967. The Elections were held on the basis of 20 three-member constituencies for Mauritius and a single constituency of two members for Rodrigues. Eight best-loser seats were allocated to ensure adequate representation of each community according to its population strength. The main election issue was the independence of Mauritius or its association with Britain. The Independence Party which comprised of the Labour Party, the Independent Forward Block and the Muslim Action Committee won 56% of the votes, that is, 39 out of 62 seats. The Parti Mauricien renamed as the Parti Mauricien Social Democrate (PMSD) obtained 44% of votes, that is, 23 seats. The Independence Party and the PMSD each obtained four additional seats, that is, best loser seats.

On 12th August 1967, Mauritius had a new Constitution. The island became a self-governing nation except in matters relating to external affairs, defence and internal security. Under this Constitution, Governor John Shaw Rennie appointed Sir Seewoosagur Ramgoolam as Premier. The Premier was expected to be the one who was best able to command the support of the majority of members of the Assembly. Governor Rennie also appointed a Council of Ministers composed of an Attorney-General and 13 other Ministers from the Members of the Assembly. Under this new Constitution, there would be a Leader of Opposition, who would be the leader of the strongest opposition party. Consequently, Gaetan Duval became Leader of the Opposition.

The Council of Ministers was responsible to the Legislative Council and the Governor no more had such wide powers, although he could still refuse to accept bills.

On 22nd August, at its first meeting after the elections, the Legislative Assembly sanctioned a Resolution urging Her Majesty's Government in the United Kingdom to undertake required

measures to comply with the wish of the people of Mauritius to accede to independence within the Commonwealth.

Mauritius becomes an independent State

On 12 March 1968, Mauritius had a new Constitution which characterised Mauritius as a sovereign democratic State with a Parliament having supreme power as regards legislations. Consequently, Sir Seewoosagur Ramgoolam became Prime Minister.

Mauritius joined the United Nations on 24 April 1968 as its 124th Member. Since the very outset, Mauritius adopted a policy of active involvement in international relations without siding with any particular bloc in the East-West divide existing at that time.

As a result of the 1968 Constitution, the Governor became Governor-General, that is, a nominal Head of State.

Post-Independence

The first Mauritian Governor-General, Sir Raman Osman was appointed in 1970.

In 1975, the age of legal majority was lowered to 18.

Following a landslide victory of the Mouvement Militant Mauricien/ Parti Socialiste Mauricien alliance at the 1982 general elections, the Constitution was amended in June 1982 to provide for the function of Deputy Prime Minister.

Mauritius attained the status of Republic on 12 March 1992, but remained within the Commonwealth of Nations, and Sir Veerasamy Ringadoo became the first President of the Republic.