

Dayal v Jugnauth**Privy Council - 10th July 2023**

Timothy Straker KC and Imogen Sadler

4-5 Gray's Inn Square

Representing the People: Timothy Straker KC and Imogen Sadler to appear in the Judicial Committee of the Privy Council in an appeal from the Supreme Court of Mauritius

Next week, Timothy Straker KC and Imogen Sadler of 4-5 Gray's Inn Square will appear in the Judicial Committee of the Privy Council (the 'Privy Council') for the Appellant in the case of **Surendra Dayal v Pravind Kumar Jugnauth and Others (Mauritius) in an appeal from the Supreme Court of Mauritius ('the Supreme Court')**. They will argue that appeal should be allowed, as the election of the First to Third Respondents should be avoided on the basis of bribery and/or treating under the correct construal of section 64(1) and (2) of the Representation of the People Act 1958 (Mauritius) ('the Representation of the People Act').

The appeal concerns the **election to the** Mauritius National Assembly which took place on 7 November 2019. Before the election, the First Respondent had been serving as Prime Minister of Mauritius. At the election the Appellant and each of the First to Third Respondents were candidates in Constituency No. 8 (Quartier Militaire and Moka).

The First to Third Respondents were each returned as members of the National Assembly for Constituency No. 8 in that election. The Appellant was not returned. Following the election, Mr Jugnauth (the First Respondent) continued to serve as Prime Minister of Mauritius.

On 28 November 2019, the Appellant presented an electoral petition to the Supreme Court in which they argued that the election of the First to Third Respondents should be avoided due to bribery and treating. In particular they pointed to:

- 1. An event on 1 October 2019 (five days before the dissolution of Parliament, which would occur at his behest) for a large number of pensioners in which the Prime Minister announced that the Basic Retirement Pension ('BRP') would double during his next premiership and free transport, food and drink was provided to the attendees; and**
- 2. Announcements made by the First Respondent before the election that all police officer, firemen and prison officers would be paid a one-off performance bonus and that there would be increases to public sector remuneration.**

The Supreme Court rejected the Appellant's petition on all grounds but granted them leave to appeal to the Privy Council who will be deciding will be the following issues:

1. Whether the Supreme Court erred in law in concluding that the proposed increases to the rate of payment of the Basic Rate Pension ('BRP') did not constitute bribery, for the purposes of section 64(1) of the Representation of the People Act 1958?
2. Whether the Supreme Court erred in law in concluding that the organisation of the 1 October 2019 Event did not constitute treating, for the purposes of section 64(2) of the Representation of the People Act 1958?
3. Whether the Supreme Court erred in law in concluding that the proposed increases to public sector remuneration and the payment of a one-off performance bonus to specific categories of public officers did not constitute bribery, for the purposes of section 64(1) of the Representation of the People Act 1958?

The hearing in the Privy Council will take place on 10 July 2023. Timothy and Imogen are instructed by **A O (Hiren) Jankee as solicitor/agent** for the Appellant and will appear with **Robin (Nandkishore) Ramburn SC from Mauritius**.

Timothy Straker KC and Imogen Sadler

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