

Surendra Dayal (Appellant) v Pravind Kumar Jugnauth and 7 others (Respondents) (Mauritius)

Case ID: JCPC 2023/0006

Jurisdiction: Supreme Court of Mauritius

Case summary

Issue

The Appellant challenges the First to Third Respondents' election to the National Assembly of Mauritius on the grounds of bribery, treating, and undue influence.

Facts

This appeal arises in the context of a general election to the Mauritius National Assembly held on 7 November 2019. The Appellant and the First to Third Respondents were all candidates in the same constituency. The Sixth Respondent was the returning officer for that constituency. The Fourth and Fifth Respondent had responsibility for supervision of the election. The First to Third Respondents were successfully elected and the alliance to which they belonged formed the Government of Mauritius with The First Respondent, Mr Jugnauth, as Prime Minister. The Appellant was not elected.

The Appellant issued an election petition under sections 45, 64 and 65 of the Representation of the People Act. The Appellant claims that the election of the First to Third Respondents should be declared invalid and void for having been obtained by reason of bribery, treating, and undue influence. In particular he alleges that promises made by the First Respondent during the election campaign to increase the basic retirement pension, to accelerate forms of public sector pay and terms, and to pay one-off performance bonuses to police officers, firemen and prison officers constituted bribery. The Appellant also alleges that person acting on behalf of the First to Third Respondents entered into an agreement whereby the First to Third Respondents would, if elected, pay Rs 3 billion to victims of an alleged Ponzi scheme. This is also alleged to constitute bribery. The Appellant further alleges that the provision of food, drink and entertainment at an event organised by the Ministry of Social Security at which the First Respondent spoke constituted treating. In addition the Appellant alleges that the First to Third Respondents engaged in undue influence of voters by fraudulent contrivance through misuse of the Mauritius Broadcasting Corporation (the Seventh Respondent).

In 2021 the Supreme Court of Mauritius dismissed the election petition on all grounds. The Appellant now appeals to the Judicial Committee of the Privy Council with leave of the Supreme Court of Mauritius.

Parties

Appellant(s)

Surendra Dayal

Respondent(s)

(1) Pravind Kumar Jugnauth, (2) Leela Devi Dookun Luchoomun, (3) Yogida Sawmynaden

(1) The Electoral Commissioner, (2) The Returning Officer of Constituency No.8, Mrs. Meenakshi Gayan-Jaulimsing

The Electoral Supervisory Commission

The Mauritius Broadcasting Corporation

Appeal

Justices

Lord Lloyd-Jones, Lord Sales, Lord Hamblen, Lord Stephens, Dame Sue Carr

Hearing start date

10 July 2023

Hearing finish date

10 July 2023

Watch hearing

10 July 2023 [Morning session](#) [Afternoon session](#)