

Republic of Mauritius

**ANNUAL REPORT**  
**OF**  
**THE JUDICIARY**  
**2012**

# **JUDGES OF THE SUPREME COURT**

## **CHIEF JUSTICE**

Honourable Yeung Kam John YEUNG SIK YUEN G.O.S.K.

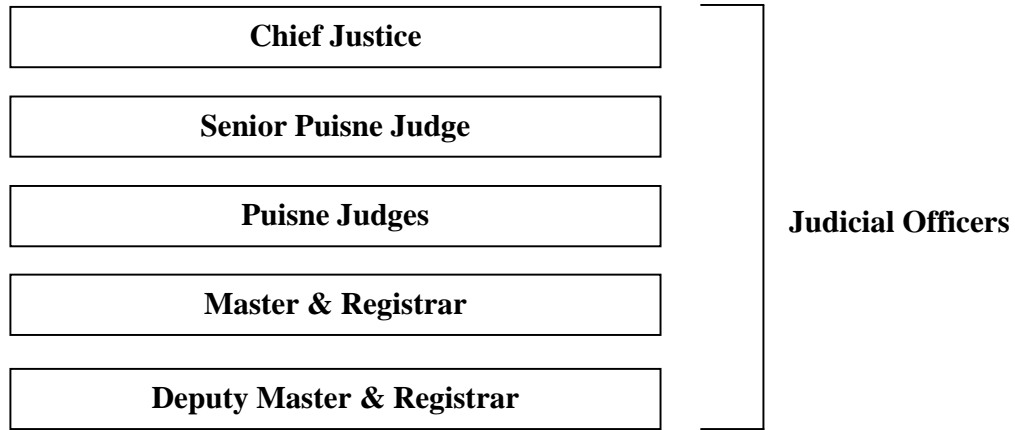
## **SENIOR PUISNE JUDGE**

Honourable Keshoe Parsad MATADEEN

## **PUISNE JUDGES**

1. Honourable Marc France Eddy BALANCY
2. Honourable Paul LAM SHANG LEEN
3. Honourable Shaheda PEEROO
4. Honourable Ah Foon CHUI YEW CHEONG
5. Honourable Asraf Ally CAUNHYE
6. Honourable Sathyabhooshun Gupt DOMAH
7. Honourable Abdurrafeek HAMUTH
8. Honourable Hima Nalini MATADEEN
9. Honourable Joseph Gérard ANGOH
10. Honourable Bibi Rehana MUNGLY-GULBUL
11. Honourable Abdul Razack HAJEE ABDOULA
12. Honourable Deviyanee BEESOONDOYAL
13. Honourable Shaheed BHAUKAURALLY
14. Honourable Nirmala DEVAT
15. Honourable David CHAN KAN CHEONG
16. Honourable Rita TEELock
17. Honourable Prithviraj FEKNA
18. Honourable J Benjamin G MARIE JOSEPH

## The Supreme Court Organisation Chart

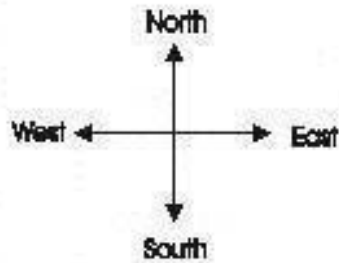
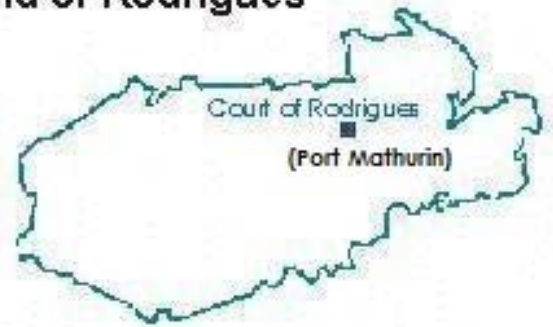


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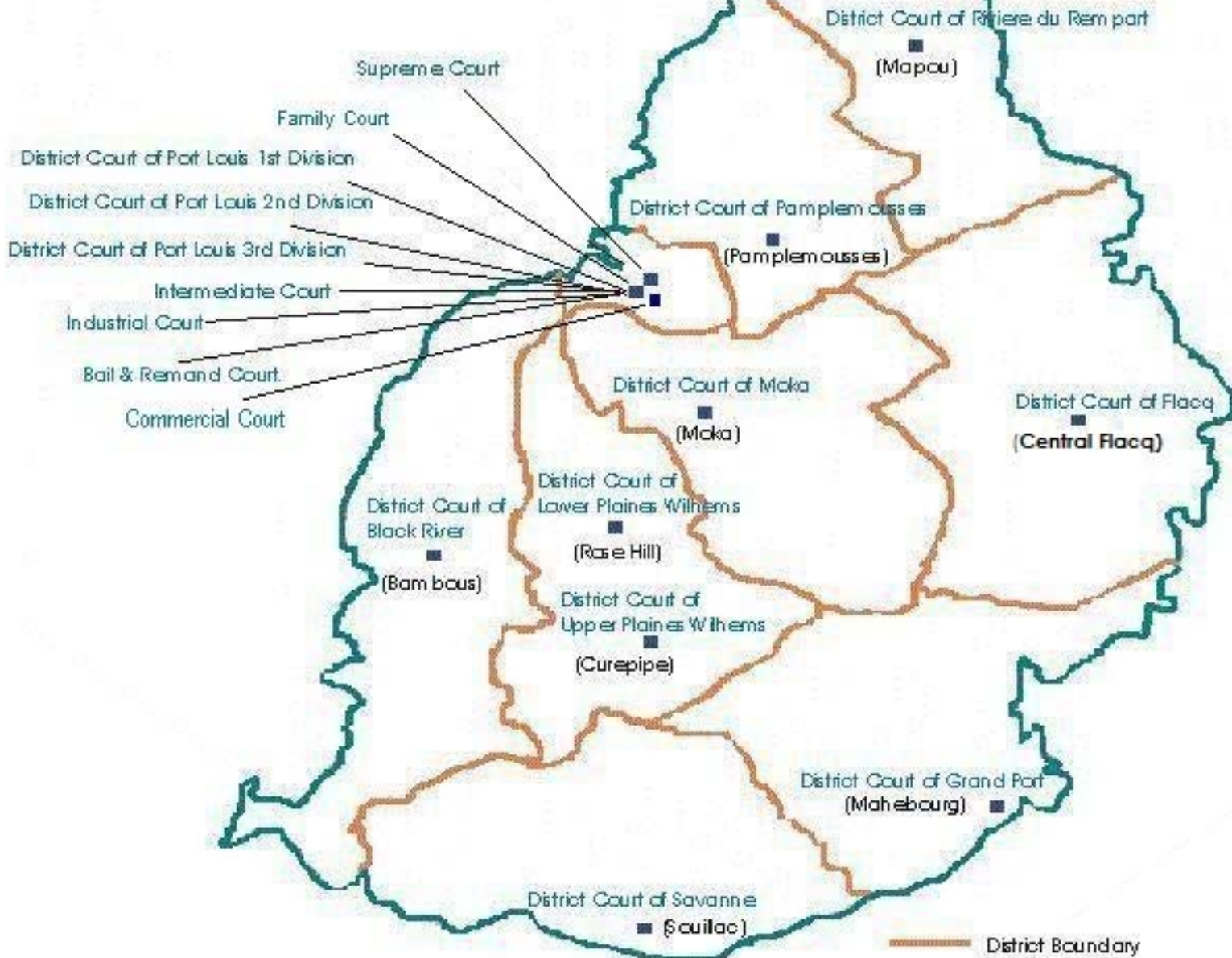
<b>Administrative &amp; Technical Officers</b>	<b>Secretary to the Chief Justice</b>			<b>Chief Registrar</b>			
	Regional Court Administrator	Senior Registrar	Chief Court Officer/Court Manager	Chief Court Officer/Court Manager	Chief Court Officer/Court Manager	Chief Court Officer/Court Manager	Chief Court Officer/Court Manager
	Internal Control Unit	Registry	Registry	Master's Office	Commercial Division	Family Division	Secretary to Judges' Office
	Chief Court Usher	Senior Court Officer	Manager Human Resources	Manager Financial Operations	Senior Systems Analyst	Senior Librarian	Statistician
	Court Ushers' Office	Legal Aid Unit	Personnel Unit	Finance Unit	Information Services Section	Library	Statistics Unit

## Location of Various Courts

### Island of Rodrigues



### Island of Mauritius



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## **1. THE JUDICIARY**

### **1.1 INTRODUCTION**

The Judiciary is one of the three pillars of our sovereign democratic State. By virtue of the Constitution, it is vested with the power to administer justice in the Republic of Mauritius. Conformably with the Constitution which provides for the institution of an independent judiciary based on the concept of separation of powers, the Judiciary of Mauritius is independent of the other two organs of the State - the Executive and the Legislature. This status of the Mauritian Judiciary constitutes a vital element for the functioning of our democratic system of government in upholding the rule of law and affording the necessary protection for the safeguard of the fundamental rights of the citizens. The Chief Justice is the head of the Judiciary.

### **1.2 VISION OF THE JUDICIARY**

A Justice System which is a national and regional model of excellence.

### **1.3 PRIORITY OBJECTIVES AND SERVICES PROVIDED**

#### **1.3.1 Aims and priority objectives**

- i. Provide easier and faster access to justice indiscriminately to all users.
- ii. Reduce delays in the final disposal of cases and delivery of judgment.

#### **1.3.2 Major services provided**

- i. Resolution of disputes within a reasonable time.
- ii. Determination of guilt or innocence through written and reasoned judgments that are posted on the Supreme Court website.
- iii. Grant of legal aid and legal assistance to litigants and detainees who have no means to afford legal advisers in certain categories of cases.
- iv. Enforcement and execution of Judicial Orders and decisions, including collection of fines.
- v. Safeguarding and protecting all fundamental rights as guaranteed by the Constitution.

### **1.4 OVERVIEW OF THE JUDICIARY**

#### **1.4.1 Achievements**

- i. Faster disposal rate of cases before the Commercial Division (60%).
- ii. Speedier disposal of family matters (undefended cases within 4 months and defended cases within 8 months).
- iii. Clearing the backlog at the Assizes of the Supreme Court (75% of backlog cleared).

- iv. Disposal time frame for drug cases heard before the Intermediate Court (most cases are disposed between 1 to 6 months).
- v. Introduction of a pilot project before the Intermediate Court (Criminal Division) for a fast track process for children victims attending Court as witnesses.
- vi. Setting up the Bail and Remand Court for operation 7 days a week all year round by 5 Magistrates and supporting staff for all bail and remand cases in view of safeguarding the fundamental right of liberty of citizens.
- vii. Introducing continuous formal training for all Judges, Magistrates and supporting personnel through the Institute for Judicial and Legal Studies.

#### **1.4.2 Constraints and challenges addressed**

- i. Delivery of judgments in a timely manner.
  - a) This is being addressed by recruitment of Legal Research Officers to assist Judges in their research work for judgment writing.
  - b) Continuous training to supporting staff. Various training schemes will be implemented across the board for all staff to improve the quality of service.
- ii. Lack of Court rooms and sufficient infrastructure at the Supreme Court. Supreme Court and some district court buildings in very poor conditions. Lack of qualified personnel to monitor maintenance of Court buildings.
  - a) The appointment of a Project Manager is envisaged for design, supervision and monitoring of all infrastructural projects.
  - b) Holding of morning and evening sessions is envisaged.
  - c) Renting of additional office space in Port Louis is in process.

#### **1.4.3 Strategic direction for the future**

- i. Create a Court of Appeal to improve public perception of independence, transparency and objectivity in dispensing justice and in order to streamline appeal cases.
- ii. Continue to focus on the creation of more specialized Divisions of the Supreme Court to optimize skills and reduce delays in the disposal of cases.
- iii. Introduce electronic filing and management of cases through internet access in all Courts thereby reducing waiting time and improving service quality on a 24/7 basis. Provide all District Courts with fast wireless internet access facility.



- iv. Increase the number of cases referred to the Mediation Division of the Supreme Court for faster disposal rates at reduced costs for litigants.
- v. Upgrade capacity building throughout the Judiciary by promoting initial and continuous training programmes through the Institute for Judicial and Legal Studies in order to improve the quality of service, in line with international best practices.
- vi. Recruitment of Legal Research Assistants to assist judges in their research work for judgment writing.

## **1.5 JUDICIAL SYSTEM**

Mauritius has a single-structured judicial system consisting of two parts - the Supreme Court and the subordinate courts. The Supreme Court has various divisions exercising jurisdiction, as the Master's Court, the Court of first instance in civil and criminal proceedings, the appellate jurisdiction (to hear and determine civil & criminal appeals from decisions of the subordinate courts), the Court of Civil Appeal and the Court of Criminal Appeal (to hear and determine appeals from decisions of the Supreme Court sitting in the exercise of its original jurisdiction in civil matters and in criminal matters respectively). The subordinate courts, on the other hand, consist of the Intermediate Court, the Industrial Court, the District Courts, the Bail and Remand Court and the Court of Rodrigues.

## **1.6 SUPREME COURT**

The Supreme Court is composed of the Chief Justice, the Senior Puisne Judge and eighteen Puisne Judges. It is vested with all the powers and jurisdiction necessary to administer the laws of Mauritius. It is a superior Court of Record and has unlimited jurisdiction to hear and determine any civil and criminal proceedings. It has the same original jurisdiction as the High Court in England and is vested with all the necessary powers and authority to exercise its equitable jurisdiction as a Court of Equity. The Supreme Court also exercises supervisory jurisdiction over the subordinate courts in order to ensure that justice is duly administered by any such court. It has original jurisdiction to determine whether any provision of the Constitution has been contravened, including the power to determine whether any law made by Parliament is void on the ground that it contravenes any section of the Constitution. It is also empowered to secure the enforcement of the protective provisions entrenched in the Constitution.

### **1.6.1 Civil Jurisdiction of the Supreme Court as Court of first instance**

The Supreme Court is the principal Court of original civil jurisdiction to hear and determine:

- i. any civil matter, although it will generally entertain and hear claims where the matter in dispute is of the value which is more than Rs 500,000;
- ii. divorce and matrimonial proceedings;
- iii. petitions for insolvency, and all matters of a commercial nature;
- iv. admiralty matters and
- v. claims for constitutional relief.

Every civil proceeding is heard and determined by a single Judge, unless otherwise provided for under any written law or as may be decided by the Chief Justice, having regard to the magnitude of the interests at stake or the importance or intricacy of the questions of fact or law involved.

The Supreme Court, in the exercise of its civil jurisdiction, has power and jurisdiction to hear and determine any complaint of a disciplinary nature, brought up by any of the authorities or bodies exercising powers of supervision over the professional conduct of law practitioners or ministerial officers, including land surveyors.

#### **(a) The Family Division of the Supreme Court**

The Family Division of the Supreme Court was set up administratively in January 2008. It exercises jurisdiction in any matter under the Divorce and Judicial Separation Act or under any other enactment which relates to alimony, maintenance or the custody or guardianship of minors, other than a matter which is, under an enactment, within the exclusive jurisdiction of a Magistrate. Two Puisne Judges designated by the Chief Justice, preside over that division.

#### **(b) The Commercial Division of the Supreme Court**

The Commercial Division of the Supreme Court was set up administratively in 2009. Two Puisne Judges designated by the Chief Justice preside over that division. It entertains, hears and determines matters arising under the Insolvency Act 2009 and the Companies Act, disputes relating to banking, bills of exchange, offshore business, patents, and trademarks or passing off, disputes between traders and related matters and generally anything which is of a commercial nature.

#### **(c) Master's Court**

The Master's Court is presided by the Master & Registrar and the Deputy Master & Registrar. It exercises the jurisdiction conferred upon it by the Code Civil Mauricien in relation to the division of immovable property and by the Sale of Immovable Property Act. The Master's Court also deals with and rules upon all pre-trial issues for civil cases lodged before the Supreme Court.

### **1.6.2 The Criminal Division of the Supreme Court**

The Supreme Court is the principal Court of original criminal jurisdiction. It has jurisdiction to try any person charged with having committed a crime or a misdemeanor.

Assizes and serious drug cases are heard on every working day at the Criminal Division of the Supreme Court. Criminal trials are either held before a Presiding Judge and a jury consisting of 9 persons who are qualified to serve as jurors or before a Presiding Judge without a jury. Offences laid down under the Criminal Code, falling under the exclusive jurisdiction of the Supreme Court are tried at the Criminal Division before a Presiding Judge and a jury. However, offences specified in the Fifth Schedule to the Criminal Procedure Act are tried before a Presiding Judge without a jury.

In the exercise of its criminal jurisdictions, the Supreme Court is empowered to inflict life imprisonment for certain serious offences.

### **1.6.3 Appellate jurisdiction of the Supreme Court**

The Supreme Court has full power and jurisdiction to hear and determine all appeal cases, whether civil or criminal, made to the court from the decision of:

- i. the Judge in Chambers;
- ii. the Master's Court;
- iii. the Intermediate Court;
- iv. the Industrial Court;
- v. the District Courts and
- vi. a body established under any other enactment.

Appeals to the Supreme Court are heard before at least two judges, except as otherwise provided for in any other enactment.

### **1.6.4 Court of Civil Appeal**

The Court of Civil Appeal is a division of the Supreme Court. It hears and determines all appeals from the decisions of the Supreme Court sitting as the Court of first instance in civil proceedings. It is constituted of two or three Judges as the Chief Justice may decide. Where the Chief Justice is absent or is for any reason unable to sit on the Court of Civil Appeal, the Senior Puisne Judge, presides over the Court of Civil Appeal.

### **1.6.5 Court of Criminal Appeal**

The Court of Criminal Appeal is a division of the Supreme Court. It is constituted of three Judges and has full power to hear and determine all appeals from the decisions of the Supreme Court sitting as the Court of first instance in criminal proceedings. The Chief Justice and, in his absence, the Senior Puisne Judge, presides over the Court of Criminal Appeal.

## **1.7 THE JUDICIAL COMMITTEE OF THE PRIVY COUNCIL**

The Judicial Committee is the final court of appeal of Mauritius. An appeal shall lie from decisions of the Court of Appeal or of the Supreme Court to the Judicial Committee as of right in the following cases:

- i. final decisions, in any civil or criminal proceedings, on questions as to the interpretation of the Constitution;
- ii. where the matter in dispute on the appeal to the Judicial Committee is of the value of Rs 10,000 or upwards or where the appeal involves, directly or indirectly, a claim to or a question respecting property or a right of the value of Rs 10,000 or upwards;

- iii. final decisions in proceedings under section 17 of the Constitution for the enforcement of protective provisions;
- iv. with leave of the Supreme Court where in the opinion of the Court the question involved in the appeal is one that, by reason of its great general or public importance or otherwise, ought to be submitted to the Judicial Committee.

Since the year 2008 the Judicial Committee of the Privy Council periodically holds sittings in Mauritius to hear appeals from decisions of the Supreme Court of Mauritius.

## **1.8 SUBORDINATE COURTS**

### **1.8.1 Intermediate Court**

The Intermediate Court is established under the Courts Act and has civil and criminal jurisdiction in all districts of Mauritius including Rodrigues. It consists of two Presidents, two Vice-Presidents and any such number of Intermediate Court Magistrates established under the Civil Establishment Act.

#### **(a) Civil Jurisdiction of the Intermediate Court**

The Intermediate Court has jurisdiction in all civil cases where the claim or matter in dispute, whether in balance of account or otherwise, does not exceed Rs 500,000. The bench of the Intermediate Court is constituted by one or more Magistrates as may be decided by the President.

#### **(b) Criminal Jurisdiction**

The Intermediate Court has jurisdiction to hear and determine serious criminal offences provided under specific sections of the Criminal Code and any other offence that can be tried by the Intermediate Court under any other enactment. It has power to inflict penal servitude on convicted offenders for a period not exceeding fifteen years and imprisonment for a period not exceeding ten years. However, for persistent offenders, the Intermediate Court may increase the sentence to twenty years' penal servitude. The Intermediate Court is also empowered to inflict a higher sentence for offences under the Dangerous Drugs Act and the Criminal Code.

### **1.8.2 Industrial Court**

The Industrial Court consists of a President and a Vice-President. Established under the Industrial Court Act. It has exclusive civil and criminal jurisdiction to try any matter arising out of the Employment Rights Act, Boilers Act, Employment and Training Act, Export Processing Zones Act, Passenger Transport Industry (Buses) Retiring Benefits Act, Sugar Industry Retiring Benefits Act, Workmen's Compensation Act and Health & Welfare legislations.

### **1.8.3 District Courts**

There are ten District Courts in the Island of Mauritius and one in Rodrigues. The District Courts have jurisdiction to try and determine both civil and criminal cases as provided for by the law.

Each District Court is presided by a District Magistrate and any such number of District Magistrates as may be decided by the Chief Justice.

**(a) Civil Jurisdiction of the District Court**

The District Court has jurisdiction in all civil cases where the claim or matter in dispute does not exceed Rs 50,000. Conversely, District Magistrates have exclusive jurisdiction in landlord and tenant disputes, irrespective of the amount of the claim for non-payment of rent.

**(b) Jurisdiction under the Domestic Violence Act 1997**

By virtue of the Protection from Domestic Violence Act 1997, District Clerks are entrusted with the duty of receiving and processing applications for a Protection Order from aggrieved spouse victims of domestic violence. District Magistrates are empowered to hear and determine such cases and to issue Protection Orders when the Court is satisfied that there is a serious risk of harm for the applicants. District Magistrates are also empowered to receive and determine applications for the issue of Occupation Orders and Tenancy Orders. Such orders confer upon the victim of domestic violence the exclusive right to the use and occupation of the conjugal house.

**(c) Small Claims Procedure**

The Small Claims Procedure was introduced in 1999 to enable the District Courts to adjudicate on minor claims not exceeding Rs 25,000 in a summary and expeditious manner. Such claims are lodged at the court by the litigants themselves after filling in a prescribed form which is served on the adverse parties. Both parties are convened before the Magistrate in Chambers to resolve the dispute. In the event of no agreement between the parties, the matter is set down for trial. It is to be noted that such cases are disposed by this method of conflict resolution rather than a trial.

**(d) Criminal Jurisdiction**

The District Court has power and jurisdiction to hear, try and determine criminal cases punishable by a term of imprisonment not exceeding five years and a fine not exceeding Rs 100,000.

**(e) Juvenile Court**

The District Magistrates exercise jurisdiction as Magistrate of the Juvenile Court. The Juvenile Court tries criminal offences committed by young persons (above 14 and below 17 years of age). The Juvenile Court also deals with children who are beyond parental control and/or who need care and protection.

**(f) Bail and Remand Court**

The Bail and Remand Court (BRC) established under Part IV of the Bail Act 1999, as subsequently amended by Act No 34 of 2011, has exclusive jurisdiction with regard to remand or

release of persons charged with an offence or arrested on reasonable suspicion of having committed an offence, and operates on weekends and public holidays to safeguard the constitutional rights of detainees.

The BRC is presided over by a District Magistrate and operates from the premises of the New Court House, Port Louis.

#### **(g) Court of Rodrigues**

In Rodrigues, justice is administered by a full-time Magistrate and a visiting Judge of the Supreme Court.

A Magistrate also visits the other smaller islands, like Agalega which forms part of the Republic of Mauritius.

### **1.9 THE RULES COMMITTEE**

The Rules Committee was set up in August 2001 to advise and make recommendations to the Chief Justice in respect of the rules to be made under section 198 of the Courts Act. The Rules Committee consists of a Judge (Chairperson of the Committee) appointed by the Chief Justice, the Master and Registrar or his representative, a representative of the Bar Council, a representative of the Law Society, a representative of the Attorney-General's Office and two other law practitioners appointed by the Chief Justice.

### **1.10 REFORM**

#### **e-judiciary**

The Judiciary has since April 2010, embarked on the development and implementation of an electronic filing of cases and an electronic case management system.

The programme has materialized with the help of Investment Climate Facility for Africa (ICF) which made a grant of 75% of the project costs, the balance being funded by the government. Mauritius Network Services Ltd has been contracted to develop and implement the software, with the assistance of its foreign partner, Crimson Logic of Singapore.

Phase I of the project concerns cases lodged before the Supreme Court (Commercial & Civil cases) and before the Judge in Chambers. The launching of the first phase on a pilot basis will take place in 2013 at the Commercial Division of the Supreme Court. The system will then be extended to other divisions of the Supreme Court with the exception of the Family Division and the Criminal Division. These divisions as well as all subordinate courts will be taken on board in phase II of the Modernization of the Judiciary programme.

## **2. SUPREME COURT**

### **2.1 All cases**

The total number of cases lodged (excluding Appellate Jurisdiction cases) at the Supreme Court went up marginally by 1%, from 8,763 in 2011 to 8,883 in 2012 (Table 1.1).

Conversely the total number of cases disposed (excluding Appellate Jurisdiction cases) at the Supreme Court slightly dropped by 1%.

A physical count of the total number of outstanding cases (excluding Appellate Jurisdiction cases) showed that 8,073 cases were not yet disposed at the end of the year 2012 (Table 1.1).

### **2.2 Court of Assizes**

A decrease of 53% has been noted in criminal offences convicted at the Court of Assizes in 2012 with a drop in imprisonment sentences for murder and for drug offences. However, some 4 accused were sentenced for manslaughter in 2012 although there was no imprisonment for this offence last year (Table 1.3a).

### **2.3 Appellate Jurisdiction**

In 2012, 370 appeal cases (186 criminal and 184 civil) were lodged at the Supreme Court, representing a decrease of 7% over the 2011 figure. Out of the 186 criminal appeal cases lodged, 184 cases were from the Lower Courts and only 2 from the Court of Criminal Appeals. However, only about one third of the 184 civil appeals were from Lower Courts.

The number of cases disposed at the Appellate Jurisdiction showed an increase for both Civil and Criminal cases with respective rises of 21% and 16% (Table 1.4).

### **2.4 Family Division**

The total number of divorce cases lodged at the Supreme Court for the Republic of Mauritius has gradually been increasing over the last five years to 2,404 (2,300 in Mauritius and 104 in Rodrigues) in 2012. A rise of 5% has been registered from 2011 to 2012 (Table 1.6).

Similarly, the number of divorce cases disposed rose from 2,164 in 2011 to 2,409 in 2012. This increase may be explained by a rise of 12% in the number of divorce pronounced for the same period (Table 1.8).

In 2012, around 52% of the petitioners were females; 71% were married for 14 years or less; 17% of divorces were pronounced on mutual consent from both parties and 65% had only one or no child from the marriage (Tables 1.7 to 1.9).

### **2.5 Mediation Division**

The number of civil cases received at the Mediation Division of the Supreme Court showed an increase of 31% from 444 in 2011 to 582 in 2012. About 46% have been referred back to court whilst agreements between parties have been successfully recorded in about 29% of these cases (Table 1.10).

**Table 1.1 - All cases at the Supreme Court, 2009 - 2012**

	Cases pending at the beginning of the year				Cases lodged				Cases disposed				Cases <sup>1</sup> outstanding at the end of the year			
	2009	2010	2011	2012	2009	2010	2011	2012	2009	2010	2011	2012	2009	2010	2011	2012
<b>Appeal cases</b>	<b>1,008</b>	<b>1,021</b>	<b>979</b>	<b>943</b>	<b>423</b>	<b>356</b>	<b>398</b>	<b>370</b>	<b>333</b>	<b>398</b>	<b>381</b>	<b>453</b>	<b>1,021</b>	<b>979</b>	<b>943</b>	<b>860</b>
<i>Civil</i>	628	562	544	520	202	178	198	184	188	196	201	244	562	544	520	460
<i>Criminal</i>	380	459	435	423	221	178	200	186	145	202	180	209	459	435	423	400
<b>Other cases</b>	<b>11,696</b>	<b>8,359</b>	<b>8,460</b>	<b>8,202</b>	<b>7,189</b>	<b>8,878</b>	<b>8,763</b>	<b>8,883</b>	<b>7,729</b>	<b>8,383</b>	<b>8,078</b>	<b>8,015</b>	<b>8,359</b>	<b>8,460</b>	<b>8,202</b>	<b>8,073</b>
<i>Civil</i>	11,660	8,344	8,429	8,190	7,164	8,842	8,746	8,849	7,705	8,363	8,052	8,000	8,344	8,429	8,190	8,042
<i>Criminal</i>	36	15	31	12	25	36	17	34	24	20	26	15	15	31	12	31
<b>Total</b>	<b>12,704</b>	<b>9,380</b>	<b>9,439</b>	<b>9,145</b>	<b>7,612</b>	<b>9,234</b>	<b>9,161</b>	<b>9,253</b>	<b>8,062</b>	<b>8,781</b>	<b>8,459</b>	<b>8,468</b>	<b>9,380</b>	<b>9,439</b>	<b>9,145</b>	<b>8,933</b>

<sup>1</sup>Based on physical count except for Registry (Le Greffe) in 2012



**Table 1.2 - Criminal cases at the Supreme Court, 2009 - 2012**

Court	Cases pending at the beginning of the year				Cases lodged				Cases disposed				Cases outstanding at the end of the year			
	2009	2010	2011	2012	2009	2010	2011	2012	2009	2010	2011	2012	2009	2010	2011	2012
<b>Court of Assizes</b>	<b>36</b>	<b>15</b>	<b>31</b>	<b>12</b>	<b>25</b>	<b>36</b>	<b>17</b>	<b>34</b>	<b>24</b>	<b>20</b>	<b>26</b>	<b>15</b>	<b>15</b>	<b>31</b>	<b>12</b>	<b>31</b>
Trial by Jury	11	3	12	7	12	18	9	15	14	9	8	7	3	12	7	15
Trial without Jury	25	12	19	5	13	18	8	19	10	11	18	8	12	19	5	16

**Table 1.3 - Offences<sup>1</sup> disposed by type of offence at the Court of Assizes, 2009 - 2012**

Offences	2009	2010	2011	2012
<b>Trial by Jury</b>	<b>14</b>	<b>11</b>	<b>11</b>	<b>7</b>
Murder	4	8	5	3
Manslaughter	9	1	-	4
Arson causing death	-	1	-	-
Other	1	1	6	-
<b>Trial without Jury</b>	<b>17</b>	<b>11</b>	<b>23</b>	<b>10</b>
Importation of heroin	17	11	10	6
Importation of gandia	-	-	13	-
Other	-	-	-	4
<b>Total</b>	<b>31</b>	<b>22</b>	<b>34</b>	<b>17</b>

<sup>1</sup>A case may comprise one or more offences

**Table 1.3a - Offences disposed by type of offence and outcome of judgement at the Court of Assizes, 2009 - 2012**

	2009	2010	2011	2012
<b>Total convictions</b>	<b>30</b>	<b>22</b>	<b>32</b>	<b>15</b>
<b><u>Imprisonment</u></b>	<b>30</b>	<b>22</b>	<b>32</b>	<b>13</b>
<i>Intentional homicide:</i>	<i>13</i>	<i>10</i>	<i>5</i>	<i>5</i>
<i>Murder</i>	<i>4</i>	<i>8</i>	<i>5</i>	<i>1</i>
<i>Manslaughter</i>	<i>9</i>	<i>1</i>	<i>-</i>	<i>4</i>
<i>Arson causing death</i>	<i>-</i>	<i>1</i>	<i>-</i>	<i>-</i>
<i>Drug offences:</i>	<i>16</i>	<i>11</i>	<i>21</i>	<i>6</i>
<i>Importation of heroin</i>	<i>16</i>	<i>11</i>	<i>8</i>	<i>6</i>
<i>Importation of gandia</i>	<i>-</i>	<i>-</i>	<i>13</i>	<i>-</i>
<i>Other offences<sup>1</sup></i>	<i>1</i>	<i>1</i>	<i>6</i>	<i>2</i>
<b><u>Fine</u></b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>2</b>
<i>Drug offences:</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>2</i>
<i>Other<sup>1</sup></i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>2</i>
<b><u>Dismissed/Struck Out/Nolle Prosequi</u></b>	<b>1</b>	<b>-</b>	<b>2</b>	<b>2</b>
<i>Intentional homicide:</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>2</i>
<i>Murder</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>2</i>
<i>Drug offences:</i>	<i>1</i>	<i>-</i>	<i>2</i>	<i>-</i>
<i>Importation of heroin</i>	<i>1</i>	<i>-</i>	<i>2</i>	<i>-</i>

<sup>1</sup>Other offences include cases of rape, importation/traffic/possession of other drugs (e.g hashish, subitex, buprenorphine, etc.)

**Table 1.4 - Appellate Jurisdiction at the Supreme Court, 2009 - 2012**

	Cases pending at the beginning of the year				Cases lodged				Cases disposed				Cases outstanding at the end of the year			
	2009	2010	2011	2012	2009	2010	2011	2012	2009	2010	2011	2012	2009	2010	2011	2012
<b>Civil</b>	<b>628</b>	<b>562</b>	<b>544</b>	<b>520</b>	<b>202</b>	<b>178</b>	<b>198</b>	<b>184</b>	<b>188</b>	<b>196</b>	<b>201</b>	<b>244</b>	<b>562</b>	<b>544</b>	<b>520</b>	<b>460</b>
Civil appeals from Lower Courts	337	254	221	173	80	66	60	56	91	99	80	67	254	221	173	162
Appeals from decisions of the Judge sitting at Chambers, tribunals & other authorities, etc.	189	184	192	237	67	66	86	68	72	58	64	124	184	192	237	181
Court of Civil Appeals	102	124	131	110	55	46	52	60	25	39	57	53	124	131	110	117
<b>Criminal</b>	<b>380</b>	<b>459</b>	<b>435</b>	<b>423</b>	<b>221</b>	<b>178</b>	<b>200</b>	<b>186</b>	<b>145</b>	<b>202</b>	<b>180</b>	<b>209</b>	<b>459</b>	<b>435</b>	<b>423</b>	<b>400</b>
Criminal appeals from Lower Courts	359	436	405	395	213	168	185	184	135	199	175	199	436	405	395	380
Court of Criminal Appeals	21	23	30	28	8	10	15	2	10	3	5	10	23	30	28	20
<b>Total</b>	<b>1,008</b>	<b>1,021</b>	<b>979</b>	<b>943</b>	<b>423</b>	<b>356</b>	<b>398</b>	<b>370</b>	<b>333</b>	<b>398</b>	<b>381</b>	<b>453</b>	<b>1,021</b>	<b>979</b>	<b>943</b>	<b>860</b>

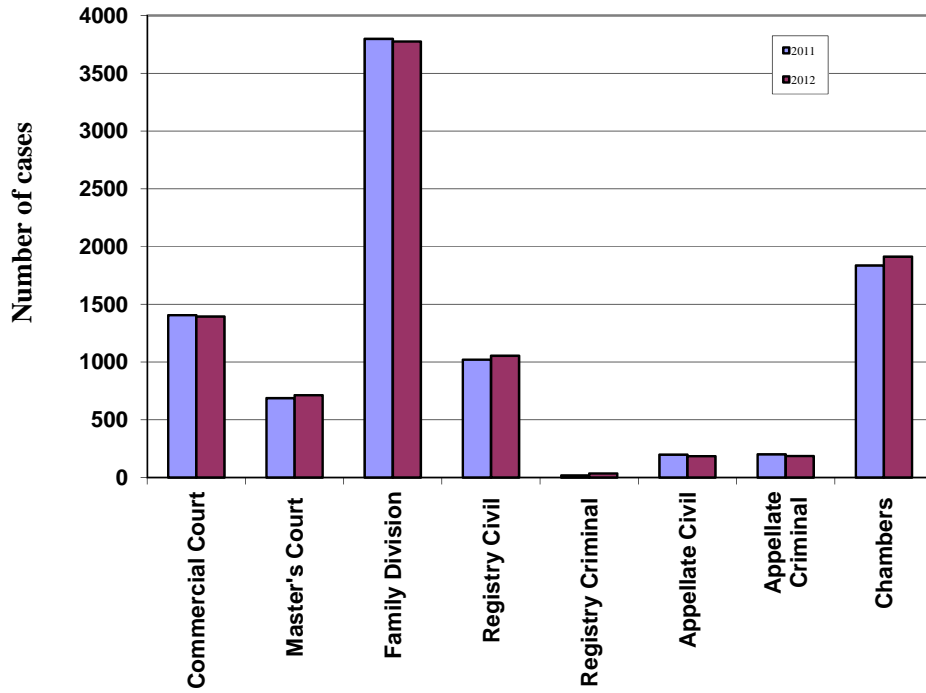
**Table 1.5 - Civil cases at the Supreme Court, 2009 - 2012**

	Cases pending at the beginning of the year				Cases lodged				Cases disposed				Cases <sup>1</sup> outstanding at the end of the year			
	2009	2010	2011	2012	2009	2010	2011	2012	2009	2010	2011	2012	2009	2010	2011	2012
<b>Commercial Court</b>	<b>341</b>	<b>436</b>	<b>183</b>	<b>258</b>	<b>938</b>	<b>1,349</b>	<b>1,405</b>	<b>1,394</b>	<b>1,193</b>	<b>1,304</b>	<b>1,318</b>	<b>1,257</b>	<b>436</b>	<b>183</b>	<b>258</b>	<b>339</b>
Chambers	...	20	65	45	605	764	721	641	585	754	752	629	20	65	45	35
Company winding-up petitions	215	388	101	185	236	531	623	624	413	495	509	526	388	101	185	249
Bankruptcy notices	69	6	1	-	54	-	-	-	117	5	1	-	6	1	-	-
Bankruptcy petitions	57	22	16	28	43	54	61	129	78	50	56	102	22	16	28	55
<b>Master's Court</b>	<b>1,314</b>	<b>1,170</b>	<b>962</b>	<b>1,051</b>	<b>674</b>	<b>766</b>	<b>687</b>	<b>713</b>	<b>818</b>	<b>999</b>	<b>746</b>	<b>542</b>	<b>1,170</b>	<b>962</b>	<b>1,051</b>	<b>1,312</b>
Levy cases	661	602	537	480	403	516	408	389	462	591	545	321	602	537	480	668
Division in kind cases	653	568	425	571	271	250	279	324	356	408	201	221	568	425	571	644
<b>Family Division</b>	<b>2,117</b>	<b>2,271</b>	<b>2,607</b>	<b>2,996</b>	<b>2,069</b>	<b>3,552</b>	<b>3,798</b>	<b>3,776</b>	<b>2,414</b>	<b>3,216</b>	<b>3,409</b>	<b>3,700</b>	<b>2,271</b>	<b>2,607</b>	<b>2,996</b>	<b>2,172</b>
Divorce Petitions	2,117	1,772	1,974	2,127	2,069	2,221	2,248	2,300	2,414	2,019	2,095	2,323	1,772	1,974	2,127	1,337
Motions (alimony, child custody, etc.)	...	396	441	485	...	646	630	620	...	601	586	587	396	441	485	385
Chambers	...	103	192	384	...	685	920	856	...	596	728	790	103	192	384	450
<b>Registry (Le Greffe)</b>	<b>4,896</b>	<b>4,124</b>	<b>4,219</b>	<b>3,539</b>	<b>1,075</b>	<b>990</b>	<b>1,020</b>	<b>1,054</b>	<b>1,231</b>	<b>895</b>	<b>947</b>	<b>852</b>	<b>4,124</b>	<b>4,219</b>	<b>3,539</b>	<b>3,741</b>
Plaints with summons	4,141	3,367	3,432	3,115	776	671	684	720	934	606	710	606	3,367	3,432	3,115	3,229
Motions and other applications & Ref. from Chambers	755	757	787	424	299	319	336	334	297	289	237	246	757	787	424	512
<b>Chambers (civil)</b>	<b>2,992</b>	<b>343</b>	<b>458</b>	<b>346</b>	<b>2,408</b>	<b>2,185</b>	<b>1,836</b>	<b>1,912</b>	<b>2,049</b>	<b>1,949</b>	<b>1,632</b>	<b>1,649</b>	<b>343</b>	<b>458</b>	<b>346</b>	<b>478</b>
<b>Total</b>	<b>11,660</b>	<b>8,344</b>	<b>8,429</b>	<b>8,190</b>	<b>7,164</b>	<b>8,842</b>	<b>8,746</b>	<b>8,849</b>	<b>7,705</b>	<b>8,363</b>	<b>8,052</b>	<b>8,000</b>	<b>8,344</b>	<b>8,429</b>	<b>8,190</b>	<b>8,042</b>

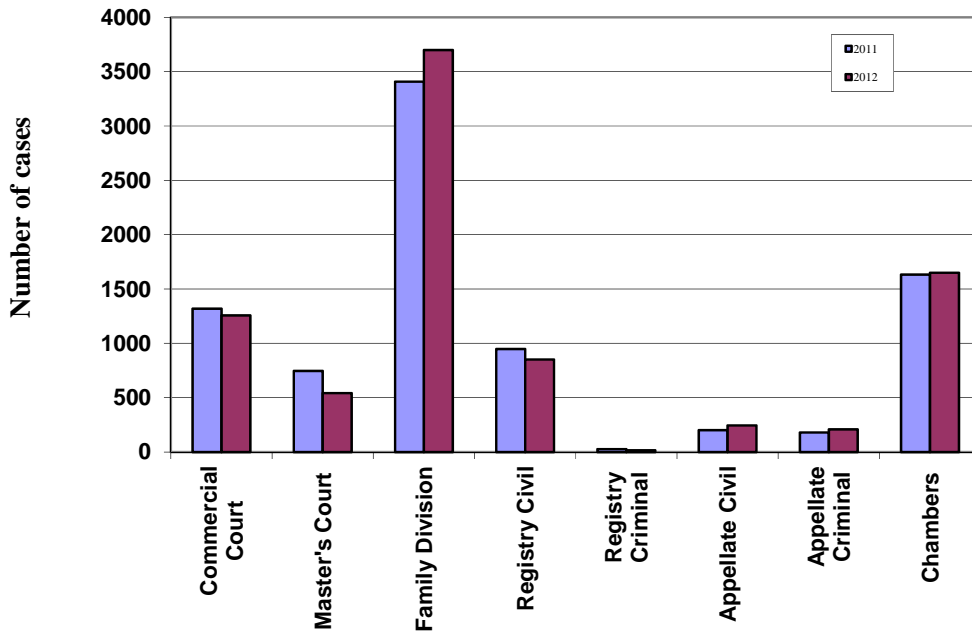
<sup>1</sup>Based on physical count except for Registry (Le Greffe) in 2012

... Not available

**Figure 1.5a - Cases lodged at the Supreme Court, 2011 & 2012**



**Figure 1.5b - Cases disposed at the Supreme Court, 2011 & 2012**



**Table 1.6 - Divorce cases, Republic of Mauritius, 2009 - 2012**

	Island of Mauritius				Island of Rodrigues				Republic of Mauritius			
	2009	2010	2011	2012	2009	2010	2011	2012	2009	2010	2011	2012
Cases pending at the beginning of the year	2,117	1,772	1,974	2,127	78	69	71	52	2,195	1,841	2,045	2,179
Cases lodged	2,069	2,221	2,248	2,300	99	59	50	104	2,168	2,280	2,298	2,404
Cases disposed:	2,414	2,019	2,095	2,323	108	57	69	86	2,522	2,076	2,164	2,409
<i>Divorce pronounced</i>	2,057	1,790	1,727	1,929	97	47	61	74	2,154	1,837	1,788	2,003
<i>Withdrawn/Struck out/Set aside</i>	341	227	353	391	11	10	7	11	352	237	360	402
<i>Dismissed</i>	13	1	13	2	-	-	1	1	13	1	14	3
<i>Judicial separation</i>	3	1	2	1	-	-	-	-	3	1	2	1
Cases outstanding at the end of the year	1,772	1,974	2,127	1,337	69	71	52	70	1,841	2,045	2,179	1,407

<sup>1</sup>Based on physical count

**Table 1.7 - Divorces/Judicial separations pronounced by number of children involved in the marriage, Republic of Mauritius, 2009 - 2012**

No. of children involved	Island of Mauritius				Island of Rodrigues				Republic of Mauritius			
	2009	2010	2011	2012	2009	2010	2011	2012	2009	2010	2011	2012
0	650	602	606	689	15	6	9	11	665	608	615	700
1	705	552	494	580	39	19	24	27	744	571	518	607
2	511	468	405	466	24	14	16	15	535	482	421	481
3	152	134	166	152	11	6	8	15	163	140	174	167
4	27	29	45	26	3	1	2	3	30	30	47	29
5	11	3	8	13	3	1	0	1	14	4	8	14
6 and above	4	3	5	4	2	0	2	2	6	3	7	6
<b>Total</b>	<b>2,060</b>	<b>1,791</b>	<b>1,729</b>	<b>1,930</b>	<b>97</b>	<b>47</b>	<b>61</b>	<b>74</b>	<b>2,157</b>	<b>1,838</b>	<b>1,790</b>	<b>2,004</b>

**Table 1.8 - Divorces pronounced by petitioning parties and grounds, Republic of Mauritius, 2009 - 2012**

Petitioning parties & grounds	Island of Mauritius				Island of Rodrigues				Republic of Mauritius			
	2009	2010	2011	2012	2009	2010	2011	2012	2009	2010	2011	2012
<b>Husband petitioner</b>	<b>794</b>	<b>662</b>	<b>663</b>	<b>603</b>	<b>41</b>	<b>12</b>	<b>17</b>	<b>24</b>	<b>835</b>	<b>674</b>	<b>680</b>	<b>627</b>
Grounds:												
<i>Faute</i>	577	454	389	341	28	9	14	12	605	463	403	353
<i>Rupture de vie commune</i>	63	27	32	27	5	2	1	4	68	29	33	31
<i>Aux torts partagés</i>	154	181	242	235	8	1	2	8	162	182	244	243
<b>Wife petitioner</b>	<b>1,263</b>	<b>1,128</b>	<b>1,021</b>	<b>994</b>	<b>56</b>	<b>35</b>	<b>42</b>	<b>46</b>	<b>1,319</b>	<b>1,163</b>	<b>1,063</b>	<b>1,040</b>
Grounds:												
<i>Faute</i>	1,080	969	755	728	50	33	38	41	1,130	1,002	793	769
<i>Rupture de vie commune</i>	16	16	17	9	1	-	2	-	17	16	19	9
<i>Aux torts partagés</i>	167	143	249	257	5	2	2	5	172	145	251	262
<b>Joint petitioners (both husband &amp; wife)</b>	<b>...</b>	<b>...</b>	<b>43</b>	<b>332</b>	<b>...</b>	<b>...</b>	<b>2</b>	<b>4</b>	<b>...</b>	<b>...</b>	<b>45</b>	<b>336</b>
Ground:												
<i>Mutual consent</i> <sup>1</sup>	...	...	43	332	...	...	2	4	...	...	45	336
<b>Total</b>	<b>2,057</b>	<b>1,790</b>	<b>1,727</b>	<b>1,929</b>	<b>97</b>	<b>47</b>	<b>61</b>	<b>74</b>	<b>2,154</b>	<b>1,837</b>	<b>1,788</b>	<b>2,003</b>

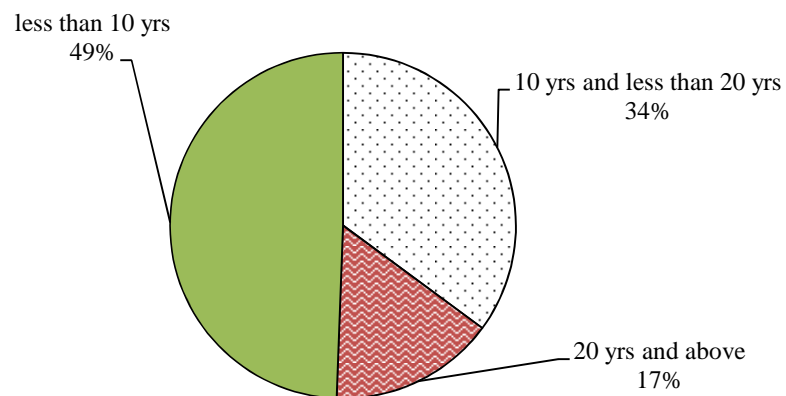
<sup>1</sup>Divorce on ground of mutual consent available as from May 2011

**Table 1.9 - Divorces/Judicial separations pronounced by duration of marriage (years), Republic of Mauritius, 2009 - 2012**

Duration of marriage (years)	Island of Mauritius				Island of Rodrigues				Republic of Mauritius			
	2009	2010	2011	2012	2009	2010	2011	2012	2009	2010	2011	2012
<1 -- 4	405	369	396	425	14	5	6	7	419	374	402	432
5 -- 9	613	506	475	528	26	20	16	20	639	526	491	548
10 -- 14	448	368	333	418	20	12	15	22	468	380	348	440
15 -- 19	275	273	230	234	12	5	9	12	287	278	239	246
20 -- 24	187	151	148	175	12	4	6	5	199	155	154	180
25 -- 29	85	67	92	82	6	0	5	2	91	67	97	84
30 and above	47	57	55	68	7	1	4	6	54	58	59	74
<b>Total</b>	<b>2,060</b>	<b>1,791</b>	<b>1,729</b>	<b>1,930</b>	<b>97</b>	<b>47</b>	<b>61</b>	<b>74</b>	<b>2,157</b>	<b>1,838</b>	<b>1,790</b>	<b>2,004</b>

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**Figure 1.9 - Divorces/Judicial separations pronounced by duration of marriage (years), Republic of Mauritius, 2012**





**Table 1.10 - Civil cases at the Mediation Division of the Supreme Court, 2011 & 2012**

	2011	2012
Cases <sup>1</sup> pending at the beginning of the year	...	109
Cases received during the year	444	582
No of cases where agreement has been recorded	147	171
No of cases purely and simply struck out/set aside	40	43
No of cases referred back to court (MR) to be fixed	148	268
Cases outstanding at the end of the year	109	209

<sup>1</sup>There were no outstanding cases at the beginning of year 2011 as the Mediation Division of the Supreme Court was introduced in January 2011

### 3. INTERMEDIATE COURT

The total number of cases lodged at the Intermediate Court decreased by 6% from 2011 to 2012 resulting from a drop of 10% in civil cases and a marginal rise of 1% in criminal cases.

Conversely, disposed civil cases increased slightly by 1% whilst disposed criminal cases decreased by 13% for the same period.

The number of outstanding cases at the end of year 2012 were 3,106 for civil and 1,733 for criminal cases.

**Table 2.1 - Civil and criminal cases at the Intermediate Court, 2009 - 2012**

	Civil cases				Criminal cases				Total			
	2009	2010	2011	2012	2009	2010	2011	2012	2009	2010	2011	2012
Cases pending at the beginning of the year	2,651	2,844	3,026	2,502	1,185	1,411	1,804	1,385	3,836	4,255	4,830	3,887
Cases lodged	2,052	2,167	2,322	2,080	1,586	1,961	1,743	1,757	3,638	4,128	4,065	3,837
Cases disposed	1,859	1,985	1,814	1,827	1,360	1,568	1,628	1,409	3,219	3,553	3,442	3,236
Cases <sup>1</sup> outstanding at the end of the year	2,844	3,026	2,502	3,106	1,411	1,804	1,385	1,733	4,255	4,830	3,887	4,839

<sup>1</sup> Based on physical count

#### 4. INDUSTRIAL COURT

The total number of cases lodged at the Industrial Court has increased by 8% from 1,095 in 2011 to 1,181 in 2012. A rise of 17% was noted in civil cases whilst criminal cases declined by 16%.

An overall decrease of 7% was registered in the number of cases disposed.

A physical count of the total number of cases showed that 1,149 cases (845 civil and 304 criminal) were left outstanding at the end of the year 2012.

**Table 3.1 - Civil and criminal cases at the Industrial Court, 2009 - 2012**

	Civil cases				Criminal cases				Total			
	2009	2010	2011	2012	2009	2010	2011	2012	2009	2010	2011	2012
Cases pending at the beginning of the year	307	415	657	641	116	117	159	194	423	532	816	835
Cases lodged	927	1,037	788	922	145	235	307	259	1,072	1,272	1,095	1,181
Cases disposed	819	928	804	803	144	191	274	199	963	1,119	1,078	1,002
Cases <sup>1</sup> outstanding at the end of the year	415	657	641	845	117	159	194	304	532	816	835	1,149

<sup>1</sup> Based on physical count

## **5. DISTRICT COURTS**

About 42% of the civil and criminal cases were lodged in urban areas in 2012, with 31,175 cases in the two District Courts of Plaines Wilhems and 22,665 cases in the District Courts of Port Louis. Among the rural areas, the District Court of Flacq registered the largest number of lodged cases at 13,862 (Table 4.1).

Although the number of criminal cases lodged increased by 14% to 119,027 in 2012, major decreases were noted at the District Courts of Port Louis Division II (from 9,687 in 2011 to 9,250 in 2012) and Pamplemousses (from 14,705 in 2011 to 12,261 in 2012) (Table 4.2).

Decreases in the number of civil cases lodged were noted in all District Courts except for the two courts of Plaines Wilhems. The total number of civil cases lodged increased by 18% to 9,443 in 2012 (Table 4.3).

In 2012, 107,325 criminal cases were disposed compared to 102,814 cases in 2011, representing an increase of 4%. The increases were mainly felt at the District Courts of Rodrigues, Grand Port and Riviere du Rempart (Table 4.2).

Similarly, the total number of civil cases disposed increased by 17% from 7,182 in 2011 to 8,421 in 2012 (Table 4.3).

**Table 4.1 - Civil and criminal cases at the District Courts, 2009 - 2012**

	Cases pending at the beginning of the year				Cases lodged				Cases disposed				Cases <sup>1</sup> outstanding at the end of the year			
	2009	2010	2011	2012	2009	2010	2011	2012	2009	2010	2011	2012	2009	2010	2011	2012
Port Louis Div I	1,356	1,229	1,171	869	1,799	1,663	1,927	1,628	1,926	1,499	1,678	1,651	1,229	1,171	869	843
Port Louis Div II	2,078	2,252	2,071	3,802	6,210	7,206	9,687	9,250	6,036	6,238	7,956	7,720	2,252	2,071	3,802	3,538
Port Louis Div III	8,366	2,241	1,580	678	15,439	12,670	10,179	11,787	13,552	11,149	11,081	9,429	2,241	1,580	678	1,078
Pamplemousses	2,319	3,239	2,913	2,878	11,946	12,350	15,273	12,741	11,026	11,833	14,891	12,688	3,239	2,913	2,878	2,641
Riviere du Rempart	2,497	3,472	3,165	3,553	9,725	9,057	10,766	12,360	8,755	9,112	9,553	11,654	3,472	3,165	3,553	5,490
Flacq	2,106	1,684	3,126	3,474	8,994	10,248	9,999	13,862	9,356	8,831	9,641	10,826	1,684	3,126	3,474	5,254
Moka	1,161	1,283	1,279	1,512	7,061	8,269	7,830	8,635	6,929	7,851	7,318	7,483	1,283	1,279	1,512	2,664
Lower Plains Wilhems	3,814	4,306	1,488	1,856	12,313	14,061	12,578	14916 <sup>2</sup>	11,821	15,343	13,538	14317 <sup>2</sup>	4,306	1,488	1,856	2414 <sup>2</sup>
Upper Plains Wilhems	1,160	1,224	3,401	2,266	14,454	17,724	12,445	16259 <sup>2</sup>	14,390	15,528	13,187	13683 <sup>2</sup>	1,224	3,401	2,266	4182 <sup>2</sup>
Grand Port	2,475	3,339	1,855	1,677	13,499	10,365	7,133	9,083	12,635	11,849	6,826	9,398	3,339	1,855	1,677	1,362
Savanne	2,330	3,081	1,667	1,617	6,248	6,007	6,816	7,242	5,501	6,791	6,649	6,849	3,081	1,667	1,617	1,837
Black River	1,370	1,280	680	981	4,130	4,357	5,529	5,463	4,220	4,104	5,209	5,151	1,280	680	981	1,331
Rodrigues	2,019	1,008	321	306	3,213	2,323	2,162	5,244	4,224	3,010	2,469	4,897	1,008	321	306	653
<b>Island of Mauritius</b>	<b>31,032</b>	<b>28,630</b>	<b>24,396</b>	<b>25,163</b>	<b>111,818</b>	<b>113,977</b>	<b>110,162</b>	<b>123,226</b>	<b>106,147</b>	<b>110,128</b>	<b>107,527</b>	<b>110,849</b>	<b>28,630</b>	<b>24,396</b>	<b>25,163</b>	<b>32,634</b>
<b>Republic of Mauritius</b>	<b>33,051</b>	<b>29,638</b>	<b>24,717</b>	<b>25,469</b>	<b>115,031</b>	<b>116,300</b>	<b>112,324</b>	<b>128,470</b>	<b>110,371</b>	<b>113,138</b>	<b>109,996</b>	<b>115,746</b>	<b>29,638</b>	<b>24,717</b>	<b>25,469</b>	<b>33,287</b>

<sup>1</sup>Based on physical count except for Court of Rodrigues in 2012

<sup>2</sup>As from May 2011, civil cases include state debts, following amendment of the Local Government Act

**Table 4.2 - Criminal cases at the District Courts, 2009 - 2012**

	Cases pending at the beginning of the year				Cases lodged				Cases disposed				Cases <sup>1</sup> outstanding at the end of the year			
	2009	2010	2011	2012	2009	2010	2011	2012	2009	2010	2011	2012	2009	2010	2011	2012
Port Louis Div II	2,078	2,252	2,071	3,802	6,210	7,206	9,687	9,250	6,036	6,238	7,956	7,720	2,252	2,071	3,802	3,538
Port Louis Div III	8,366	2,241	1,580	678	15,439	12,670	10,179	11,787	13,552	11,149	11,081	9,429	2,241	1,580	678	1,078
Pamplemousses	2,237	3,098	2,810	2,778	11,372	11,744	14,705	12,261	10,511	11,142	14,298	12,116	3,098	2,810	2,778	2,575
Riviere du Rempart	2,431	3,383	3,056	3,482	9,213	8,617	10,369	12,032	8,261	8,678	9,118	11,294	3,383	3,056	3,482	5,450
Flacq	1,923	1,469	3,033	3,336	8,294	9,512	9,339	13,361	8,748	7,996	9,026	10,301	1,469	3,033	3,336	5,133
Moka	1,133	1,223	1,190	1,394	6,444	7,797	7,294	8,324	6,354	7,408	6,811	7,118	1,223	1,190	1,394	2,600
Lower Plaines Wilhems	3,356	3,509	1,281	1,259	10,184	12,555	11,294	13,276	10,031	13,495	12,533	12,709	3,509	1,281	1,259	1,843
Upper Plaines Wilhems	593	791	3,165	1,927	12,689	16,424	11,486	13,170	12,491	14,248	12,326	12,070	791	3,165	1,927	2,367
Grand Port	2,337	3,210	1,738	1,419	12,832	9,863	6,557	8,515	11,959	11,335	6,391	8,654	3,210	1,738	1,419	1,280
Savanne	2,263	3,052	1,619	1,519	5,896	5,692	6,481	6,940	5,107	6,497	6,350	6,477	3,052	1,619	1,519	1,809
Black River	1,301	1,235	593	927	3,746	3,908	5,052	5,100	3,812	3,697	4,699	4,778	1,235	593	927	1,296
Rodrigues	1,868	877	206	164	2,902	2,135	1,891	5,011	3,893	2,806	2,225	4,659	877	206	164	516
<b>Island of Mauritius</b>	<b>28,018</b>	<b>25,463</b>	<b>22,136</b>	<b>22,521</b>	<b>102,319</b>	<b>105,988</b>	<b>102,443</b>	<b>114,016</b>	<b>96,862</b>	<b>101,883</b>	<b>100,589</b>	<b>102,666</b>	<b>25,463</b>	<b>22,136</b>	<b>22,521</b>	<b>28,969</b>
<b>Republic of Mauritius</b>	<b>29,886</b>	<b>26,340</b>	<b>22,342</b>	<b>22,685</b>	<b>105,221</b>	<b>108,123</b>	<b>104,334</b>	<b>119,027</b>	<b>100,755</b>	<b>104,689</b>	<b>102,814</b>	<b>107,325</b>	<b>26,340</b>	<b>22,342</b>	<b>22,685</b>	<b>29,485</b>

<sup>1</sup>Based on physical count except for Court of Rodrigues in 2012

**Table 4.3 - Civil cases at the District Courts, 2009 - 2012**

	Cases pending at the beginning of the year				Cases lodged				Cases disposed				Cases <sup>1</sup> outstanding at the end of the year			
	2009	2010	2011	2012	2009	2010	2011	2012	2009	2010	2011	2012	2009	2010	2011	2012
Port Louis Div I	1,356	1,229	1,171	869	1,799	1,663	1,927	1,628	1,926	1,499	1,678	1,651	1,229	1,171	869	843
Pamplemousses	82	141	103	100	574	606	568	480	515	691	593	572	141	103	100	66
Riviere du Rempart	66	89	109	71	512	440	397	328	494	434	435	360	89	109	71	40
Flacq	183	215	93	138	700	736	660	501	608	835	615	525	215	93	138	121
Moka	28	60	89	118	617	472	536	311	575	443	507	365	60	89	118	64
Lower Plaines Wilhems	458	797	207	597	2,129	1,506	1,284	1640 <sup>2</sup>	1,790	1,848	1,005	1608 <sup>2</sup>	797	207	597	571 <sup>2</sup>
Upper Plaines Wilhems	567	433	236	339	1,765	1,300	959	3089 <sup>2</sup>	1,899	1,280	861	1613 <sup>2</sup>	433	236	339	1815 <sup>2</sup>
Grand Port	138	129	117	258	667	502	576	568	676	514	435	744	129	117	258	82
Savanne	67	29	48	98	352	315	335	302	394	294	299	372	29	48	98	28
Black River	69	45	87	54	384	449	477	363	408	407	510	373	45	87	54	35
Rodrigues	151	131	115	142	311	188	271	233	331	204	244	238	131	115	142	137
<b>Island of Mauritius</b>	<b>3,014</b>	<b>3,167</b>	<b>2,260</b>	<b>2,642</b>	<b>9,499</b>	<b>7,989</b>	<b>7,719</b>	<b>9,210</b>	<b>9,285</b>	<b>8,245</b>	<b>6,938</b>	<b>8,183</b>	<b>3,167</b>	<b>2,260</b>	<b>2,642</b>	<b>3,665</b>
<b>Republic of Mauritius</b>	<b>3,165</b>	<b>3,298</b>	<b>2,375</b>	<b>2,784</b>	<b>9,810</b>	<b>8,177</b>	<b>7,990</b>	<b>9,443</b>	<b>9,616</b>	<b>8,449</b>	<b>7,182</b>	<b>8,421</b>	<b>3,298</b>	<b>2,375</b>	<b>2,784</b>	<b>3,802</b>

<sup>1</sup>Based on physical count except for Court of Rodrigues in 2012

<sup>2</sup>As from May 2011, include state debts cases, following amendment of the Local Government Act

**Table 4.4 - Small Claims Procedure at the District Courts, 2009 - 2012**

	Cases lodged				Cases disposed			
	2009	2010	2011	2012	2009	2010	2011	2012
Port Louis Div I	130	147	112	107	141	157	111	96
Pamplemousses	105	134	77	102	123	140	74	87
Riviere du Rempart	108	104	80	80	119	112	86	95
Flacq	288	238	163	85	195	309	183	102
Moka	280	215	270	81	254	207	236	147
Lower Plains Wilhems	122	166	103	126	50	172	84	111
Upper Plains Wilhems	119	231	131	115	129	167	128	120
Grand Port	132	121	156	264	123	109	99	325
Savanne	94	125	159	172	103	118	111	239
Black River	167	158	123	99	188	148	125	113
Rodrigues	14	24	29	13	11	14	38	17
<b>Island of Mauritius</b>	<b>1,545</b>	<b>1,639</b>	<b>1,374</b>	<b>1,231</b>	<b>1,425</b>	<b>1,639</b>	<b>1,237</b>	<b>1,435</b>
<b>Republic of Mauritius</b>	<b>1,559</b>	<b>1,663</b>	<b>1,403</b>	<b>1,244</b>	<b>1,436</b>	<b>1,653</b>	<b>1,275</b>	<b>1,452</b>

**Table 4.5 - Cases under the Protection from Domestic Violence Act 1997 at the District Courts, 2009 - 2012**

	Cases lodged				Cases disposed			
	2009	2010	2011	2012	2009	2010	2011	2012
Port Louis Div I	255	208	174	162	273	201	177	145
Pamplemousses	145	233	250	208	136	216	228	213
Riviere du Rempart	140	168	123	91	143	156	120	99
Flacq	126	167	145	173	126	151	136	162
Moka	93	94	106	90	94	86	110	88
Lower Plains Wilhems	561	543	330	416	532	520	321	403
Upper Plains Wilhems	194	204	187	180	185	196	187	141
Grand Port	132	115	95	59	134	112	95	72
Savanne	46	29	16	17	40	37	16	17
Black River	80	106	136	88	81	104	143	79
Rodrigues	29	38	50	60	29	40	49	59
<b>Island of Mauritius</b>	<b>1,772</b>	<b>1,867</b>	<b>1,562</b>	<b>1,484</b>	<b>1,744</b>	<b>1,779</b>	<b>1,533</b>	<b>1,419</b>
<b>Republic of Mauritius</b>	<b>1,801</b>	<b>1,905</b>	<b>1,612</b>	<b>1,544</b>	<b>1,773</b>	<b>1,819</b>	<b>1,582</b>	<b>1,478</b>



**Table 4.6 - Breakdown of Orders under the Protection from Domestic Violence Act 1997 at the District Courts, 2012**

	Orders				Total
	Protection	Occupation	Tenancy	Revocation <sup>1</sup>	
Applications received	1,522	20	2	1	1,545
Interim Orders issued	1,465	2	-	-	1,467
Orders issued	813	8	1	1	823
Orders extension made	211	5	-	-	216
Applications withdrawn/set aside/struck out/dismissed	650	7	1	-	658
Cases where parties have been ordered to attend counselling sessions	26	-	-	-	26

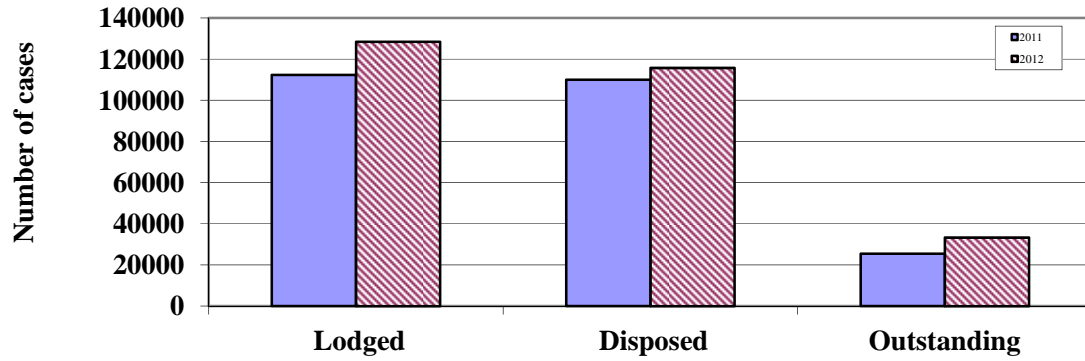
**Table 4.7 - Breakdown by sex of Protection Orders under the Protection from Domestic Violence Act 1997 at the District Courts, 2012**

	Spouse/partner			Other persons living under the same roof			Total		
	Male	Female	Total	Male	Female	Total	Male	Female	Total
Applications received	61	1,280	1,341	55	126	181	116	1,406	1,522
Interim Orders issued	48	1,248	1,296	47	122	169	95	1,370	1,465
Orders issued	18	712	730	36	47	83	54	759	813
Orders extension made	-	203	203	-	8	8	-	211	211
Applications withdrawn/set aside/struck out/dismissed	36	531	567	30	53	83	66	584	650
Cases where parties have been ordered to attend counselling sessions	2	24	26	-	-	-	2	24	26

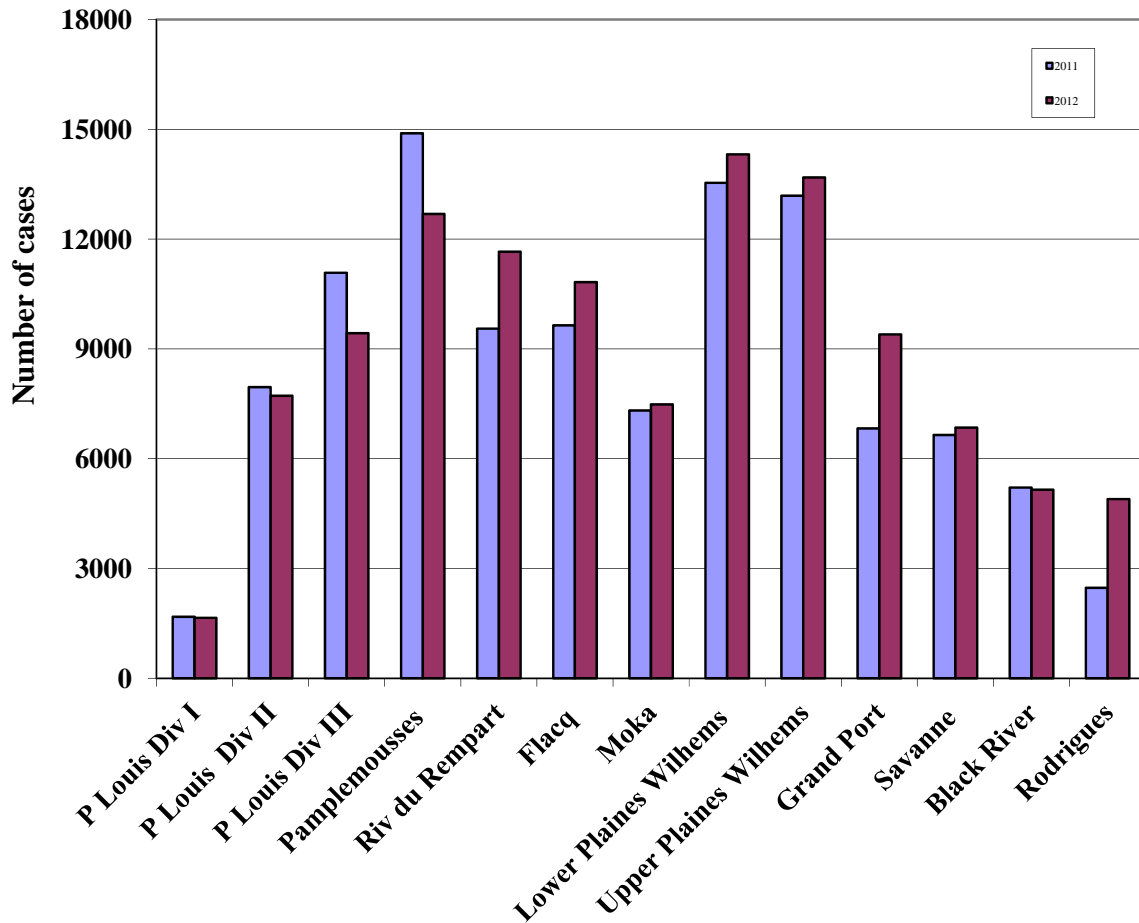
Figures for applications received/Orders issued are not comparable to cases lodged/disposed (table 4.5) due to applications made for different Orders or for more than one person in a single case

<sup>1</sup>The Revocation Order relates to a Protection Order for a male spouse/partner

**Figure 4.1a - Total cases lodged, disposed and outstanding at the District Courts, Republic of Mauritius, 2011 & 2012**



**Figure 4.1b - Civil and criminal cases disposed by District Courts, 2011 & 2012**



## **6. CASES (CIVIL AND CRIMINAL) IN THE REPUBLIC OF MAURITIUS**

The number of cases lodged in the Republic of Mauritius showed an increase of 13% (14% for criminal cases and 7% for civil cases) from 126,645 in 2011 to 142,741 in 2012. Conversely, a fall of 14% was noted in civil cases lodged in the Island of Rodrigues.

Similarly, for the same period, the total number of cases disposed rose by 4% resulting from an increase in both civil (7%) and criminal (4%) cases (Tables 5.1-5.3).

**Table 5.1 - Total cases, Republic of Mauritius, 2009 - 2012**

	Cases pending at the beginning of the year				Cases lodged				Cases disposed				Cases <sup>1</sup> outstanding at the end of the year			
	2009	2010	2011	2012	2009	2010	2011	2012	2009	2010	2011	2012	2009	2010	2011	2012
<b>Republic of Mauritius</b>	<b>50,014</b>	<b>43,805</b>	<b>39,802</b>	<b>39,336</b>	<b>127,353</b>	<b>130,934</b>	<b>126,645</b>	<b>142,741</b>	<b>122,615</b>	<b>126,591</b>	<b>122,975</b>	<b>128,452</b>	<b>43,805</b>	<b>39,802</b>	<b>39,336</b>	<b>48,208</b>
<b>Island of Mauritius</b>	<b>47,995</b>	<b>42,797</b>	<b>39,481</b>	<b>39,030</b>	<b>124,140</b>	<b>128,611</b>	<b>124,483</b>	<b>137,497</b>	<b>118,391</b>	<b>123,581</b>	<b>120,506</b>	<b>123,555</b>	<b>42,797</b>	<b>39,481</b>	<b>39,030</b>	<b>47,555</b>
Supreme Court	12,704	9,380	9,439	9,145	7,612	9,234	9,161	9,253	8,062	8,781	8,459	8,468	9,380	9,439	9,145	8,933
<i>Appeal cases</i>	<i>1,008</i>	<i>1,021</i>	<i>979</i>	<i>943</i>	<i>423</i>	<i>356</i>	<i>398</i>	<i>370</i>	<i>333</i>	<i>398</i>	<i>381</i>	<i>453</i>	<i>1,021</i>	<i>979</i>	<i>943</i>	<i>860</i>
<i>Other cases</i>	<i>11,696</i>	<i>8,359</i>	<i>8,460</i>	<i>8,202</i>	<i>7,189</i>	<i>8,878</i>	<i>8,763</i>	<i>8,883</i>	<i>7,729</i>	<i>8,383</i>	<i>8,078</i>	<i>8,015</i>	<i>8,359</i>	<i>8,460</i>	<i>8,202</i>	<i>8,073</i>
Industrial Court	423	532	816	835	1,072	1,272	1,095	1,181	963	1,119	1,078	1,002	532	816	835	1,149
Intermediate Court	3,836	4,255	4,830	3,887	3,638	4,128	4,065	3,837	3,219	3,553	3,442	3,236	4,255	4,830	3,887	4,839
District Courts	31,032	28,630	24,396	25,163	111,818	113,977	110,162	123,226	106,147	110,128	107,527	110,849	28,630	24,396	25,163	32,634
<b>Court of Rodrigues</b>	<b>2,019</b>	<b>1,008</b>	<b>321</b>	<b>306</b>	<b>3,213</b>	<b>2,323</b>	<b>2,162</b>	<b>5,244</b>	<b>4,224</b>	<b>3,010</b>	<b>2,469</b>	<b>4,897</b>	<b>1,008</b>	<b>321</b>	<b>306</b>	<b>653</b>

<sup>1</sup>Based on physical count except for Registry (Le Greffe) & Court of Rodrigues in 2012

**Table 5.2 - Total criminal cases, Republic of Mauritius, 2009 - 2012**

	Cases pending at the beginning of the year				Cases lodged				Cases disposed				Cases <sup>1</sup> outstanding at the end of the year			
	2009	2010	2011	2012	2009	2010	2011	2012	2009	2010	2011	2012	2009	2010	2011	2012
<b>Republic of Mauritius</b>	<b>31,603</b>	<b>28,342</b>	<b>24,771</b>	<b>24,699</b>	<b>107,198</b>	<b>110,533</b>	<b>106,601</b>	<b>121,263</b>	<b>102,428</b>	<b>106,670</b>	<b>104,922</b>	<b>109,157</b>	<b>28,342</b>	<b>24,771</b>	<b>24,699</b>	<b>31,953</b>
<b>Island of Mauritius</b>	<b>29,735</b>	<b>27,465</b>	<b>24,565</b>	<b>24,535</b>	<b>104,296</b>	<b>108,398</b>	<b>104,710</b>	<b>116,252</b>	<b>98,535</b>	<b>103,864</b>	<b>102,697</b>	<b>104,498</b>	<b>27,465</b>	<b>24,565</b>	<b>24,535</b>	<b>31,437</b>
Supreme Court	416	474	466	435	246	214	217	220	169	222	206	224	474	466	435	431
<i>Appeal cases</i>	<i>380</i>	<i>459</i>	<i>435</i>	<i>423</i>	<i>221</i>	<i>178</i>	<i>200</i>	<i>186</i>	<i>145</i>	<i>202</i>	<i>180</i>	<i>209</i>	<i>459</i>	<i>435</i>	<i>423</i>	<i>400</i>
<i>Other cases</i>	<i>36</i>	<i>15</i>	<i>31</i>	<i>12</i>	<i>25</i>	<i>36</i>	<i>17</i>	<i>34</i>	<i>24</i>	<i>20</i>	<i>26</i>	<i>15</i>	<i>15</i>	<i>31</i>	<i>12</i>	<i>31</i>
Industrial Court	116	117	159	194	145	235	307	259	144	191	274	199	117	159	194	304
Intermediate Court	1,185	1,411	1,804	1,385	1,586	1,961	1,743	1,757	1,360	1,568	1,628	1,409	1,411	1,804	1,385	1,733
District Courts	28,018	25,463	22,136	22,521	102,319	105,988	102,443	114,016	96,862	101,883	100,589	102,666	25,463	22,136	22,521	28,969
<b>Court of Rodrigues</b>	<b>1,868</b>	<b>877</b>	<b>206</b>	<b>164</b>	<b>2,902</b>	<b>2,135</b>	<b>1,891</b>	<b>5,011</b>	<b>3,893</b>	<b>2,806</b>	<b>2,225</b>	<b>4,659</b>	<b>877</b>	<b>206</b>	<b>164</b>	<b>516</b>

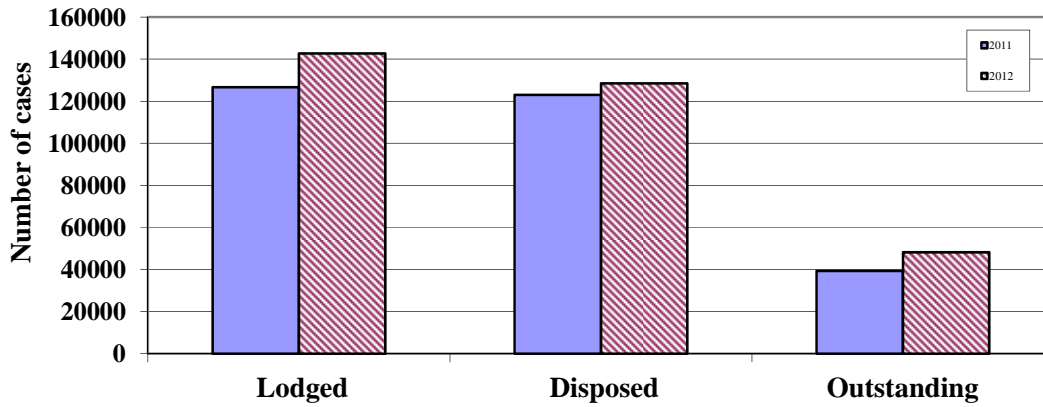
<sup>1</sup>Based on physical count except for Registry (Le Greffe) & Court of Rodrigues in 2012

**Table 5.3 - Total civil cases, Republic of Mauritius, 2009 - 2012**

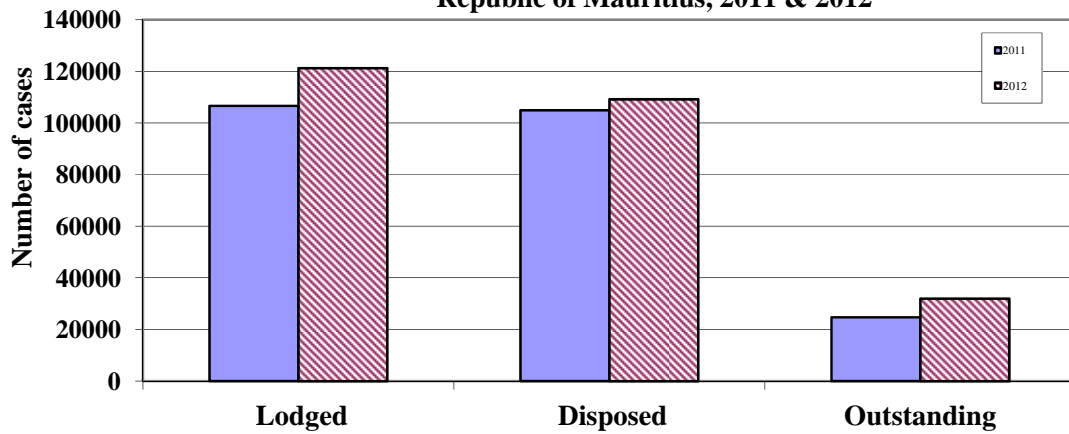
	Cases pending at the beginning of the year				Cases lodged				Cases disposed				Cases <sup>1</sup> outstanding at the end of the year			
	2009	2010	2011	2012	2009	2010	2011	2012	2009	2010	2011	2012	2009	2010	2011	2012
<b>Republic of Mauritius</b>	<b>18,411</b>	<b>15,463</b>	<b>15,031</b>	<b>14,637</b>	<b>20,155</b>	<b>20,401</b>	<b>20,044</b>	<b>21,478</b>	<b>20,187</b>	<b>19,921</b>	<b>18,053</b>	<b>19,295</b>	<b>15,463</b>	<b>15,031</b>	<b>14,637</b>	<b>16,255</b>
<b>Island of Mauritius</b>	<b>18,260</b>	<b>15,332</b>	<b>14,916</b>	<b>14,495</b>	<b>19,844</b>	<b>20,213</b>	<b>19,773</b>	<b>21,245</b>	<b>19,856</b>	<b>19,717</b>	<b>17,809</b>	<b>19,057</b>	<b>15,332</b>	<b>14,916</b>	<b>14,495</b>	<b>16,118</b>
Supreme Court	12,288	8,906	8,973	8,710	7,366	9,020	8,944	9,033	7,893	8,559	8,253	8,244	8,906	8,973	8,710	8,502
<i>Appeal cases</i>	628	562	544	520	202	178	198	184	188	196	201	244	562	544	520	460
<i>Other cases</i>	11,660	8,344	8,429	8,190	7,164	8,842	8,746	8,849	7,705	8,363	8,052	8,000	8,344	8,429	8,190	8,042
Industrial Court	307	415	657	641	927	1,037	788	922	819	928	804	803	415	657	641	845
Intermediate Court	2,651	2,844	3,026	2,502	2,052	2,167	2,322	2,080	1,859	1,985	1,814	1,827	2,844	3,026	2,502	3,106
District Courts	3,014	3,167	2,260	2,642	9,499	7,989	7,719	9,210	9,285	8,245	6,938	8,183	3,167	2,260	2,642	3,665
<b>Court of Rodrigues</b>	<b>151</b>	<b>131</b>	<b>115</b>	<b>142</b>	<b>311</b>	<b>188</b>	<b>271</b>	<b>233</b>	<b>331</b>	<b>204</b>	<b>244</b>	<b>238</b>	<b>131</b>	<b>115</b>	<b>142</b>	<b>137</b>

<sup>1</sup>Based on physical count except for Registry (Le Greffe) & Court of Rodrigues in 2012

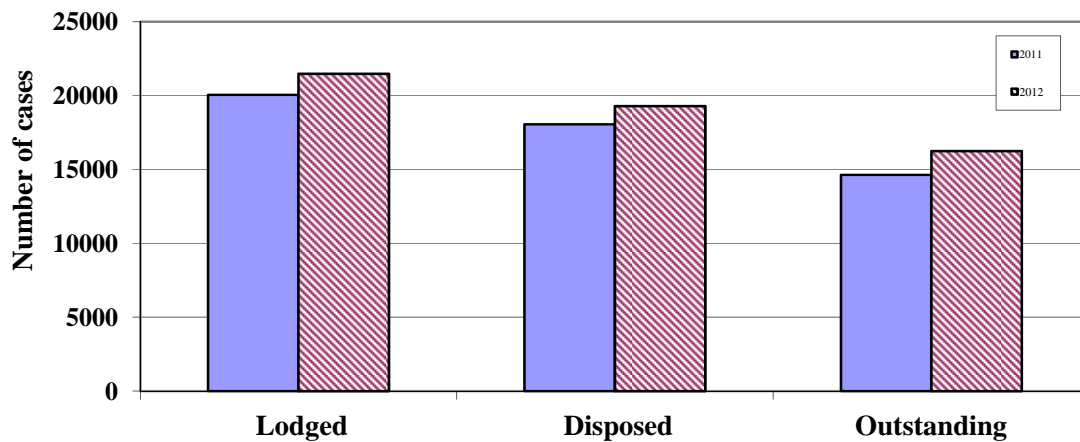
**Figure 5.1 - Total cases lodged, disposed and outstanding,  
Republic of Mauritius, 2011 & 2012**



**Figure 5.2- Total criminal cases lodged, disposed and outstanding,  
Republic of Mauritius, 2011 & 2012**



**Figure 5.3 - Total civil cases lodged, disposed and outstanding,  
Republic of Mauritius, 2011 & 2012**



## **7. CRIME STATISTICS**

### **7.1 Summary of criminal offences disposed**

In 86% (113,695) of the 131,927 criminal offences disposed in 2012, the defendants were proven guilty and sentenced; while 14% of the offences were acquitted or non-adjudicated (Figure 6.2).

The Industrial Court has the highest percentage (96%) of offences proven guilty compared to the Supreme Court (88%) and the District Courts (87%).

Only 3,128 (3%) of the offences proven guilty were sentenced to Custodial Orders, i.e. the persons were detained in an institution to serve their sentences. For the majority (97%) of these offences, the defendants were either sentenced to pay fines or to serve Community Service/Probation Orders (Non-Custodial Orders).

Some 87% of the sentences pronounced (proven guilty) at the Supreme Court and 37% of those pronounced at the Intermediate Court were Custodial Orders. Conversely, all of the sentences pronounced at the Industrial Court and 98% of those pronounced at the District Courts were Non-Custodial Orders.

### **7.2 Convicted offences**

The overall convicted offences went up by 16% from 97,778 in 2011 to 113,695 in 2012 (Table 6.3).

An overall increase of 23% was noted in convicted sexual offences with main rises in “attempt upon chastity” and “sexual intercourse with minor under 16”. However, convicted “property offences” went down by 8% to 5,552 in 2012 with main decreases in “theft” and “fraud and dishonesty”.

About 78% of the criminal offences disposed in the Republic of Mauritius in 2012 were road traffic contraventions. In addition to the 88,217 contraventions convicted in 2012 as shown in Table 6.3, more road traffic contraventions were paid via fixed penalty notices. These are directly paid to the cash offices and are not considered as offences lodged and disposed at court. However, if the contravened is not agreeable to pay the fine, then a case is lodged.



**Table 6.1 - Criminal offences<sup>1</sup> disposed according to United Nations classification of offences (broad categories), Republic of Mauritius, 2011 & 2012**

	Island of Mauritius		Island of Rodrigues		Republic of Mauritius	
	2011	2012	2011	2012	2011	2012
Homicide and related offences	120	129	3	3	123	132
<i>Intentional Homicide (committed)</i>	7	14	1	-	8	14
<i>Intentional Homicide (attempted)</i>	1	10	-	-	1	10
<i>Non Intentional Homicide</i>	112	105	2	3	114	108
Assault and related offences	7,093	7,208	231	364	7,324	7,572
Sexual offences	253	273	19	9	272	282
Property offences	8,031	8,092	224	214	8,255	8,306
<i>Fraud and dishonesty</i>	1,003	1,128	47	29	1,050	1,157
<i>Embezzlement</i>	219	201	5	13	224	214
<i>Theft</i>	4,560	3,760	76	101	4,636	3,861
<i>Robbery</i>	1,899	1,230	12	5	1,911	1,235
<i>Burglary</i>	487	448	18	31	505	479
<i>Other theft (excluding automobile theft)</i>	2,174	2,082	46	65	2,220	2,147
<i>Other property offences</i>	2,249	3,003	96	71	2,345	3,074
Drug offences	2,683	2,449	57	43	2,740	2,492
Road traffic contraventions <sup>2</sup>	82,124	92,033	1,684	4,475	83,808	96,508
Other contraventions	322	285	25	39	347	324
Other offences	14,260	15,584	565	727	14,825	16,311
<b>Total</b>	<b>114,886</b>	<b>126,053</b>	<b>2,808</b>	<b>5,874</b>	<b>117,694</b>	<b>131,927</b>

<sup>1</sup>Offences by number of person

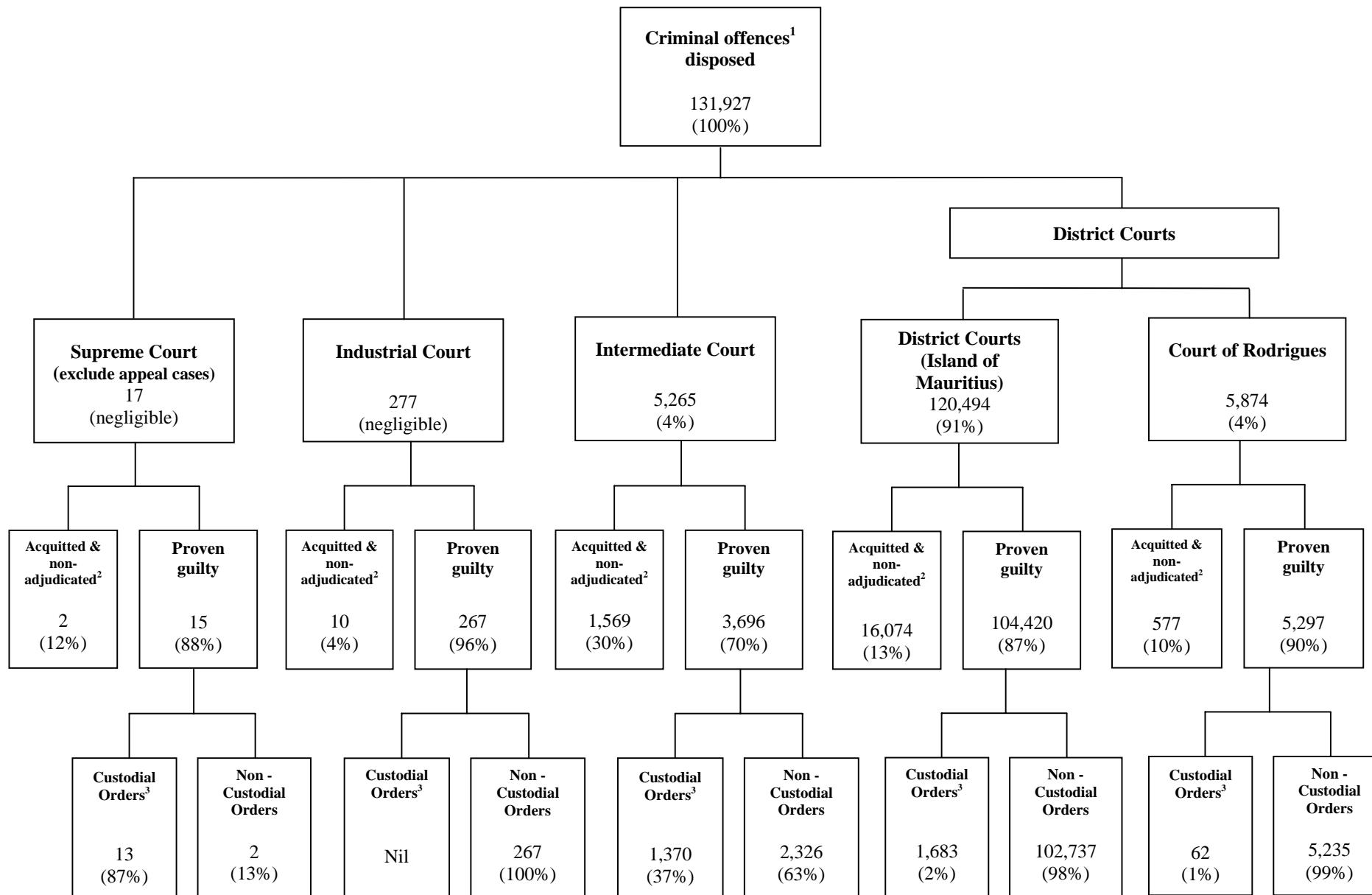
<sup>2</sup>Exclude figures on fixed penalty notice

**Table 6.2 - Criminal offences<sup>1</sup> disposed by courts and outcome of judgment, Republic of Mauritius, 2011 & 2012**

	Acquitted & non-adjudicated		Convictions by penalty imposed								Total	
			Imprisonment		RYC, CYC & other institutions		Fine		Probation, Community Service, Conditional & Absolute Discharges			
			2011	2012	2011	2012	2011	2012	2011	2012		
Supreme Court	2	2	32	13	-	-	-	2	-	-	34	17
Industrial Court	35	10	-	-	-	-	383	267	-	-	418	277
Intermediate Court	1,085	1,569	1,482	1,367	-	3	1,695	1,462	688	864	4,950	5,265
District Courts:	18,794	16,651	1,893	1,686	54	59	90,011	106,548	1,540	1,424	112,292	126,368
<i>Port Louis Div II</i>	1,839	1,888	177	148	2	5	9,267	8,640	111	134	11,396	10,815
<i>Port Louis Div III</i>	2,269	1,884	187	112	14	19	9,660	9,252	159	98	12,289	11,365
<i>Pamplemousses</i>	2,831	1,144	173	192	25	2	12,965	12,353	115	148	16,109	13,839
<i>Riviere du Rempart</i>	1,097	1,620	76	76	-	-	6,693	10,841	193	210	8,059	12,747
<i>Flacq</i>	1,518	1,389	110	100	1	11	8,298	11,138	106	131	10,033	12,769
<i>Moka</i>	942	621	66	15	-	-	5,518	6,795	93	22	6,619	7,453
<i>Lower Plaines Wilhems</i>	2,202	2,795	520	444	9	11	9,441	11,319	196	161	12,368	14,730
<i>Upper Plaines Wilhems</i>	2,511	1,769	139	78	-	3	9,041	10,593	136	120	11,827	12,563
<i>Grand Port</i>	910	1,436	223	301	-	-	6,388	8,721	123	121	7,644	10,579
<i>Savanne</i>	1,350	1,022	93	104	3	-	6,359	7,063	177	127	7,982	8,316
<i>Black River</i>	854	506	16	62	-	-	4,269	4,677	19	73	5,158	5,318
<i>Rodrigues</i>	471	577	113	54	-	8	2,112	5,156	112	79	2,808	5,874
<b>Island of Mauritius</b>	<b>19,445</b>	<b>17,655</b>	<b>3,294</b>	<b>3,012</b>	<b>54</b>	<b>54</b>	<b>89,977</b>	<b>103,123</b>	<b>2,116</b>	<b>2,209</b>	<b>114,886</b>	<b>126,053</b>
<b>Republic of Mauritius</b>	<b>19,916</b>	<b>18,232</b>	<b>3,407</b>	<b>3,066</b>	<b>54</b>	<b>62</b>	<b>92,089</b>	<b>108,279</b>	<b>2,228</b>	<b>2,288</b>	<b>117,694</b>	<b>131,927</b>

<sup>1</sup>Offences by number of person

**Figure 6.2 - Summary of criminal offences disposed, Republic of Mauritius, 2012**



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<sup>1</sup> Offences by number of person

<sup>2</sup> Acquitted means dismissed and non-adjudicated means struck out & Nolle Prosequi

<sup>3</sup> Custodial Orders comprise imprisonment and detention in Rehabilitation & Correctional Youth Centres

**Table 6.3 - Convicted offences<sup>1</sup> according to United Nations classification of offences, Republic of Mauritius, 2011 & 2012**

Offences	Imprisonment		RYC, CYC & other Institutions		Fine		Probation, Community Service, Conditional & Absolute Discharges		Total	
	2011	2012	2011	2012	2011	2012	2011	2012	2011	2012
<b>Homicide and related offences</b>	<b>25</b>	<b>33</b>	-	-	<b>52</b>	<b>47</b>	<b>2</b>	<b>2</b>	<b>79</b>	<b>82</b>
<i>Intentional Homicide (committed)</i>	<i>6</i>	<i>6</i>	-	-	-	-	-	-	<i>6</i>	<i>6</i>
Murder	5	2	-	-	-	-	-	-	5	2
Manslaughter	-	4	-	-	-	-	-	-	-	4
Abortion	1	-	-	-	-	-	-	-	1	-
<i>Intentional Homicide (attempted)</i>	<i>1</i>	<i>9</i>	-	-	-	-	-	-	<i>1</i>	<i>9</i>
Attempt at murder	1	9	-	-	-	-	-	-	1	9
<b>Non Intentional Homicide</b>	<b>18</b>	<b>18</b>	-	-	<b>52</b>	<b>47</b>	<b>2</b>	<b>2</b>	<b>72</b>	<b>67</b>
Wounds and blows causing death without intention to kill	15	18	-	-	5	2	2	-	22	20
Involuntary homicide	3	-	-	-	47	45	-	2	50	47
<b>Assault and related offences</b>	<b>102</b>	<b>107</b>	-	-	<b>3,452</b>	<b>3,508</b>	<b>201</b>	<b>145</b>	<b>3,755</b>	<b>3,760</b>
Assault causing loss of eye and limbs	-	-	-	-	-	1	-	-	-	1
Assault/wounds & blows	46	63	-	-	3,263	3,329	137	87	3,446	3,479
Assault causing sickness or incapacity for personal labour for > 20 days	8	5	-	-	30	29	28	27	66	61
Assault against member of the assembly or judicial officer or public functionary	34	22	-	-	139	117	16	15	189	154
Assault with aggravating circumstances (with corrosive substance, upon minors/mentally handicapped persons, etc.)	2	9	-	-	6	18	4	5	12	32
Assault with premeditation	12	8	-	-	14	14	16	11	42	33
<b>Sexual offences</b>	<b>57</b>	<b>64</b>	<b>3</b>	<b>4</b>	<b>35</b>	<b>42</b>	<b>60</b>	<b>80</b>	<b>155</b>	<b>190</b>
Rape	4	1	-	-	-	1	-	-	4	2
Sodomy	12	3	3	4	-	1	3	2	18	10
Bestiality	2	-	-	-	2	-	1	-	5	-
Attempt upon chastity	14	25	-	-	2	2	6	11	22	38
Sexual intercourse with minor under 16	12	29	-	-	2	1	45	66	59	96
Sollicits/importunes another person for immoral purpose	4	3	-	-	16	26	2	-	22	29
Sexual offences other	9	3	-	-	13	11	3	1	25	15
<b>Property offences</b>	<b>2,184</b>	<b>1,903</b>	<b>20</b>	<b>29</b>	<b>2,299</b>	<b>2,103</b>	<b>1,530</b>	<b>1,517</b>	<b>6,033</b>	<b>5,552</b>
<b>Fraud and dishonesty</b>	<b>261</b>	<b>257</b>	-	-	<b>428</b>	<b>319</b>	<b>205</b>	<b>237</b>	<b>894</b>	<b>813</b>
Forgery	24	89	-	-	146	79	81	51	251	219
Swindling	114	99	-	-	25	13	54	25	193	137
Making use of forged document	17	6	-	-	20	16	4	42	41	64
Swearing false affidavit	-	1	-	-	1	-	5	1	6	2
Issuing cheque without provision	65	38	-	-	122	112	33	50	220	200
Impersonation	-	1	-	-	1	-	1	2	2	3
Counterfeiting/possession/uttering of counterfeit bank notes	2	9	-	-	15	11	5	40	22	60

**Table 6.3 (cont'd) - Convicted offences<sup>1</sup> according to United Nations classification of offences, Republic of Mauritius, 2011 & 2012**

Offences	Imprisonment		RYC, CYC & other institutions		Fine		Probation, Community Service, Conditional & Absolute Discharges		Total	
	2011	2012	2011	2012	2011	2012	2011	2012	2011	2012
Forgery of passport/making use of forged passport	-	-	-	-	-	2	3	2	3	4
Extortion	-	-	-	-	-	-	1	-	1	-
Giving false evidence	1	-	-	-	3	-	-	-	4	-
Demanding money or property by threat of false accusation	1	3	-	-	5	1	3	1	9	5
Fraud and dishonesty other	37	7	-	-	86	84	9	19	132	110
<b>Offences under Prevention of Corruption Act (POCA)</b>										
Bribery by Public Official	-	4	-	-	1	-	2	2	3	6
Bribery of Public Official	-	-	-	-	-	1	2	1	2	2
Other offences under POCA	-	-	-	-	3	-	2	1	5	1
<b>Embezzlement</b>	<b>53</b>	<b>32</b>	<b>-</b>	<b>-</b>	<b>48</b>	<b>53</b>	<b>66</b>	<b>77</b>	<b>167</b>	<b>162</b>
<b>Theft</b>	<b>1,736</b>	<b>1,528</b>	<b>20</b>	<b>24</b>	<b>1,037</b>	<b>953</b>	<b>1,018</b>	<b>942</b>	<b>3,811</b>	<b>3,447</b>
<b>Robbery</b>	<b>637</b>	<b>638</b>	<b>9</b>	<b>9</b>	<b>123</b>	<b>83</b>	<b>413</b>	<b>344</b>	<b>1,182</b>	<b>1,074</b>
Larceny armed with offensive weapon	48	53	-	-	1	12	8	14	57	79
Larceny with violence by night breaking	26	101	-	3	37	7	18	17	81	128
Larceny with aggravating circumstances	112	28	-	3	24	4	35	21	171	56
Larceny by 2 or more individuals	377	391	6	2	58	52	334	274	775	719
Larceny on public road	74	65	3	1	3	8	18	18	98	92
<b>Burglary</b>	<b>281</b>	<b>290</b>	<b>11</b>	<b>7</b>	<b>30</b>	<b>44</b>	<b>84</b>	<b>105</b>	<b>406</b>	<b>446</b>
Larceny by night breaking	110	96	2	1	9	6	39	29	160	132
Larceny by day breaking	37	44	4	-	2	3	6	14	49	61
Larceny scaling	134	150	5	6	19	35	39	62	197	253
<b>Other theft (excluding automobile theft)</b>	<b>818</b>	<b>600</b>	<b>-</b>	<b>8</b>	<b>884</b>	<b>826</b>	<b>521</b>	<b>493</b>	<b>2,223</b>	<b>1,927</b>
Larceny by person in receipt of wages	84	35	-	-	47	43	182	173	313	251
Simple larceny	561	349	-	8	681	618	213	219	1,455	1,194
Larceny other	129	147	-	-	121	128	99	73	349	348
Attempt at larceny	44	69	-	-	35	37	27	28	106	134
<b>Other property offences</b>	<b>134</b>	<b>86</b>	<b>-</b>	<b>5</b>	<b>786</b>	<b>778</b>	<b>241</b>	<b>261</b>	<b>1,161</b>	<b>1,130</b>
Damages to property	16	11	-	1	492	508	30	29	538	549
Receiving & possession of stolen property	116	74	-	4	288	268	205	228	609	574
Arson	2	1	-	-	6	2	6	4	14	7
<b>Drug offences</b>	<b>312</b>	<b>221</b>	<b>8</b>	<b>-</b>	<b>2,315</b>	<b>2,159</b>	<b>21</b>	<b>14</b>	<b>2,656</b>	<b>2,394</b>
<b>Road traffic contraventions<sup>2</sup></b>	<b>51</b>	<b>103</b>	<b>-</b>	<b>-</b>	<b>72,977</b>	<b>88,066</b>	<b>45</b>	<b>48</b>	<b>73,073</b>	<b>88,217</b>
<b>Other contraventions</b>	<b>-</b>	<b>6</b>	<b>-</b>	<b>-</b>	<b>311</b>	<b>294</b>	<b>1</b>	<b>3</b>	<b>312</b>	<b>303</b>
<b>Other offences</b>	<b>676</b>	<b>629</b>	<b>23</b>	<b>29</b>	<b>10,648</b>	<b>12,060</b>	<b>368</b>	<b>479</b>	<b>11,715</b>	<b>13,197</b>
<i>of which offences under:</i>										
Environment Protection Act	-	-	-	-	1,042	1,283	1	1	1,043	1,284
Food Act & Public Health Act	-	-	-	-	1,289	1,530	-	1	1,289	1,531
Local Government Act	-	-	-	-	1,339	1,052	1	1	1,340	1,053
<b>Total</b>	<b>3,407</b>	<b>3,066</b>	<b>54</b>	<b>62</b>	<b>92,089</b>	<b>108,279</b>	<b>2,228</b>	<b>2,288</b>	<b>97,778</b>	<b>113,695</b>

<sup>1</sup>Offences by number of person

<sup>2</sup>Figures on fixed penalty notice not included

**Table 6.4 - Drug offences convicted by type, Republic of Mauritius, 2009 - 2012**

<b>Drug offences</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>
<b>Heroin</b>	<b>339</b>	<b>198</b>	<b>347</b>	<b>284</b>
Importation	17	12	8	11
Possession	306	178	333	270
Dealing	16	8	6	3
<b>Gandia</b>	<b>504</b>	<b>415</b>	<b>565</b>	<b>510</b>
Importation	1	1	13	2
Possession	495	405	475	492
Dealing	8	9	14	2
Other (cultivation)	...	...	63	14
<b>Psychotropic &amp; other dangerous drugs<sup>1</sup></b>	<b>1,600</b>	<b>1,915</b>	<b>1,346</b>	<b>1,172</b>
Importation	1	3	4	1
Possession	986	881	1,011	728
Consumption	237	341	299	410
Dealing	81	129	32	33
Other	295	561	...	...
<b>Other drug-related offences<sup>1</sup></b>	<b>250</b>	<b>275</b>	<b>398</b>	<b>428</b>
<b>Total</b>	<b>2,693</b>	<b>2,803</b>	<b>2,656</b>	<b>2,394</b>

<sup>1</sup>Revised

...Not collected separately

## **8. THE LEGAL AID UNIT**

During the year 2012, some 4,626 applications were received with respect to legal aid assistance, of which 4,605 were for civil cases. The number of legal aid recipients at the Supreme Court was 1,823 compared to 1,288 in 2011. There were 1,700 recipients in 2012 with respect to matrimonial cases, 102 for other civil suits and 21 for criminal cases (Table 7.1).

Around a Million was spent for the year 2012 with respect to legal aid in the Republic of Mauritius.

## **9. REVENUE AND EXPENDITURE OF THE JUDICIARY**

Compared to the fiscal year 2011, the revenue collected (at the various courts of the Island of Mauritius) increased marginally by 1% to Rs 305 Million (provisional) in 2012 (Table 8.1).

The recurrent expenditure of the Judiciary for the Island of Mauritius amounted to Rs 342 Million (provisional) for the fiscal year 2012 compared to Rs 329 Million in 2011. The increase was mainly to meet up with increases in basic salaries, compensation and sick leave refund.

In 2012 capital expenditure of about a Million (provisional) was mainly incurred for acquisition of air conditioners.

**Table 7.1 - Legal aid assistance - applications received, services granted and amount paid - Island of Mauritius, 2009 - 2012**

	2009	2010	2011	2012
Civil				
Received	...	...	2,792	4,605
<i>of which matrimonial</i>	...	...	2,732	4,528
Granted	1,675	1,453	1,278	1,802
<i>of which matrimonial</i>	1,582	1,374	1,225	1,700
Criminal				
Received & granted	15	22	10	21
Amount paid (Rupees)	2,345,352	1,668,483	1,198,960	985,995

**Table 8.1 - Revenue collected from courts, Island of Mauritius, 2008/2009 - 2012**

	2008/2009	July to Dec 2009	2010	2011	2012 <sup>1</sup>
Fines	148,819,775	103,961,728	228,200,134	254,334,484	249,618,108
Other <sup>2</sup>	35,644,745	25,011,828	49,587,437	49,216,336	55,699,762
<b>Total</b>	<b>184,464,520</b>	<b>128,973,556</b>	<b>277,787,571</b>	<b>303,550,820</b>	<b>305,317,870</b>

**Table 8.2 - Expenditure of the Judiciary, Island of Mauritius, 2008/2009 - 2012**

	2008/2009	July to Dec 2009	2010	2011	2012 <sup>1</sup>
Capital	19,945,968	13,377,706	32,410,115	78,108,848	1,007,046
Recurrent	261,941,217	150,978,560	297,298,691	328,947,371	341,157,683
<b>Total</b>	<b>281,887,185</b>	<b>164,356,266</b>	<b>329,708,806</b>	<b>407,056,219</b>	<b>342,164,729</b>

Source: The Judiciary, Finance Unit

<sup>1</sup>Provisional

<sup>2</sup>Other includes court, ushers and other miscellaneous fees

... Not available



**Table 9.1 - Staff of the Judiciary, Republic of Mauritius, 2011 & 2012**

Job title	2011			2012		
	Male	Female	Total	Male	Female	Total
Chief Justice	1	-	1	1	-	1
Senior Puisne Judge	1	-	1	1	-	1
Puisne Judge	10	8	18	11	7	18
Master and Registrar	1	-	1	-	1	1
Deputy Master and Registrar	1	-	1	1	-	1
President, Intermediate Court (Civil & Criminal sides)	-	2	2	-	2	2
President, Industrial Court	1	-	1	1	-	1
Vice President, Intermediate and Industrial Courts	-	3	3	-	3	3
Magistrate Intermediate Court	6	5	11	6	5	11
Senior District Magistrate	2	11	13	2	10	12
District Magistrate	9	8	17	9	13	22
Secretary to Chief Justice	1	-	1	1	-	1
Chief Registrar	1	-	1	1	-	1
Senior Registrar/Regional Court Administrator	6	-	6	6	-	6
Adviser	3	-	3	3	-	3
Chief Court Officer/Court Manager	22	-	22	18	-	18
Principal Court Officer	31	-	31	31	-	31
Senior Court Officer	37	37	74	42	31	73
Court Officer and Trainee Court Officer	19	49	68	20	49	69
Chief/Principal Court Usher	10	-	10	9	-	9
Senior Court Usher/Court Usher	56	5	61	53	6	59
Senior Law Librarian/Law Librarian	-	1	1	-	1	1
Senior Law Library Officer	-	1	1	-	1	1
Law Library Officer/Law Library Assistant	-	6	6	1	7	8
Senior Transcriber	-	1	1	-	1	1
Audio Typist/Transcriber	-	7	7	-	9	9
Other Supporting Staff	102	106	208	111	105	216
<b>Total</b>	<b>320</b>	<b>250</b>	<b>570</b>	<b>328</b>	<b>251</b>	<b>579</b>

**Table 9.2 - Private legal practitioners (practicing Barristers, Attorneys and Notaries), Republic of Mauritius, 2010 - 2012**

	2010			2011			2012		
	Male	Female	Total	Male	Female	Total	Male	Female	Total
<b>Practicing Barristers</b>	<b>307</b>	<b>148</b>	<b>455</b>	<b>347</b>	<b>158</b>	<b>505</b>	<b>364</b>	<b>189</b>	<b>553</b>
<i>of whom:</i>									
<i>Queen's Counsel</i>	7	-	7	7	-	7	6	-	6
<i>Senior Counsel</i>	21	-	21	21	-	21	18	-	18
<b>Practicing Attorneys</b>	<b>98</b>	<b>55</b>	<b>153</b>	<b>99</b>	<b>54</b>	<b>153</b>	<b>101</b>	<b>55</b>	<b>156</b>
<i>of whom:</i>									
<i>Senior Attorneys</i>	18	1	19	18	1	19	18	1	19
<b>Practicing Notaries</b>	<b>41</b>	<b>17</b>	<b>58</b>	<b>40</b>	<b>17</b>	<b>57</b>	<b>44</b>	<b>19</b>	<b>63</b>

**SUPREME COURT LIBRARY AND INFORMATION SERVICE**

This report and the following are available at <http://supremecourt.gov.mu>:

1. The Laws of Mauritius
2. Judgments of the Supreme Court and the Privy Council
3. Judgments of the Master's Court
4. Judgments of the District Courts
5. Judgments of the Industrial Court
6. Judgments reported in the Mauritius Reports as from 1861
7. Acts, regulations and proclamations
8. Students' theses
9. Directory of the legal professionals
10. News of the Judiciary
11. Weekly cause lists of all courts
12. Links to law websites
13. Examination papers - Barristers/Attorneys/Notaries

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## CALENDAR OF EVENTS 2012

### **10 January 2012**

Courtesy Visit on the Honourable Chief Justice by Messrs Benoit Renaud, Jean Tarrade and Patrick Tartinville – members of “*Conseil Supérieur du Notariat*” of France.

### **20 January 2012**

Call Ceremony of 32 new barristers before the Full Bench of the Supreme Court.

### **6 February 2012**

Courtesy Visit on the Honourable Chief Justice by Ms Lauren Houlton of the University of Wolverhampton.

### **15 February 2012**

Courtesy Visit on the Honourable Chief Justice by Dr Jane Ching, Reader at Nottingham Law School and Ms Jane Jarman, Senior Lecturer at Nottingham Law School and at Nottingham Trent University, United Kingdom.

### **26 - 30 March 2012**

Sitting of the Judicial Committee of the Privy Council in Mauritius. The Law Lords sitting on the Judicial Committee were: Lord David Hope, Lord Simon Brown, Lord Jonathan Mance, Lord John Dyson and Lord Jonathan Sumption.

### **27 March 2012**

Courtesy Visit on the Honourable Chief Justice by Professor Geoff Layer, Vice- Chancellor of the University of Wolverhampton and Ms Jo Gittens, Head of International, City Campus of the University of Wolverhampton.

### **4 April 2012**

Launching of the First Day Cover by the Mauritius Post on the occasion of Law Day at the Supreme Court in the presence of the Honourable Chief Justice and the Honourable Judges.

**2 - 4 May 2012**

Judicial Workshop on the New York Arbitration Convention of 1958 organised by the Permanent Court of Arbitration - Mauritius in collaboration with the Judiciary of Mauritius.

**23 May 2012**

Courtesy Visit of Dr Jagdish Gandhi, Founder-Manager of City Montessori School, (*CMS*), Lucknow, India Dr (Mrs) Vineeta Kamran, Principal of CMS and Mr P C Bihari, Executive Director, World Council for Total Quality & Excellence in Education, Lucknow, India on the Honourable Chief Justice and meeting of Dr J Gandhi and delegation with the Honourable Judges.

**24 May 2012**

Courtesy Visit of Mr Ghu Zhaomin, Director-General, Overseas Liaison Department of China Law Society and his delegation on the Honourable Chief Justice.

**25 - 29 June 2012**

Study Tour of a delegation of the Maldives Judicial Service Commission headed by Judge Adam Mohamed Abdulla at the Judicial and Legal Service Commission.

**27 July 2012**

Launching of the Institute for Judicial and Legal Studies at Grand Bay International Conference Centre by the Honourable Chief Justice.

**8 August 2012**

Courtesy Visit on the Honourable Chief Justice by Mr Duncan Bagshaw, Registrar of London Court of International Arbitration- Mauritius International Arbitration Centre Limited (*LCIA-MIAC*) Mauritius.

**21 September 2012**

Call Ceremony of 29 new barristers before the Full Bench of the Supreme Court.

### **1 October 2012**

Visite de M. Xavier RONSIN, Directeur de l'Ecole Nationale de la Magistrature, Paris en vue de la Signature du Protocole de Coopération entre l'Ecole Nationale de la Magistrature et l'Institute for Judicial and Legal Studies (*IJLS*)

### **3 December 2012**

- (1) Courtesy Visit of a delegation of the African Court on Human and Peoples' Rights comprising of Honourable Sophia A B Akuffo, President, Honourable Augustino Ramadhani, Judge and Honourable El Hadji Guisse, Judge.
- (2) Courtesy Visit on the Honourable Chief Justice by Her Excellency Ms Shari Villarosa, Ambassador of the United States of America.
- (3) Courtesy Visit on the Honourable Chief Justice by Ms Catherine S M Duggan, Assistant Professor of Business Administration at Harvard Business School.

### **5 - 8 December 2012**

Hosting the Third Legal Forum on China-Africa Co-operation (*FOCAC*) at Grand Baie International Conference Centre.

### **12 December 2012**

Courtesy Visit on the Honourable Chief Justice by Mr Hugo Hans Siblesz, Secretary-General of the Permanent Court of Arbitration at The Hague.

## GLOSSARY OF TERMS

1. **Absolute discharge** is complete and unconditional release.
2. **Acquitted** is defined as a determination by the Court that a defendant is not guilty of the charge(s) on the grounds that the charge has not been proven and/or due to lack of evidence or no evidence given by the prosecution.
3. **Adjudicated is** defined as the outcomes of the judgment or decision by the Court as to whether or not the defendant is guilty of the charge(s) laid against him. These outcomes include: acquitted (dismissed), guilty finding and guilty plea.
4. **Assault** is physical attack against the body of another person.
5. **Burglary** is the unlawful entry into someone else's premises with the intention to commit a theft.
6. **Case** is one or more defendants against whom one or more charge(s) have been laid and which are heard together by a Court as one unit of work. The charge(s) usually relate to the same criminal incident.
7. **Community Service Order** is a sentence requiring an offender to perform unpaid Community work.
8. **Conditional discharge** is a sentence whereby an offender is released under certain conditions, e.g. regular reporting to police stations for a specified period of time.
9. **Contraventions (least serious offences)** are defined as offences that are punishable by:
  - a) imprisonment for a term not exceeding 10 days;
  - b) fine not exceeding 5,000 rupees.
10. **Criminal case** is a case dealing with an offender indicted for an offence as defined by the law.
11. **Custodial Orders** are sentences imposed on a defendant that require detention, e.g. correctional or rehabilitation institutions, etc.
12. **Drug offences** are as spelt out under the Dangerous Drug Act 2000. They relate mainly to drugs like ganja, heroin, hashish, opium, cocaine and other psychotropic substances.
13. **Embezzlement** is defined as the wrongful appropriation of another person's property that is already in the possession of the person doing the appropriating.
14. **Fraud** is defined as the acquisition of another person's property by deception.
15. **Intentional homicide** is defined as death deliberately inflicted on a person by another person, including infanticide and abortion.

16. **Interim Protection Order** is an order that is issued when the victim spouse or child or any other person living under the same roof, requires urgent protection from the perpetrator.
17. **Jurisdiction** is defined as the legal power or authority which may be exercised by a particular court level and within which the judgments or orders of the court can be enforced or executed. Each court level has its own defined jurisdictional limits.
18. **Juvenile** is defined as a person aged from 12 to 17 years inclusive.
19. **Non-adjudicated** is the formal withdrawal of charge(s) by the Prosecution (e.g. police, Director of Public Prosecutions or Attorney-General) or by the courts; it includes Nolle Prosequi and struck out.
20. **Non-Custodial Orders** are sentences imposed on a defendant that do not require custody and include e.g. Community Service Orders, Probation Orders, Conditional or Absolute Discharge Orders, licence disqualification/suspension, etc.
21. **Occupation Order** is an order that grants the victim the exclusive right to live in the residence belonging to him, to the perpetrator or to both of them. It may last for a period not exceeding 24 months.
22. **Probation Order** is a sentence whereby an offender is placed under the supervision of a probation officer for a period not less than one nor more than three years.
23. **Property offence** includes theft, fraud, embezzlement, damage to property and illegal possession of property and stolen goods.
24. **Protection Order** is an order which prevents the spouse from engaging in any further act of violence; orders him/her to be of good behaviour and lasts for a period not exceeding 24 months.
25. **Proven guilty** is defined as an outcome of criminal proceedings in which a court accepts that a charge is proven through a guilty plea entered by a defendant or the defendant is found guilty by the court. In the Magistrates' and Children's Courts, this includes defendants found guilty.
26. **Revocation Order** is when either party (victim or perpetrator) may apply to the court for a revocation of a Protection Order which is already in force.
27. **Robbery** is the theft of property from a person, overcoming resistance by force or threat of force.
28. **Sexual offence** is defined as sexual intercourse or assault without valid consent.
29. **Tenancy Order** is an order which gives the victim the exclusive use of the house which one or both partners are renting. Before issuing a Tenancy Order the Magistrate has to hear the partners, the witnesses, the landlord and all those who have an interest in the house.
30. **Theft** is defined as the removal of property without the property owner's consent.