

SUBSTANTIVE EQUALITY AND FAIR OPPORTUNITY BILL 2026

COVERING MEMORANDUM FOR THE PROPOSED REFORM OF THE EQUAL OPPORTUNITIES ACT

21 October 2026 | Independent public consultation draft

JUSTICE WITHOUT FAVOURITISM. EQUALITY WITHOUT DIVISION. OPPORTUNITY WITHOUT DISCRIMINATION.

STATUS: Independent proposal released for public consultation and comment. Not a Government Bill, not tabled in Parliament and not enacted law.

Public invitation for comments

The Substantive Equality and Fair Opportunity Bill 2026 is hereby placed before the public as an independent consultation proposal. Citizens, civil society, professional organisations, employers, workers, educators, youth groups, disability representatives and all other stakeholders are invited to review the Bill and the accompanying section-by-section analysis and submit constructive comments and alternative legislative wording.

All observations will be considered in preparing a refined draft for possible submission to the competent authorities. In particular, the consultation should test how to promote substantive equality while protecting meritocracy, the independence of public institutions, constitutional rights and social cohesion in the plural society of Mauritius. Submission arrangements and any deadline will be announced separately.

Why this Bill is necessary

MP Raviraj Beechook's disability-employment question B/812, answered by Minister Ashok Subron on 26 May 2026, disclosed the gap between statutory protection and implementation. That parliamentary exchange was disability-specific, but it invites a broader review of the effectiveness of the Equal Opportunities Act 2008 for all Mauritians. The proposal does not suggest that the MP requested ethnic or communal preferences.

The draft keeps enforceable protections across all existing fields, maintains the Equal Opportunities Commission and Tribunal, improves procedures, requires public institutions to assess unequal access, and permits carefully limited targeted support where evidence establishes disadvantage. Meritocracy, national unity, fair hearings, confidential data, judicial control and constitutional appointments are preserved.

The four instruments for consultation

- I. Complete clean replacement Bill: 112 clauses across 12 Parts, with five schedules, explanatory memorandum and research references.
- II. Existing-law concordance: every section 1-47, section 27A and the oath Schedule mapped to retain, amend, rewrite or replacement wording.
- III. Separate constitutional enabling amendment drafted as conditional companion within Schedule 5, requiring a three-quarters majority of all Assembly members.
- IV. Implementation and statutory-coordination schedules preserving existing disability rights, pending cases, the current appellate route and existing labour protections.

Suggested opening for public dissemination

"A Parliamentary Question should not end with another promise. When a law exists but is not enforced, the failure is institutional. Mauritius now has an opportunity to reform its entire equal-opportunity framework, so that

equality is not only a principle stated in an Act, but a right citizens can effectively exercise. We need justice without favouritism, equality without division, and opportunity without discrimination."

The next constitutional and legislative safeguards

- No compulsory caste, religion or ethnic database.
- No automatic public service, education or procurement quotas by community identity.
- No lower qualification requirement for any public appointment.
- All protective rights continue despite technical repeal and institutional transition.
- No preference violating section 16 of the Constitution may commence without constitutional reform.
- Annual institutional reporting, direct remedy for unreasonable delay and meaningful tribunal enforcement.

Source and verification note

The primary parliamentary anchor is the official 26 May 2026 Hansard; no unverified wording of a 20 October question or answer is attributed to the MP or Minister. The working text must be reviewed by Parliamentary Counsel against signed Acts, Gazettes and any new proclamations prior to formal introduction.

Current consolidated Equal Opportunities Act, Act 42 of 2008, updated through 1 July 2026

<https://lawsofmauritius.govmu.org/portal/viewlegislationdocument/web/?docnumber=&doctitle=RXF1YWwgT3Bwb3J0dW5pdGllcyBBY3Q%3D&doctype=act>

National Assembly Hansard, 26 May 2026, PQ B/812

https://mauritiusassembly.govmu.org/mauritiusassembly/wp-admin/admin-ajax.php?action=wpfd&juwpfisadmin=false&preview=1&task=file.download&token=&wpfd_category_id=482&wpfd_file_id=25748

Constitution of Mauritius, sections 16, 17 and 47

<https://mauritiusassembly.govmu.org/mauritiusassembly/wp-content/uploads/2023/03/constitution.pdf>

Protection and Promotion of the Rights of Persons with Disabilities Act 2024

<https://mauritiusassembly.govmu.org/mauritiusassembly/wp-content/uploads/2024/04/act0124.pdf>