

From the Constitution: The President may -

- (1)
  - (a) grant to any person convicted of any offence a pardon, either free or subject to lawful conditions;
  - (b) grant to any person a respite, either indefinite or for a specified period, of the execution of any punishment imposed on that person for any offence;
  - (c) substitute a less severe form of punishment for any punishment imposed on any person for any offence; or
  - (d) remit the whole or part of any punishment imposed on any person for an offence or of any penalty or forfeiture otherwise due to the State on account of any offence.
  
- (2) There shall be a Commission on the Prerogative of Mercy (referred to in this Section as "the Commission") consisting of a chairman and not less than 2 other members appointed by the President, acting in his own deliberate judgement.
  
- (3) A member of the Commission shall vacate his seat on the Commission -
  - (a) at the expiration of any term of appointment specified in the instrument of his appointment; or
  - (b) where his appointment is revoked by the President, acting in his own deliberate judgement.
  
- (4) In the exercise of the powers conferred upon him by subsection (1), the President shall act in accordance with the advice of the Commission.
  
- (5) The validity of the transaction of business by the Commission shall not be affected by the fact that some person who was not entitled to do so took part in the proceedings.
  
- (6) Where any person has been sentenced to death (otherwise than by a court martial) for an offence, a report on the case by the judge who presided at the trial (or, where a report cannot be obtained from that judge, a report on the case by the Chief Justice), together with such other information derived from the record of the case or elsewhere as may be required by or furnished to the Commission shall be taken into consideration at a meeting of the Commission which shall then advise the President whether or not to exercise his powers under subsection (1) in that case.
  
- (7) This section shall not apply in relation to any conviction by a court established under the law of a country other than Mauritius that has jurisdiction in Mauritius in pursuance of arrangements made between the Government of Mauritius and another government or an international organisation relating to the presence in Mauritius of members of the armed forces of that other country or in relation to any punishment imposed in respect of any such conviction or any penalty or forfeiture resulting from any such conviction.