

CHAPTER I

STATE, SOVEREIGNTY AND CITIZENS

Republic of
Maldives

1. The Maldives shall be a sovereign, independent, democratic republic based on the principles of Islam, and shall be a unitary State, to be known as the Republic of Maldives. In this Constitution, the Republic of Maldives shall hereinafter be referred to as “the Maldives”.

Territory of the
Maldives

2. The territory of the Maldives shall comprise the land, air space, sea and seabed within the archipelagic baselines of the Maldives drawn in accordance with the law, and shall include the territorial waters, the seabed and air space thereof beyond the said baselines.

The State

3. The State of the Maldives shall, in accordance with this Constitution, be the territory of the Maldives, the citizens of the Maldives and the powers of the State as a composite whole.

Powers of the
State

4.—(1) The powers of the State of the Maldives shall be vested in the citizens. The said powers, for purposes of governing the State, shall comprise the following:

- (a) the Executive;
- (b) the Legislature; and
- (c) the Administration of Justice.

(2) In accordance with this Constitution the executive power shall be vested in the President and the Cabinet of Ministers, the legislative power shall be vested in the People’s Majlis and the People’s Special Majlis and the power of administering justice shall be vested in the President and the courts of the Maldives.

Citizens of the Maldives

5. Persons mentioned herein below shall be citizens of the Maldives:

- (a) every person who is a citizen of the Maldives at the commencement of this Constitution;
- (b) every child born to a citizen of the Maldives; and
- (c) every foreigner who, in accordance with the law, becomes a citizen of the Maldives.

Government of the Maldives

6. The Government of the Maldives shall be the authorities exercising the powers of the State in accordance with this Constitution.

State religion

7. The religion of the State of the Maldives shall be Islam.

National language

8. The national language of the Maldives shall be Dhivehi.

National day

9. The national day of the Maldives shall be the 1st day of the month of Rabeeu al-Awwal.

Capital

10. The capital of the Maldives shall be the island of Male'.

Currency of the Maldives

11. The unit of currency of the Maldives shall be Rufiyaa, which shall be divided into one hundred Laari.

High treason

12.—(1) Any person who, by the threat or use of force or in violation of the Constitution, abrogates or attempts to abrogate the Constitution or attempts to undermine the Constitution or conspires to commit any of the said acts shall be guilty of high treason.

(2) Any person who aids and abets or is an accomplice in the commission of any act mentioned in clause (1) of this Article or any person who has knowledge of the commission of such act and has

failed to report the same shall also be guilty of high treason.

CHAPTER II

FUNDAMENTAL RIGHTS AND DUTIES OF CITIZENS

Equality of citizens before the law

13. Maldivian citizens are equal before and under the law and are entitled to the equal protection of the law.

Revocation and renunciation of citizenship

14.—(1) No Maldivian shall be deprived of citizenship except as may be provided by law.

(2) Any person wishing to renounce the right to Maldivian citizenship may do so as provided by law.

Right to be treated in accordance with law and the right to appeal against oppressive treatment

15.—(1)(a) The right to protection under the law, the guarantee thereof, and treatment in accordance with the law shall be an inalienable right of every Maldivian citizen, irrespective of where he may be, and of every person while in the Maldives.

(b) No person shall be arrested or detained except as provided by law. No person shall be detained for a period exceeding twenty-four hours without being informed of the grounds of arrest or detention.

(c) No act detrimental to the life, liberty, body, name, reputation or property of a person shall be committed except as provided by law.

(d) No person charged with an offence shall be kept in detention for a period exceeding seven days except as provided by law.

(2) Any Maldivian citizen subjected to oppressive treatment shall have the right to appeal against such

treatment to the concerned authorities and to the President of the Republic.

Presumption of innocence and the right of the accused to defend himself

16.—(1) Every person shall be presumed innocent until proven guilty.

(2) Every person who is charged with an offence shall have the right to defend himself in accordance with Shari’ah. To this effect, such a person shall be allowed to obtain the assistance of a lawyer whenever such assistance is required.

Prohibition of punishment under retrospective legislation

17.—(1) No law shall authorise the punishment of a person for an act or omission that did not constitute a criminal offence at the time of the act or omission.

(2) No law shall authorise the punishment of a person for an offence by a penalty greater than, or of a kind different from the penalty prescribed by law for that offence at the time that offence was committed.

(3) No person shall be punished for the same offence more than once.

Inviolability of residential dwellings and premises

18. Residential dwellings and the premises thereof shall be inviolable. Such dwellings and premises shall not be entered except as provided by law.

Freedom of education

19. Persons shall be free to acquire knowledge and to impart knowledge provided that such acquisition and imparting of knowledge does not contravene law.

Inviolability of letters, messages and other means of communication

20. Letters, messages, telephonic conversations and such other means of communication shall be inviolable. Such letters, messages, telephonic conversations and other means of communication shall not be intercepted, read, listened to or divulged except as expressly provided by law.

Freedom of movement

21. Every Maldivian citizen shall have the right to return to the Maldives irrespective of where he may be and, unless prohibited by law, to leave the Maldives and to travel within the Maldives.

Right to acquire and hold property

22. Every citizen shall have the right to acquire, hold and dispose of property in accordance with law.

Protection of property rights

23.—(1) Property of persons shall be inviolable. No person shall be deprived of his property except as provided by law or Shari’ah.

(2) No property of a person shall be compulsorily acquired by the State except in the instances specified in law and except for public benefit and unless fair and just compensation in accordance with law is made for such property.

(3) Property of a person shall not be forfeited in substitution for any offence.

(4) Nothing in this Article shall affect the making of or operation of the following laws:

(a) any law authorising the State to compulsorily acquire or take possession of, without compensation, any property that may be injurious to life or property or health of the people;

(b) any law authorising the State to forfeit property proven in court to have been illegally and wrongfully acquired; and

(c) any law authorising the State to forfeit enemy property and to dispose of such property.

Right to work

24. Every citizen shall have the right to practise any occupation provided that such occupation is not prohibited by law.

Freedom of expression

25. Every citizen shall have the freedom to express his conscience and thoughts orally or in writing or by other means, unless prohibited by law in the interest of protecting the sovereignty of the Maldives, of maintaining public order and of protecting the basic tenets of Islam.

Freedom of assembly

26. Persons shall be free to assemble peaceably and in a manner that does not contravene the law.

Freedom of association

27. Persons shall be free to form societies and associations, unless prohibited by law in the interest of the protection of sovereignty of the Maldives and the maintenance of public order.

Right of pension

28. Every Maldivian citizen engaged in employment shall have the right of pension in accordance with law.

Loyalty to the State and obedience to the Constitution and the law

29. Loyalty to the State and obedience to the Constitution and to the law of the Maldives shall be the duty of every Maldivian citizen, irrespective of where he may be.

Protection of the Constitution, upholding the law and honouring the rights of others

30. It shall be the duty of every Maldivian citizen to protect and uphold the Constitution and the laws of the Maldives and to honour the freedoms and rights of others.

Avoidance of laws, regulations and principles inconsistent with fundamental rights

31.—(1) Where any law, regulation or any principle having the force of law is inconsistent with the fundamental rights stipulated in this Chapter, such law, regulation or principle shall, to the extent of such inconsistency, be void.

(2) The fundamental rights stipulated in this Chapter shall not, temporarily or otherwise, be denied save in accordance with this Constitution.

CHAPTER III
THE EXECUTIVE (1)
THE PRESIDENT

President of the Republic

32. There shall be a President of the Maldives elected in accordance with the Constitution and the law.

Head of State

33. The President shall be the Head of State, Head of Government and the Commander-in-Chief of the Armed Forces and of the Police of the Maldives.

Qualifications for election as President

34. A person shall be qualified to be elected as President if he —

- (a) is a Muslim of Sunni following;
- (b) is a citizen of the Maldives whose parents and grandparents are Maldivian citizens;
- (c) is a male who has attained thirty-five years of age;
- (d) is of sound mind;
- (e) is capable of discharging the duties and responsibilities of the office of President;
- (f) has not been convicted of an offence for which a *ḥadd* is prescribed in Islam or of criminal breach of trust and thereby brought into disrepute;
- (g) is not a citizen of a foreign country; and
- (h) is not married to a national of a foreign country.

Procedure for election of President

35. The President shall be elected by a general public vote in a secret ballot in accordance with the procedure provided herein below:

- (a) The Commissioner of Elections shall, from among those who have in accordance with law applied to become candidates for the office of President, determine in accordance with law, those qualifying

under Article 34 of this Constitution and shall notify the same to the Speaker of the People's Majlis as soon as expedient and shall make a public announcement of the same.

(1) The Speaker of the People's Majlis shall, within three days of the public announcement of the candidates for the office of President made pursuant to clause (a) of this Article, convene a meeting of the People's Majlis and shall announce to the Majlis, names of the said candidates.

(2) The People's Majlis shall, at the meeting held pursuant to subclause (a)(1) of this Article, vote in a secret ballot to select a person from among the candidates for the office of President announced to the Majlis by the Speaker of the Majlis at the said meeting to be nominated for the general public vote to elect the President. In the said ballot every member shall vote for one candidate of his choice. The person who obtains the majority of the Majlis in the said ballot shall win the ballot. The said ballot shall be held notwithstanding the fact that a single candidate qualifies under Article 34 of this Constitution to become a candidate for the office of President.

(3) Where no candidate obtains a majority of the Majlis in the ballot held pursuant to subclause (a)(2) of this Article, the Majlis shall, without adjournment of the said meeting, continue to ballot among the candidates who obtained the two highest numbers of votes until one candidate obtains the majority of the Majlis. In the event of repeated ballots, voting shall be among the candidates who obtained the two highest numbers of votes in the preceding ballot.

(4) In the event of only one person who qualifies under Article 34 of this Constitution applying to become a candidate for the office of President, and where such candidate fails to obtain the majority of the Majlis in the ballot held pursuant to clause (a) of

this Article, the process of applying in accordance with law to become a candidate for the office of President shall be deemed to have recommenced.

(5) Where none of the persons who applied to become a candidate for the office of President qualifies under Article 34 of this Constitution, the Commissioner of Elections shall, as soon as expedient, notify the Speaker of the People's Majlis of the same. When the Speaker of the Majlis, within three days of such notification, convenes a meeting of the Majlis and informs the Majlis of the same, the process of applying in accordance with law to become a candidate for the office of President shall be deemed to have recommenced.

(b)(1) The Speaker of the Majlis shall notify the candidate who obtains the majority of the Majlis in the ballot held pursuant to clause (a) of this Article that he has obtained the majority of the Majlis and such candidate having accepted the same, a general public vote by secret ballot shall be held to elect such person to the office of President.

(2) In the event that the candidate selected by the Majlis obtains the majority of the votes cast in the general public vote held to elect him in accordance with subclause (b)(1) of this Article, such candidate shall be elected to the office of President.

(3) Where the candidate selected by the Majlis fails to obtain the majority of the votes cast in the general public vote held to elect him in accordance with subclause (b)(1) of this Article, the process of applying in accordance with law to become a candidate for the office of President shall be deemed to have recommenced.

(c) Any matter not provided for in the Constitution and the law concerning the election of President, shall be decided by a two-thirds majority of the People's Majlis.

Assumption of the office of President

36. The person elected to the office of President shall assume office upon taking, before the People's Majlis, the oath set out in paragraph (a) of the Schedule to this Constitution.

Term of office of President

37. The term of office of President shall be five years from the date on which he assumes office. The President shall, notwithstanding the expiration of his term of office, continue to hold office until a President elected in accordance with this Constitution assumes office.

Propagation of the tenets of Islam

38. The President shall be the supreme authority to propagate the tenets of Islam in the Maldives.

Administration of justice

39. The President shall be the highest authority of administering justice in the Maldives.

Grant of pardon

40. The power to grant pardon to persons convicted of offences and to commute sentences of such persons shall be vested in the President.

Honours, medals and titles of honour

41. Honours, medals and titles of honour of the State of the Maldives shall be awarded by the President.

Powers and duties of the President

42. In addition to the powers and functions expressly conferred on or assigned to the President by the Constitution and law, the President shall have the power to execute the following:

- (a) Appointment to and removal from office in accordance with the Constitution, of the Vice-President, Chief Justice, Speaker and Deputy Speaker of the People's Majlis, Ministers, Attorney-General, representatives

sent abroad with special privileges on behalf of the State of the Maldives, Atoll Chiefs, judges, Auditor-General and Commissioner of Elections.

- (b) Appointment and dissolution of the Cabinet of Ministers.
- (c) Presiding over meetings of the Cabinet of Ministers and appointment of the Vice-President or a member of the Cabinet to preside over the meetings of the Cabinet of Ministers in the event that the President is unable to attend such meeting.
- (d) Making a statement declaring the policies of the government at the opening session of the People's Majlis every year.
- (e) Promulgating decrees, directives and regulations, as may be required from time to time for the purposes of ensuring propriety of the affairs of the government and compliance with the provisions of the Constitution and law.
- (f) Holding public referendums on major issues concerning which the President requires to obtain public opinion.
- (g) Declaration of war and peace.
- (h) Receiving and recognising on behalf of the Maldives, ambassadors of foreign states accredited to the Maldives and representatives sent with special privileges by foreign states.
- (i) Discharging all such acts and functions that the President may be required to discharge under international law, customs and usage

which are not inconsistent with the provisions of the Constitution and written laws.

Executive authority of the President

43. The powers of the President shall be exercised subject to Shari'ah and the Constitution. Nothing shall be done in violation of Shari'ah or the Constitution.

Immunity of the President from suit

44.—(1) A person holding the office of President shall enjoy special protection under the law. No act detrimental to his person shall be committed by anyone. While any person holds office as President, no proceedings shall be instituted or continued against him in any court or tribunal in respect of anything done or omitted to be done by him either in his official or private capacity.

(2) After a person has vacated the office of President, no proceedings shall be instituted against him in any court or tribunal in respect of anything done or omitted to be done by him in his official capacity without contravening the law.

(3) After a person has vacated the office of President, no proceedings may be instituted against such person alleging that anything done or omitted to be done by him during his term of office was in violation of law unless such matter is duly submitted to the People's Majlis and is passed by a two-thirds majority of the said Majlis.

President not to engage in any commercial enterprise

45.—(1) A person holding the office of President shall not engage in any private business or be in the employment of any commercial enterprise or hold any office of profit.

(2) Nothing in this Article shall restrict transactions that do not amount to any form of business activity by a person holding the office of President, in respect of property owned by him.

Resignation of
the President

46. The President may, by writing to the Speaker of the People’s Majlis specifying the reasons thereof, resign from the office of President. However, the President shall continue to hold office until such time the Speaker of the People’s Majlis submits within three days, the said letter of resignation to the Majlis and notifies the President in writing of the acceptance by the People’s Majlis of the said resignation.

Removal from
office of
President

47.—(1) The President may be removed from office where any of the following matters has been alleged against him and has been dealt with in accordance with subclauses (2)(a) and (2)(b) of this Article and the People’s Majlis having deliberated on the report submitted pursuant to subclause (2)(d) of this Article by the Committee of Investigation on its findings, resolves by a two-thirds majority that sufficient evidence exists to accept the allegations against the President and hence the President be removed from office.

(a) The President becomes disqualified under the provisions of the Constitution for the office of President.

(b) The President becomes permanently incapacitated to discharge the functions of his office by reason of mental or physical infirmity.

(c) Intentional violation of the Constitution.

(d) Commission of an offence for which a *ḥadd* is prescribed in Islam.

(2)(a) A motion to remove the President from office may be considered in the People’s Majlis only when one-third of the members of the People’s Majlis write under their hand addressed to the Speaker of the Majlis alleging any of the matters mentioned in

subclauses (1)(a), (1)(b), (1)(c) and (1)(d) of this Article, specifying the reasons thereof, and if the Majlis, upon such matter being submitted to the Majlis, resolves by a two-thirds majority to consider such motion.

(b) The allegation made against the President shall be investigated by a Committee of Investigation comprising five persons of which two persons shall be nominated by the People's Majlis, two persons appointed by the President and one person acceptable to both the People's Majlis and the President. No person serving in the said Committee of Investigation shall be a member of the People's Majlis. And each of the said persons shall have the ability and competence to investigate such a matter. In the event the People's Majlis and the President cannot agree upon a person to be appointed with their concurrence, such person shall be chosen by a two-thirds majority of the People's Majlis. The said Committee of Investigation shall be presided over by a member of the Committee upon whom both the People's Majlis and the President agree. In the event that the People's Majlis and the President cannot agree on such a member, a member chosen by a two-thirds majority of the People's Majlis shall preside over the said Committee.

(c) During the investigation referred to in subclause (2)(b) of this Article, the President shall have the right to appear and be heard in the said Committee in person or by a lawyer.

(d) The Committee of Investigation mentioned in subclause (2)(b) of this Article shall, within thirty days from the date of submission to the Committee of the said matter, submit a report containing its findings on the matter at issue to the People's Majlis.

(3) In the event that the People's Majlis resolves to remove the President from office in accordance with clause (1) of this Article, the President shall be deemed

removed from office with immediate effect upon notification of the same to the President by the Speaker of the Majlis.

Discharging of functions of the office of President during casual vacancies in the office

48.—(1) In the event that the office of President becomes vacant by reason of death or resignation or removal from office, the Speaker of the People’s Majlis shall discharge the functions as Acting President from the time of occurrence of such vacancy. He shall continue to discharge the functions as Acting President until a Council to administer the State is elected in accordance with clause (2) of this Article and such Council assumes administration of the State.

(2) Upon commencement of the discharge of functions as Acting President by the Speaker of the People’s Majlis in accordance with clause (1) of this Article or, in the absence of the Speaker, upon assumption of the said function by a person as provided in clause (4) of this Article, the People’s Majlis shall be convened within 72 hours and, to temporarily discharge the functions of the office of President until a President is elected in accordance with Article 35 of the Constitution and assumes the office of President, a Council comprising three persons to administer the State shall be elected by a secret ballot of the People’s Majlis, and the administration of the State shall be conferred upon the said Council. Each member of the Council shall have the qualifications required for the office of a member of the Cabinet of Ministers. The said Council shall assume the administration of the State upon its members taking, before the People’s Majlis, the oath set out in paragraph (b) of the Schedule to this Constitution.

(3) In the event that the President is unable, temporarily, to discharge the functions of the office of President, the Vice-President, if any, shall on behalf of the President discharge the functions of the said

office. In the absence of a Vice-President, a member of the Cabinet of Ministers nominated by the President shall discharge the same.

(4) Where the office of Speaker of the People's Majlis is vacant when due to a reason specified in clause (1) of this Article the office of President becomes vacant or where the office of Vice-President is vacant and the President is unable to nominate a member of the Cabinet of Ministers to discharge the functions of the office of President on behalf of the President when the President is temporarily disabled to discharge his functions as specified in clause (3) of this Article, the longest serving member of the Cabinet of Ministers shall assume and discharge the functions of the office of President. In the first situation specified in this clause, such person shall continue to discharge the functions assumed until the Council to administer the State is elected in accordance with clause (2) of this Article and assumes the administration of the State. In the latter situation, such person shall continue to discharge the functions assumed until the President resumes the responsibilities of the office of President.

(5) The Speaker of the People's Majlis, Vice-President or a member of the Cabinet of Ministers may temporarily assume the administration of the State in accordance with this Article, upon taking before the Chief Justice or a Judge of the High Court, the oath set out in paragraph (b) of the Schedule to this Constitution.

Election of a person to the office of President prior to expiration of term or in the event of vacancy

49.—(1) Upon commencement of the last sixty days of the term of the office of President, a person shall be elected to the office of President for a new term in accordance with Article 35 of this Constitution and all matters pertaining thereto shall be concluded seven days prior to the expiration of the term of office.

(2) In the event that the office of President becomes vacant by reason of death or resignation or removal from office of the President, a person shall be elected to the office of President in accordance with Article 35 of this Constitution not later than sixty days from the date of such vacancy.

Protection and emoluments due to a person who has served as President

50. If a person holding the office of President leaves office in accordance with the law without being found guilty of any offence, such person shall be entitled to protection, financial benefits and other emoluments deemed appropriate for the honour and the dignity of a person who has held the highest office of the State. The protection and emoluments to be so granted shall be specified in law.

Vice-President

51. The President shall have the right to appoint at his discretion, a Vice-President to discharge the duties and responsibilities assigned by the President. The Vice-President shall assume office upon taking, before the President, the oath set out in paragraph (c) of the Schedule to this Constitution.

Qualifications for appointment as Vice-President

52. A person appointed by the President as Vice-President shall have the qualifications required for the office of President in accordance with this Constitution.

Resignation and removal of Vice-President

53.—(1) The President may, at his discretion, remove the Vice-President from office by writing under his hand addressed to the Vice-President.

(2) The Vice-President may resign from office by writing under his hand addressed to the President. However, the Vice-President shall continue to hold office until such time the President notifies him of the acceptance of the said resignation.

CHAPTER IV
THE EXECUTIVE (2)
THE CABINET OF MINISTERS

Cabinet of
Ministers

54. There shall be a Cabinet of Ministers appointed by the President, and the Cabinet shall be presided over by the President.

Members of the
Cabinet of
Ministers

55.—(1) The Cabinet of Ministers shall consist of the Vice-President, if any, Ministers charged with responsibility for Ministries and the Attorney-General.

(2) Nothing in this Article shall restrict the President from directly taking charge of a Ministry or the Attorney-General's Office, as he deems fit, without appointing a Minister or an Attorney-General.

Qualifications
for appointment
as Ministers or
as the Attorney-
General

56. A person shall be qualified to be appointed as a Minister or the Attorney-General if he —

- (a) is a Muslim of Sunni following;
- (b) is a citizen of the Maldives;
- (c) has attained thirty years of age;
- (d) is of sound mind;
- (e) is capable of discharging the functions assigned to him;
- (f) has not during the past five years been convicted of an offence for which a *ḥadd* is prescribed in Islam or of criminal breach of trust and thereby brought into disrepute; and
- (g) is not a citizen of a foreign country.

Assumption of
office by
Ministers and
the Attorney-
General

57. Every Minister and the Attorney-General shall assume office upon taking, before the President, the oath set out in paragraph (d) of the Schedule to this Constitution.

Functions of the
Cabinet of
Ministers

58. The Cabinet of Ministers shall discharge the functions assigned to it by the President. The following shall be included in the said functions:

- (a) to assist the President in formulating government policy on important national and international matters and issues;
- (b) to advise the President on developing the Maldives economically and socially;
- (c) to assist the President in the formulation of the annual budget of the State and Government Bills to be submitted to the People's Majlis; and
- (d) to advise the President on the ratification of international treaties and agreements signed by the Government of the Maldives with foreign governments which require ratification by the State.

Discharging
Ministerial
functions and
responsibilities
and Ministerial
accountability
to the President

59. Every Minister shall discharge the duties of his office with loyalty and to the best of his ability. Every Minister shall be responsible for the functions assigned to him and shall be accountable to the President. Any Minister whose negligence causes loss or damage to the State shall accept the responsibility thereof.

The Attorney-
General

60.—(1) There shall be an Attorney-General of the Maldives appointed by the President.

(2) The Attorney-General shall discharge the functions assigned to him by the President with loyalty and to the best of his ability. He shall be responsible for the functions assigned to him and shall be accountable to the President. And when required by the President he shall give legal advice.

(3) The State shall be represented in all courts and tribunals by the Attorney-General or by a person deputed by him.

Resignation and removal of Ministers and the Attorney-General

61.—(1) The President may at his discretion remove any Minister or the Attorney-General from office by writing under his hand addressed to such Minister or the Attorney-General.

(2) A Minister or the Attorney-General may resign from office by writing under his hand addressed to the President. However, such Minister or the Attorney-General shall continue to hold office until such time that the President notifies him of the acceptance of the said resignation.

(3) In the event of a vote of no confidence by the People's Majlis in a member of the Cabinet of Ministers being passed in accordance with Article 82 of this Constitution, such member shall resign from office, informing the President of the same.

Dissolution of the Cabinet of Ministers

62. The President may dissolve the Cabinet of Ministers if, in his opinion, the Cabinet of Ministers is unable to effectively discharge the functions assigned to the Cabinet. Upon dissolution of the Cabinet of Ministers, the President shall inform the People's Majlis of the fact, specifying the reasons thereof, and shall appoint a new Cabinet of Ministers as soon as expedient.

CHAPTER V

THE LEGISLATURE (1)

THE PEOPLE'S MAJLIS

The People's Majlis

63. There shall be a People's Majlis of the Maldives elected in accordance with the Constitution and law. The legislative power, except the enactment of the Constitution, shall be vested in the People's Majlis.

Composition of the People's Majlis

64. The People's Majlis shall consist of fifty members of which eight members shall be appointed by the President, two members elected from Male' and two members elected from each Atoll of the Maldives.

Duration of the People's Majlis

65. The duration of the People's Majlis shall be five years from the date on which the first meeting of the People's Majlis is held after its election. The expiration of the said duration of five years shall operate as the dissolution of the Majlis. Upon dissolution of the People's Majlis on the expiration of its duration, the first meeting of the newly elected People's Majlis shall be held.

Qualifications for membership of the People's Majlis

66. A person shall be qualified to be a member of the People's Majlis if he —

- (a) is a Muslim;
- (b) is a citizen of the Maldives;
- (c) has attained twenty-five years of age;
- (d) is of sound mind;
- (e) is capable of reading and writing Arabic and Dhivehi script and numerals;
- (f) has not, during the past five years, been convicted of an offence for which a *hadd* is prescribed in Islam or of criminal breach of trust; and
- (g) is not a citizen of a foreign country.

Assumption of office by members of the People's Majlis

67. A person elected or appointed as a member of the People's Majlis shall assume membership of the said Majlis upon taking, before the President, the oath set out in paragraph (e) of the Schedule to this Constitution.

Speaker of the People's Majlis

68.—(1) The Speaker of the People's Majlis shall be appointed to and removed from office by the President.

(2) A Speaker shall be appointed to the People's Majlis seven days prior to the date on which the first meeting of the newly elected People's Majlis is to be held in accordance with Article 65 of this Constitution or in the event of any vacancy, within seven days of such vacancy.

(3) The Speaker of the People's Majlis shall not be a member of the People's Majlis. He shall have the qualifications required for the office of a Minister and shall, in the opinion of the President, have the competence to discharge the functions of the office of Speaker.

(4) The Speaker of the People's Majlis shall assume office upon taking, before the President, the oath set out in paragraph (f) of the Schedule to this Constitution.

Functions of
the Speaker of
the People's
Majlis

69.—(1) The Speaker shall administer all affairs of the People's Majlis, preside over the sittings of the regular sessions of the Majlis held in accordance with Article 72 of this Constitution and the extraordinary sittings of the Majlis convened when directed by the President and submit to the President all matters passed by the People's Majlis.

(2) The Speaker of the People's Majlis shall in the event stipulated in clause (1) of Article 48 of this Constitution, discharge the functions as Acting President and summon in accordance with clause (2) of the said Article, the People's Majlis and carry out all matters relating to the election of the Council to administer the State and assign the administration of the State to the said Council.

Deputy Speaker
of the People's
Majlis

70.—(1) The Deputy Speaker of the People's Majlis shall be appointed to and removed from office by the President.

(2) A Deputy Speaker shall be appointed to the People's Majlis seven days prior to the date on which the first meeting of the newly elected People's Majlis is to be held in accordance with Article 65 of this Constitution or in the event of any vacancy, within seven days of such vacancy.

(3) The Deputy Speaker of the People's Majlis shall be appointed from among the members of the People's Majlis. He shall, in the opinion of the President, have the competence to discharge the duties of the said office.

(4) The Deputy Speaker of the People's Majlis shall assume office upon taking, before the President, the oath set out in paragraph (f) of the Schedule to this Constitution.

Duties of the
Deputy Speaker

71. The Deputy Speaker of the People's Majlis shall assist the Speaker of the People's Majlis in the discharge of functions conferred upon him. In the event of any vacancy in the office of the Speaker or where the Speaker is unable to perform the functions of his office, unless otherwise stipulated in this Constitution, the Deputy Speaker shall temporarily discharge the functions of the Speaker.

Sittings of the
People's Majlis

72.—(1) There shall be three regular sessions of the People's Majlis every year. The dates for the commencement and conclusion of these sessions shall be determined by the Speaker of the People's Majlis. The Speaker shall inform the President before convening and upon conclusion of each session of the People's Majlis. In addition to the sittings of the regular sessions of the People's Majlis, an extraordinary sitting of the Majlis shall only be held when directed by the President.

(2) Any sitting of the People's Majlis except the sittings mentioned in clause (1) of this Article and

the sittings convened pursuant to clause (2) of Article 48 of this Constitution, shall be void and any resolution passed in such sitting shall also be void.

Quorum

73.—(1) No sitting of the People’s Majlis shall be held unless a quorum is present. The quorum of a sitting of the People’s Majlis shall be a majority of the members of the People’s Majlis.

(2) If at any time during a sitting of the People’s Majlis there is no quorum, such a sitting shall either be adjourned or suspended until there is a quorum.

Requisite majorities

74. Save the matters which in accordance with the Constitution require a two-thirds majority for passage in the People’s Majlis, all matters proposed for passage in the People’s Majlis shall be passed by a majority of the Majlis. Twenty-six votes shall be deemed to constitute a simple majority and thirty-four votes shall be deemed to constitute a two-thirds majority.

Right of the President and the Members of the Cabinet of Ministers to attend and address the People’s Majlis

75. The President and every member of the Cabinet of Ministers shall have the right to attend and address the People’s Majlis. However, members of the People’s Majlis alone shall be entitled to vote in the Majlis.

No taxation without legislation

76. No taxation may be levied except by legislation passed by the People’s Majlis.

Prohibition of foreign ownership of any part of Maldivian territory

77.—(1) No foreign person or party shall own or be given ownership of any part of the territory of the Maldives.

(2) No part of the territory of the Maldives shall be leased or otherwise given possession of to a foreign person or party for a period exceeding twenty-five years without the approval of the People’s Majlis.

(3) No part of the territory of the Maldives shall be given to a foreign person or party for a military purpose for any period without the approval of the People's Majlis.

(4) No foreign person or party shall be given permission to exploit for economic purposes any part of the Exclusive Economic Zone of the Maldives except as prescribed by law.

Annual budget

78.—(1) Prior to the commencement of every financial year, the Minister of Finance shall submit to the People's Majlis the estimated expenditure and income of the State for the year, and the expenditure and the income of the State for the preceding year and the budget so proposed shall be passed by the People's Majlis.

(2) No supplementary or excess funds shall be added to an already passed budget unless it has been submitted to and passed by the People's Majlis.

Assent to Bills and return of Bills for reconsideration without assent

79.—(1) A Bill passed by the People's Majlis shall be presented to the President within seven days from the date of its passing, and the President shall, within thirty days of receipt of the same, assent to such Bill or return such Bill within the said period to the People's Majlis for reconsideration of the Bill or for consideration of any amendment to such Bill recommended by the President.

(2) Any Bill returned to the People's Majlis for reconsideration in accordance with clause (1) of this Article shall be assented to by the President if such Bill, after reconsideration, is passed by a two-thirds majority of the People's Majlis. In the event that such Bill is not passed by a two-thirds majority of the People's Majlis, it shall become void.

(3) Where the President within a period of thirty

days does not assent to or return for reconsideration a Bill passed by the People's Majlis and presented to him for assent, such Bill shall be deemed to have received the assent of the President.

Publication of laws in the Government Gazette and entry into force of laws

80. A Bill passed by the People's Majlis shall become law and enter into force upon being assented to by the President and when such law is published in the Government Gazette.

Questions to Ministers by members of the People's Majlis

81.—(1) Every member of the Cabinet of Ministers and every Minister may be questioned in the People's Majlis concerning any act done or committed in his official capacity.

(2) Members of the People's Majlis may question a member of the Cabinet of Ministers or a Minister concerning any act done or committed by him in his private capacity if such act is alleged to be in violation of law or if such act could cause loss or damage to the government or the citizens.

(3) A member of the Cabinet of Ministers or a Minister may be questioned by the members of the People's Majlis through the Speaker of the People's Majlis, having given fourteen days' written notice of such question and in a sitting of the People's Majlis. The members of the People's Majlis may, concerning such matter, ask as provided in law, oral supplementary questions in a sitting of the Majlis.

(4) A person questioned by members of the People's Majlis in accordance with this Article shall, as provided in law, answer questions addressed to him.

Vote of no confidence in a member of the Cabinet of Ministers

82. A motion expressing want of confidence in a member of the Cabinet of Ministers may be moved in the People's Majlis by addressing to the Speaker of the People's Majlis under the hand of at least ten members of the People's Majlis, specifying the reasons

thereof. Such a motion shall be debated in the People's Majlis upon submission of such matter to the Majlis together with a written statement from the concerned member of the Cabinet, having given such member of the Cabinet a notice of fourteen days concerning the said motion. Such member of the Cabinet of Ministers shall be deemed to be in want of confidence if the motion expressing want of confidence in him is passed by a two-thirds majority of the Majlis. The concerned member of the Cabinet of Ministers shall have the right to defend himself in the sitting of the Majlis in which the motion expressing the want of confidence in him is debated.

Validity of decisions of the People's Majlis

83. The validity of a decision of the People's Majlis on any matter which is not inconsistent with the provisions of this Constitution, shall not be questioned by any court or tribunal or any other such authority.

Immunity of the members of the People's Majlis

84. No member of the People's Majlis shall be held liable in respect of any thought expressed or anything said without contradicting the basic tenets of Islam or any vote given by him in a duly constituted sitting of the People's Majlis or any committee thereof.

Resignation of the Speaker and the Deputy Speaker

85.—(1) The Speaker of the People's Majlis may resign from office by writing under his hand addressed to the President. However, the Speaker of the People's Majlis shall continue to hold office until such time that the President notifies him of the acceptance of the said resignation.

(2) The Deputy Speaker of the People's Majlis may resign from office by writing under his hand addressed to the President. However, the Deputy Speaker of the People's Majlis shall continue to hold office until such time that the President notifies him of the acceptance of the said resignation.

86.—(1) A member of the People’s Majlis may resign by writing under his hand addressed to the Speaker of the People’s Majlis. The seat of such member shall be deemed vacated upon tendering of the said resignation.

(2)(a) Where a member of the People’s Majlis is absent without leave of the Speaker for two consecutive sessions, the seat of such member shall be deemed vacated.

(b) Where a member of the People’s Majlis is held in custody pursuant to a sentence of a court for a period whereby such member is rendered unable to attend two consecutive sessions of the People’s Majlis and where the High Court has upheld such sentence on appeal or the period for appeal against such sentence has lapsed, the seat of such member shall be deemed vacated.

(c) Where a member of the People’s Majlis is detained, except in pursuance to a sentence of a court, the seat of such member shall not be deemed vacated.

(3)(a) In the event that a member of the People’s Majlis becomes disqualified for membership of the Majlis, or in the event of the death of a member, the seat of such member shall be deemed vacated.

(b) A member of the People’s Majlis shall be deemed disqualified for membership of the Majlis if the High Court so decides upon application by the State.

(4) Where a member appointed by the President is removed from the Majlis by the President, the seat of such member shall be vacated.

Filling of seats vacated in the People's Majlis

87. Where a seat in the People's Majlis is vacated prior to the expiration of the duration of the People's Majlis, a new member shall, in accordance with law, be elected to the seat so vacated within sixty days from the date of such vacancy. Where the seat vacated is a seat of a member appointed by the President, a new member shall be appointed to fill such vacancy within sixty days of such vacancy.

Election of new Majlis prior to the expiration of the duration of the People's Majlis

88. Election of members to the new People's Majlis and all matters pertaining thereto shall be concluded in accordance with law thirty days prior to the expiration of the existing Majlis.

Extension of duration of the People's Majlis

89. The President shall, in the event that election of a new People's Majlis is not possible before the expiration of the duration of the existing People's Majlis by reason of a Proclamation of Emergency as provided in Article 144 being in operation, have the authority to extend the duration of the said Majlis for a determined period by an instrument executed under his hand and sent to the existing People's Majlis. The period of extension shall be specified in the instrument sent to the People's Majlis. Such period of extension shall be for a maximum period of one year. Notwithstanding the extension of the duration of the Majlis, where the Proclamation of Emergency has ceased to be in operation, a new People's Majlis shall be elected, in accordance with this Constitution, within a maximum of sixty days from the date the Proclamation of Emergency ceased to be in operation.

Power of President to promulgate law during recess of the People's Majlis

90.—(1) If, at a time when the People's Majlis is not in session a matter arises, for which, in the opinion of the President, expedient legislation is required, the President shall have the power to decree and execute, without contravening the Constitution, such matter by a Special Order as a provisional law.

(2) Any Special Order decreed by the President as herein provided shall be laid before the People's Majlis

at its first sitting held after such Special Order. In the event that the People's Majlis does not pass a resolution to approve the said Special Order, such Order shall cease to have effect upon the expiration of sixty days from the date of such Order. In the event that a resolution of the People's Majlis is passed disapproving the said Order prior to the expiration of the said sixty days, such Order shall immediately cease to have effect.

(3) Any Special Order decreed by the President in accordance with this Article may be withdrawn at any time by the President.

Secretary-
General of the
People's Majlis

91. A Secretary-General of the People's Majlis shall be appointed and a secretariat thereof shall be established by the President. The Secretary-General of the People's Majlis shall, as may be directed by the Speaker of the People's Majlis, organise all the sittings and all the documentation of the Majlis. Where the People's Special Majlis is convened, all such matters of the said Majlis shall also be undertaken by the said Secretary-General.

CHAPTER VI

THE LEGISLATURE (2)

THE PEOPLE'S SPECIAL MAJLIS

The People's
Special Majlis

92. The power to make and amend the Constitution of the Maldives shall be vested in the People's Special Majlis.

Composition of
the People's
Special Majlis

93. The People's Special Majlis shall consist of:

- (a) members of the Cabinet of Ministers;
- (b) members of the People's Majlis;
- (c) members elected from Male' and the Atolls in accordance with law. Members elected

from each constituency shall be equal in number to the members elected to the People's Majlis from each constituency; and
(d) eight members appointed by the President.

Convening and dissolution of the People's Special Majlis

94. Where the President deems it necessary to convene the People's Special Majlis or where the People's Majlis resolves to convene the People's Special Majlis, the President shall direct the People's Special Majlis to be constituted. The People's Special Majlis shall convene at a time appointed by the President and upon conclusion of the business of the Agenda the said Majlis shall be dissolved by writing under the hand of the President addressed to the said Majlis.

Qualifications for membership of the People's Special Majlis

95. The qualifications for membership of the People's Special Majlis shall be the same qualifications required for membership of the People's Majlis under this Constitution.

Assumption of membership of the People's Special Majlis

96. Every member of the People's Special Majlis shall assume membership of the said Majlis upon taking, before the President, the oath set out in paragraph (g) of the Schedule to this Constitution.

President and Vice-President of the People's Special Majlis

97.—(1) A President and a Vice-President of the People's Special Majlis shall be elected from among its members at the first sitting of the said Majlis. Where the office of President or that of Vice-President of the said Majlis becomes vacant prior to the dissolution of the People's Special Majlis, a new member shall be elected to fill such vacancy.

(2) The Speaker of the People's Majlis shall preside over the first sitting of the People's Special Majlis until a President of the People's Special Majlis is elected pursuant to clause (1) of this Article. Upon election of the President of the People's Special Majlis, the Speaker of the People's Majlis shall cease to preside over the sitting.

Assumption of office by the President and the Vice-President of the People's Special Majlis

98. The President and the Vice-President of the People's Special Majlis shall assume office upon taking, before the President, the oath set out in paragraph (h) of the Schedule to this Constitution.

Functions of the President of the People's Special Majlis

99. The President of the People's Special Majlis shall administer all affairs of the Majlis, convene sittings of the Majlis for discharging the duties assigned to the Majlis, and preside over such sittings and submit to the President all matters passed by the Majlis within seven days of their passage.

Duties of the Vice-President of the People's Special Majlis

100. The Vice-President of the People's Special Majlis shall assist the President of the People's Special Majlis in the discharge of functions conferred upon him. In the event of any vacancy of the office of the President of the People's Special Majlis or where the President of the People's Special Majlis is unable to perform the functions of his office, the Vice-President shall temporarily discharge the functions of the President.

Laws passed by the People's Special Majlis

101. Any article or provision of this Constitution may be amended only by a law passed by a majority of votes in the People's Special Majlis and assented to by the President.

Assent to Bills and return of Bills for reconsideration without assent

102.—(1) Any matter referred to in Article 101 of this Constitution passed by the People's Special Majlis shall be presented to the President within seven days from the date of its passing and the President shall, within ninety days of receipt of the same, assent to such Bill or return such Bill within the said period to the People's Special Majlis for reconsideration of the Bill or for consideration of any amendment to such Bill recommended by the President.

(2) Any Bill returned to the People's Special Majlis for reconsideration in accordance with clause (1) of

this Article shall be assented to by the President if such Bill after reconsideration is passed by a two-thirds majority of the People's Special Majlis. In the event such Bill is not passed by a two-thirds majority of the People's Special Majlis such Bill shall become void.

(3) Where the President within a period of ninety days does not assent to or return for reconsideration a Bill passed by the People's Special Majlis and presented to him for assent, such Bill shall be deemed to have received assent of the President.

(4) A Bill passed by the People's Special Majlis shall become law and enter into force upon being assented to by the President and when such law is published in the Government Gazette.

Validity of decisions of the People's Special Majlis

103. The validity of a decision of the People's Special Majlis, on any matter taken in accordance with the provisions of this Constitution, shall not be questioned by any court or tribunal or any other such authority.

Immunity of the members of People's Special Majlis

104. No member of the People's Special Majlis shall be held liable in respect of any thought expressed or anything said without contradicting the basic tenets of Islam or any vote given by him in a duly constituted sitting of the People's Special Majlis or any committee thereof.

Vacation and filling of seats in the People's Special Majlis

105.—(1) A seat in the People's Special Majlis shall become vacant prior to the dissolution of the Majlis upon the death of a member or where a member of the said Majlis by writing under his hand addressed to the President of the said Majlis resigns or where a person who is a member of the People's Special Majlis, by reason of being a member of the Cabinet of Ministers or the People's Majlis as the case may be, has ceased to be a member of the Cabinet or the

People's Majlis or where a member becomes disqualified for membership of the People's Special Majlis.

(2) A member of the People's Special Majlis shall be deemed disqualified for membership of the Majlis if the High Court so decides upon application by the State.

(3) Where a member appointed by the President is removed from the People's Special Majlis by the President, the seat of such member shall be vacated.

(4) In the event of a vacation of a seat in the People's Special Majlis, where the seat vacated is a seat of a member appointed by the President, a new member shall be appointed to fill such vacancy, and where the seat vacated is a seat of a member elected to the People's Special Majlis, a new member shall be elected to fill such vacancy. However, such vacancy shall be filled if, in the opinion of the President of the People's Special Majlis, the Majlis will remain without dissolution for a period sufficient for members who are so elected or appointed to attend the sittings of the Majlis.

CHAPTER VII

ATOLL CHIEFS

Atoll Chiefs

106. There shall be an Atoll Chief appointed by the President for each Atoll of the Maldives.

Qualifications
for appointment
as an Atoll
Chief

107. A person shall be qualified to be appointed as an Atoll Chief if he —

- (a) is a Muslim;
- (b) is a citizen of the Maldives;

- (c) is a person who has attained thirty years of age;
- (d) is of sound mind;
- (e) is a person who in the opinion of the President has the competence to discharge the duties and responsibilities of the office of Atoll Chief;
- (f) has not been convicted of an offence during the past five years for which a *ḥadd* is prescribed in Islam or of criminal breach of trust; and
- (g) is not a citizen of a foreign country.

Assumption of office by Atoll Chiefs

108. Every Atoll Chief shall assume office upon taking, before the President, the oath set out in paragraph (i) of the Schedule to this Constitution.

Administration of the Atoll

109. Every Atoll shall be administered, as may be decreed and directed by the President, by the Atoll Chief appointed for the Atoll. The President may issue directions to the Atoll Chief through Ministers.

Resignation of Atoll Chiefs

110. An Atoll Chief may resign from office by writing under his hand addressed to the President. However, such Atoll Chief shall continue to hold office until such time that the President notifies him of the acceptance of the said resignation.

Removal of Atoll Chiefs

111. The President may, at his discretion, remove an Atoll Chief from office.

CHAPTER VIII

THE JUDICIARY (1)

THE HIGH COURT

The High Court of the Maldives

112.—(1) There shall be a High Court of the Maldives. The High Court shall consist of the Chief

Justice and such number of Judges as may be determined by the President.

(2) The Chief Justice and the Judges of the High Court shall be appointed by the President.

Qualifications for appointment as Chief Justice and Judges of the High Court

113. A person shall be qualified to be appointed as the Chief Justice or as a Judge of the High Court if he —

- (a) is a Muslim;
- (b) is a citizen of the Maldives;
- (c) is a person who has attained thirty years of age;
- (d) is of sound mind;
- (e) is a person who in the opinion of the President has the necessary educational qualifications and competence to discharge the duties and responsibilities of the Chief Justice or of a Judge of the High Court;
- (f) has not been convicted of an offence for which a *ḥadd* is prescribed in Islam or of criminal breach of trust or of bribery; and
- (g) is not a citizen of a foreign country.

Assumption of office by the Chief Justice and Judges of the High Court

114. The Chief Justice or a Judge of the High Court shall assume office upon taking, before the President, the oath set out in paragraph (j) of the Schedule to this Constitution.

Jurisdiction of the High Court

115.—(1) All appeals from the courts of the Maldives shall, in accordance with regulations promulgated by the President, be heard by the High Court.

(2) The High Court shall hear cases determined by the President to be filed with the High Court from among the proceedings instituted by the State.

Resignation of the Chief Justice and Judges of the High Court

116. The Chief Justice or a Judge of the High Court may resign from office by writing under his hand addressed to the President. However, the Chief Justice or such Judge of the High Court shall continue to hold office until such time that the President notifies him of the acceptance of the said resignation.

Removal of the Chief Justice and Judges of the High Court

117. Where, in the opinion of the President, the Chief Justice or a Judge of the High Court fails to satisfactorily discharge his duties and responsibilities or in the event such a person becomes disqualified under Article 113, the President may remove such person from office.

CHAPTER IX

THE JUDICIARY (2)

THE COURTS

Courts

118.—(1) There shall be in the Maldives such number of courts at such places as may be determined by the President.

(2) The judges of the courts shall be appointed by the President.

Qualifications for appointment as judges of the courts

119. A person shall be qualified to be appointed as a judge of a court if he —

- (a) is a Muslim;
- (b) is a citizen of the Maldives;
- (c) is a person who has attained twenty-five years of age;
- (d) is of sound mind;
- (e) is a person who has the necessary educational qualifications and competence to discharge the duties and responsibilities of a judge;

- (f) has not been convicted of an offence for which a *ḥadd* is prescribed in Islam or of criminal breach of trust or of bribery; and
- (g) is not a citizen of a foreign country.

Assumption of office by judges of the courts

120. A judge of a court shall assume office upon taking, before the President or before a person nominated by the President, the oath set out in paragraph (j) of the Schedule to this Constitution.

Administration of the courts

121. A Minister assigned by the President shall have the authority to issue directives and orders concerning the administration of courts and the conduct of judges.

Resignation of judges

122. A judge of a court may resign from office by writing under his hand addressed to the President. However, such judge shall continue to hold office until such time that the President notifies him of the acceptance of the said resignation.

Removal of judges of the courts

123. The President may at his discretion remove a judge of any court from office.

CHAPTER X

THE AUDITING AND MAINTENANCE OF ACCOUNTS OF THE STATE

Auditor-General

124.—(1) There shall be an Auditor-General of the Maldives appointed by the President.

(2) A person appointed to the office of Auditor-General shall have the qualifications required for membership of the People's Majlis and shall, in the opinion of the President, have the competence to perform the duties of the said office.

Assumption of office by the Auditor-General

125. The Auditor-General shall assume office upon taking, before the President, the oath set out in paragraph (k) of the Schedule to this Constitution.

Duties of the Auditor-General

126. It shall be the duty of the Auditor-General, in accordance with law, to audit the accounts of the State, prepare the reports thereof, and perform other duties concerning the accounts of the State.

Maintenance of accounts of the State

127. The accounts of the State shall be kept and maintained in such form and manner prescribed by the Auditor-General on the advice of the President.

Resignation of the Auditor-General

128. The Auditor-General may resign from office by writing under his hand addressed to the President. However, the Auditor-General shall continue to hold office until such time that the President notifies him of the acceptance of the said resignation.

Removal of the Auditor-General

129. The President may remove the Auditor-General from office if in the opinion of the President the Auditor-General has failed to satisfactorily perform the duties of his office.

CHAPTER XI

ELECTIONS AND PUBLIC VOTES

Commissioner of Elections

130.—(1) The President shall appoint a Commissioner of Elections to organise and conduct elections in the Maldives.

(2) A person appointed to the office of Commissioner of Elections shall have the qualifications required for membership of the People's Majlis and shall, in the opinion of the President, have the competence to perform the duties of the said office.

Assumption of office by the Commissioner of Elections

131. The Commissioner of Elections shall assume office upon taking, before the President, the oath set out in paragraph (k) of the Schedule to this Constitution.

Duties of the Commissioner of Elections

132. It shall be the duty of the Commissioner of Elections, in accordance with the Constitution and law, to organise and conduct the general public vote to elect the President, elections of the members of the People's Majlis and the People's Special Majlis and public referendums as may be required by the President to obtain public opinion.

Elections and public referendums by secret ballot

133. Voting in elections and public referendums stipulated in the Constitution and the law shall be by secret ballot.

Qualifications of voters

134. A person shall be qualified to be a voter in elections and public referendums stipulated in the Constitution and the law if he —

- (a) is a Muslim;
- (b) is a citizen of the Maldives;
- (c) is a person who has attained twenty-one years of age;
- (d) is of sound mind; and
- (e) is not serving a sentence passed by a court or is under lawful detention.

Election petitions

135. No grievances and complaints concerning elections to the People's Majlis or the People's Special Majlis shall be made except by an election petition presented to a court determined by the President.

Resignation of the Commissioner of Elections

136. The Commissioner of Elections may resign from office by writing under his hand addressed to the President. However, the Commissioner of Elections shall continue to hold office until such time that the President notifies him of the acceptance of the said resignation.

Removal of the
Commissioner
of Elections

137. The President may remove the Commissioner of Elections from office if in the opinion of the President the Commissioner of Elections has failed to perform satisfactorily the duties of his office.

CHAPTER XII

PROPERTY, LIABILITIES AND SUITS OF THE STATE

Property and
assets of the
State and
acquired for the
State

138.—(1) All property, assets and monies which at the commencement of this Constitution were vested in the State shall continue to vest in the State.

(2) All property, assets and monies acquired for the State shall vest in the State.

Land, sea and
natural
resources

139.—(1) All land, sea and the fish therein, and the seabed within the territory of the Maldives and naturally occurring resources, including metallic ores, oil, gas and other things of value thereof shall vest in the State.

(2) All living and non-living resources of the Exclusive Economic Zone and the seabed thereof, shall vest in the State.

Property
without a
rightful owner

140.—(1) Any property found within the territory of the Maldives and any property occurring in the seabed or found drifting in the sea, save those naturally occurring or formed in the sea, without a rightful owner, shall vest in the State.

(2) All property such as gold, silver, jewellery, money, household items and items of historical value found buried in the ground without a rightful owner, shall vest in the State.

Authority for transactions involving property and assets of the State

141. The President shall have the authority, in accordance with law, to give, sell, lease, and mortgage any property or assets of the State, if such transaction is needed for the State.

Authority to borrow on behalf of the State

142. The State may borrow in accordance with law such sums of money and for such periods as the President may determine. And the government may guarantee repayment of sums so borrowed within such periods as may be determined by the President.

Authority to sue on behalf of the State and to defend action against the State

143. The government shall have the right to sue on behalf of the State and to defend any action against the State in any court of the Maldives, or in any foreign court or in any such other place.

CHAPTER XIII

PROCLAMATION OF EMERGENCY

Proclamation of Emergency

144. Where the President has determined that the security of the Maldives or part thereof is threatened by war or foreign aggression or civil unrest, the President shall have the right to issue a Proclamation of Emergency.

Powers of the President during a Proclamation of Emergency

145. While the Proclamation of Emergency is in force, the President shall have the power to take and order all measures expedient to protect national security and public order. Such measures may include the suspension from time to time of fundamental rights as deemed appropriate by the President and suspension of laws which in the opinion of the President impede the maintenance of national security and public order.

Duration and revocation of a Proclamation of Emergency

146.—(1) A Proclamation of Emergency shall initially be valid for a period of three months. In the event that the President has determined that such

Proclamation of Emergency should be extended for a period exceeding three months, such matter shall be laid before the People's Majlis prior to the expiration of the three months and the Proclamation of Emergency may be extended, if passed by the People's Majlis, for a period determined by the Majlis. Where the period of Proclamation of Emergency is not extended as mentioned herein, upon expiration of the said three months such Proclamation of Emergency shall lapse.

(2) The President may revoke the Proclamation of Emergency while it is in force where to the satisfaction of the President there exists no circumstance requiring continuation of the Proclamation of Emergency.

(3) Upon the expiration of the Proclamation of Emergency, and within one month from such date, a written report on the emergency that occurred shall be submitted to the People's Majlis by the President.

CHAPTER XIV

GENERAL PROVISIONS

Signing and acceptance of agreements

147. No bilateral agreement between the Government of the Maldives and the government of a foreign country and no multilateral agreement shall be signed or accepted by the Government of the Maldives unless the President has authorised in writing such signature or acceptance. In the event that such agreement requires ratification by the Maldives such agreement shall not come into effect unless the President has ratified the same on the advice of the Cabinet of Ministers.

No law to be contrary to the Constitution

148.—(1) No law shall be made in contravention of this Constitution or the manner provided herein by any legislative body or any other body with legislative competence.

(2) Where any part of a proposed Bill or existing law is contrary to the provisions of this Constitution, such part shall be void.

Compliance with and amendments to laws in force

149. Unless passed otherwise by the People's Majlis or the People's Special Majlis, the laws in force at the time this Constitution comes into force which are not inconsistent with the provisions of this Constitution shall continue to remain in force. However, such laws may be amended in accordance with the procedures laid down in this Constitution for the enactment of laws.

Inexpediences at the time this Constitution comes into force

150.—(1) Where inexpediences exist or where further procedures are required to be introduced to give effect to any provisions of this Constitution, the President shall have the power to defer giving effect to such provisions for a maximum period of two years from the date the Constitution comes into force. Where any provisions of this Constitution require for their implementation, amendment of existing practices, the President shall have the power to defer the implementation of such provisions with the necessary amendments to such practices for a maximum period of two years from the date this Constitution comes into force.

(2) Matters, the implementation of which is deferred, and matters the implementation of which is deferred for implementation with amendments, shall be determined by a Special Order of the President.

Repeal of laws contravening the Constitution

151. Acts done pursuant to or in accordance with any law which is repealed upon the commencement of this Constitution due to its inconsistency with the Constitution shall, unless otherwise provided in this Constitution, remain valid and the repeal of any such law shall not affect any right or privilege of a person under such law or punishment enforced or being enforced under such law.

Manner of
ascertaining
period and date

152. Terms, periods of time and dates in this Constitution shall be ascertained in accordance with the Gregorian Calendar.

Headings in the
Constitution

153. No heading contained anywhere in this Constitution shall be a part of this Constitution.

CHAPTER XV

COMMENCEMENT OF THIS CONSTITUTION AND REPEAL OF THE CONSTITUTION OF 1968

Title of the
Constitution
and the date of
coming into
force

154.—(1) This Constitution shall be called “The Constitution of the Republic of Maldives”.

(2) This Constitution having been passed by the People’s Special Majlis and assented to by the President, shall come into force on the date appointed and proclaimed by the President for its commencement.

Repeal of the
Constitution of
1968

155. “The Constitution of the Republic of Maldives” that came into force on the 11th day of November 1968 shall stand repealed with effect from the date this Constitution comes into force.

CHAPTER XVI

INTERPRETATION OF WORDS AND PHRASES

Interpretation
of words and
phrases

156. In this Constitution, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:

Unitary State means a State in which the powers of the State are vested in one government and where the said powers are not shared with any territorial divisions which constitute such State.

Sea includes the sea outside, between and within atolls, reefs, lagoons and such other waters.

Citizen means any citizen of the Maldives in accordance with law.

Law means Acts passed by the People's Majlis and the People's Special Majlis and assented to by the President at any time prior to and after the commencement of this Constitution and includes the regulations made under such laws and the practices of the government. In this Constitution the word 'law' also includes the norms and provisions of Shari'ah established by the Noble Quran and the traditions of the Noble Prophet, and the rules derived therefrom.

Court means any place where trials are held.

Punishment means the penalty prescribed by law for an offence defined in the law.

Public order means the preservation and continuance of the rule of law, public security and the good of all.

Enemy means any foreign party that commits an act against the sovereignty or independence of the Maldives and any Maldivian accomplice in the commission of such act.

Fundamental rights means the fundamental rights stipulated in Chapter II of this Constitution.

Secret ballot means the act of giving or taking votes in a manner whereby, while voting, no person is aware of the vote given by another.

Propagation of the tenets of Islam means the administration of the faith, beliefs and the doctrines of Islam and the facilitation of the practice of the same.

Agreement means all agreements legally binding on the Government of the Maldives.

Tax means all taxes and duties except any fee or rent charged for a service rendered or for work done.

Land means islands, sand-banks and all other such places drying above the sea.

SCHEDULE
OATHS OF OFFICE

(a)

OATH OF OFFICE OF PRESIDENT
(Article 36)

I, ...(name of person)..., do swear in the name of Almighty Allah that I will obey the religion of Islam, that I will protect the Constitution of the Republic of Maldives and the fundamental rights of the Maldivian citizens, that I will bear true faith and allegiance to the Maldives and will discharge the responsibilities and duties of the office of President honestly and faithfully in accordance with the Constitution of the Republic of Maldives.

(b)

OATH OF OFFICE OF PERSONS FILLING CASUAL VACANCY
OF THE OFFICE OF PRESIDENT
(Article 48)

I, ...(name of person)..., do swear in the name of Almighty Allah that I will obey the religion of Islam, that I will protect the Constitution of the Republic of Maldives and the fundamental rights of the Maldivian citizens, that I will bear true faith and allegiance to the Maldives and will on behalf of the President/as Acting President/as member of the Council to administer the State discharge the responsibilities and duties of administering the State honestly and faithfully in accordance with the Constitution of the Republic of Maldives.

(c)

**OATH OF OFFICE OF VICE-PRESIDENT
(Article 51)**

I, ...(name of person)..., do swear in the name of Almighty Allah that I will obey the religion of Islam, that I will protect the Constitution of the Republic of Maldives and the fundamental rights of the Maldivian citizens, that I will bear true faith and allegiance to the Maldives and the President and will discharge the responsibilities and duties of the office of Vice-President honestly and faithfully in accordance with the Constitution and laws of the Republic of Maldives.

(d)

**OATH OF OFFICE OF MINISTERS AND THE
ATTORNEY-GENERAL
(Article 57)**

I, ...(name of person)..., do swear in the name of Almighty Allah that I will obey the religion of Islam, that I will protect the Constitution of the Republic of Maldives and the fundamental rights of the Maldivian citizens, that I will bear true faith and allegiance to the Maldives and the President and will discharge the duties assigned to me by the President honestly and faithfully in accordance with the Constitution and laws of the Republic of Maldives.

(e)

**OATH OF OFFICE OF MEMBERS OF THE PEOPLE'S MAJLIS
(Article 67)**

I, ...(name of person)..., do swear in the name of Almighty Allah that I will obey the religion of Islam, that I will protect the Constitution of the Republic of Maldives and the rights of the Maldivian citizens and the rights of the Executive, that I will bear true faith and allegiance to the Maldives and will discharge the duties as a member of the People's Majlis honestly and faithfully.

(f)

**OATH OF OFFICE OF THE SPEAKER AND THE DEPUTY
SPEAKER OF THE PEOPLE’S MAJLIS
(Articles 68 & 70)**

I, ...(name of person)..., do swear in the name of Almighty Allah that I will obey the religion of Islam, that I will protect the Constitution of the Republic of Maldives and the rights of the Maldivian citizens and the rights of the Executive, that I will bear true faith and allegiance to the Maldives and the President and will discharge the responsibilities and duties of the office of Speaker/Deputy Speaker honestly and faithfully in accordance with the Constitution of the Republic of Maldives.

(g)

**OATH OF OFFICE OF MEMBERS OF THE PEOPLE’S SPECIAL
MAJLIS
(Article 96)**

I, ...(name of person)..., do swear in the name of Almighty Allah that I will obey the religion of Islam and the Constitution of the Republic of Maldives, that I will bear true faith and allegiance to the Maldives, that I will uphold the rights of the Maldivian citizens and will discharge the duties as a member of the People’s Special Majlis honestly and faithfully.

(h)

**OATH OF OFFICE OF PRESIDENT AND VICE-PRESIDENT OF
THE PEOPLE’S SPECIAL MAJLIS
(Article 98)**

I, ...(name of person)...,do swear in the name of Almighty Allah that I will obey the religion of Islam and the Constitution of the Republic of Maldives, that I will bear true faith and allegiance to the Maldives, that I will uphold the rights of the Maldivian citizens and will discharge the duties of the office of President/Vice-President of the People’s Special Majlis honestly and faithfully.

(i)

**OATH OF OFFICE OF ATOLL CHIEFS
(Article 108)**

I, ...(name of person)..., do swear in the name of Almighty Allah that I will obey the religion of Islam, that I will uphold the Constitution of the Republic of Maldives, that I will bear true faith and allegiance to the Maldives and the President, that I will uphold the fundamental rights of the Maldivian citizens and will discharge as decreed and directed by the President the affairs of the Atoll assigned to me by the President and the duties and responsibilities of the office of Atoll Chief honestly and faithfully.

(j)

**OATH OF OFFICE OF CHIEF JUSTICE AND JUDGES
(Articles 114 & 120)**

I, ...(name of person)..., do swear in the name of Almighty Allah that I will obey the religion of Islam, that I will protect the Constitution of the Republic of Maldives, that I will uphold the rights of the Maldivian citizens and the rights of the Executive and will discharge the responsibilities and duties of the office of Chief Justice/Judge honestly and faithfully in accordance with the principles of Shari'ah and the laws of the Maldives.

(k)

**OATH OF OFFICE OF COMMISSIONER OF ELECTIONS
AND AUDITOR-GENERAL
(Articles 125 & 131)**

I, ...(name of person)..., do swear in the name of Almighty Allah that I will obey the religion of Islam, that I will uphold the Constitution of the Republic of Maldives, that I will bear true faith and allegiance to the Maldives and will discharge the responsibilities and duties of the office of Commissioner of Elections/Auditor-General honestly and faithfully in accordance with the Constitution and laws of the Republic of Maldives.

