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THE CONSTITUTION OF THE  
REPUBLIC OF MALDIVES<sup>1</sup>

20th Sha'aban, 1388 – November 11, 1969 as amended 1970, 1972, 1975

In the Name of Allah,  
The Beneficial, The Merciful

Praise be to Allah, the Lord of the Universe. Peace and Blessings be upon Mohammed, the last of the Apostles, and Messengers, and his family and all his companions.

Maldives has always been a self governing country. 815 years have elapsed since the people of Maldives chose the sacred Religion of Islam. Every power of administration of Maldives had from time immemorial, rested with Sultans and Sultanas.

The first administrative change was brought about during the reign of Sultan Mohamed Shamsuddin Iskander Sri Kulasundure Kaththire Bavana Mahaaradun. During the year 1349, on Thursday, 29th, in the month of *Shawal* (19th March 1931) 30th year of His Highness Sultan Mohamed Shamsuddin's reign, a *Majlis* comprised of 12 members under the chairmanship of Al-Amir Abdul Majid, Rannabadeiri Kilegefan, was instructed by His Highness to draft the first Constitution of Maldives, His Highness' instructions to the *Majlis* was to draft laws suitable to the conditions prevailing in Maldives at that time.

The first Constitution drafted by this *Majlis* was ratified by His Highness on 23rd *Shauban* 1351 (22nd December, 1932). On various occasions, various changes and amendments were brought about to the above mentioned first Constitution of Maldives.

While the administration of the state was being conducted in accordance with this Constitution for 7 years, it was found that this Constitution did not suit the conditions in Maldives, and on 20th *Zil Haj*, 1358 (30th January, 1940) it was abolished.

A new Constitution having been drafted and ratified, was brought into force on 6th *Rabeeul Aakhir*, 1361 (23rd April 1942).

Whereas on March 15th, 1968, during the reign of H.M. Sultan Mohamed Farid I the majority from a referendum conducted was to have a Republic form of Government in Maldives. Thus to conduct a Republican Administration, the People of the Maldives decided to adopt this Constitution.

1. This Constitution shall be enforced on every Maldivian Citizen and throughout the entire territory of the Republic of Maldives.

The Republic's political territory shall be the islands situated within the radius of 12 miles from every Atoll's outer reef, the sea and the air included.

<sup>1</sup>Unofficial translation by U.A. Khaled. Published by Department of Information and Broadcasting, Malé, 1975. Supplied by them July 1979. Ed.

## THE MALDIVIAN STATE

2. Maldives is a composite, sovereign and fully independent State. The title of the State shall be the Republic of Maldives.

3. Maldives shall be a Republic, its Religion shall be Islam, and the capital shall be Male'.

## MALDIVIAN CITIZENS

4. (a) Every person who possesses the right of Maldivian citizenship when this Constitution is brought into force, shall be a Maldivian citizen.
- (b) Every child born of a Maldivian father is a Maldivian citizen, and every child born to a Maldivian mother unless he is born to a foreign father shall be a Maldivian citizen.
- (c) Any foreigner who qualifies, under Maldivian law, to become a Maldivian shall become a Maldivian citizen.
- (d) Children born of a Maldivian mother, by marriage to a foreign citizen who has according to the law accepted to become a Maldivian citizen, shall be Maldivian citizens.
- (e) Rights of Maldivian citizenship acquired under Clause (a), (b), (c) and (d) may in accordance with the law be revoked.

## RIGHTS OF CITIZENS

5. Maldivians are equal before the law.

6. No person shall be apprehended, except under conditions specified by *Shariath* or law.

7. No person shall be penalized except convicted under *Shariath* or on conditions specified by law. Under no circumstance can an injury be inflicted.

8. No person shall be banished except as stipulated in the law. No restriction on a person's movements can be imposed.

9. Private premises and dwellings shall be respected. Such premises and dwellings shall not be trespassed, save under conditions stipulated in the law.

10. Private property shall be respected. Such property can be appropriated for a cause of public benefit, in accordance with the law, only after just compensation has been paid, as stipulated in the law.

11. The entire property of any person, shall not be confiscated for any political or civil offence.

12. Letters, correspondence, telephone calls, telegrams and wireless messages exchanged between person shall not be opened, intercepted, read or divulged, except in accordance with the express provision in the law.

13. Every person has freedom of speech and expression of thought, orally and in writing, so long as the express provisions of *Shariath* and the law are not contravened.

14. There exists freedom of acquiring knowledge and imparting it to others in a manner that does not contravene *Shariath* or law.

15. Within the framework of *Shariath* and the law, all citizens have the freedom to assemble.

16. There shall be freedom to form societies and associations as long as they do not contravene provisions specifically laid down in the law.

17. Permission to travel abroad for a valid reason, shall only be withheld for persons under punishment.

18. Every Maldivian citizen shall have freedom to appeal to higher authority in the event of his being unjustly penalized.

19. Every Government servant shall have the right to claim a pension equivalent to half of his remuneration after serving the Government for a period of 20 consecutive years.

#### ADMINISTRATION OF STATE

20. All powers of the administration of the State shall originate from the citizens. Based on these powers, administration shall be conducted by the following:

- (a) The President of the Republic
- (b) Ministers' *Majlis*
- (c) Citizens' *Majlis*.

#### PRESIDENT OF THE REPUBLIC

21. The President of the Republic is the supreme head of the State.

22. The President of the Republic shall be elected by a public referendum.

23. The election of the President of the Republic shall be conducted in accordance with the following procedure:

- (a) The Citizens' *Majlis* by a secret ballot decides on a candidate.

After obtaining his consent in writing the Citizens' *Majlis* proposes his name to the public for election by secret ballot.

- (b) If the candidate nominated by the Citizens' *Majlis* obtains a majority he is elected President of the Republic.
- (c) If he fails to secure a majority, the Citizens' *Majlis* shall re-consider and propose another candidate in accordance with the procedure adopted as before.

24.

#### COMPULSORY QUALIFICATIONS FOR THE PRESIDENT OF THE REPUBLIC

- (a) He shall be a Muslim of Sunni Sect.
- (b) He shall be a citizen of Maldives born of Maldivian parents.
- (c) He shall be a male.
- (d) He shall be 30 years of age.

- (e) He shall be of sound mind.
- (f) He shall be in perfect possession of five senses.
- (g) He shall be capable of conducting duties of the Head of the State.
- (h) He shall be not be guilty of an act that warranted maximum penalty by *Shariath*.

25. The President-designate shall only be considered duly inducted after he takes the following oath:

‘I swear by Allah that I shall respect the religion of Islam, the Constitution of Maldives, and the rights of the citizens, and I shall not be unfaithful to any one of them’.

26. The supreme authority to ratify laws is the President of the Republic.

27. Any bill passed by the Citizens’ *Majlis* shall become law after its ratification by the President of the Republic.

28. The President of the Republic shall have the right of referring to the Citizens’ *Majlis* for re-consideration, any bill presented for ratification after specifying reasons for doing so.

29. If a bill, thus referred to the Citizens’ *Majlis* for reconsideration, secures a two-thirds majority, after due discussion, it shall receive ratification by the President of the Republic when it is presented for the second time. If such a bill fails to secure the necessary two-thirds majority, the bill shall be considered null and void.

30. Any bill, passed by the Citizens’ *Majlis* and presented for ratification by the President of the Republic that fails to be ratified or referred to the Citizens’ *Majlis* for re-consideration within a period of 30 days shall be considered ratified by the President of the Republic.

31. Every law shall become effective after it has duly been passed in accordance with the appropriate constitutional procedures, ratified by the President of the Republic and gazetted.

32. The President of the Republic is the supreme authority to propagate the religion of Islam in Maldives.

33. The President of the Republic reserves the right to grant pardon and amnesty to offenders.

34. All titles and medals of the State shall be conferred upon people by the President of the Republic.

35. In the event of emergencies confronting the State, the President of the Republic shall have the discretion to proclaim temporary orders that do not contravene the Constitution.

36. All powers vested in the President of the Republic are confined within the limits laid down in the *Shariath* and the law. He shall not exercise his powers in any way that contravenes the *Shariath* and the Constitution.

37. In the event of the President of the Republic having reason to temporarily absent himself from his functions, the duties of the President of the Republic shall temporarily be carried out by a Vice-President nominated by the President of the Republic for that purpose.

38. If the President of the Republic desires to resign from his Office, he shall tender his letter of resignation to the Citizens’ *Majlis*.

39. (a) In the event of the President of the Republic tendering his resignation or becoming incapable of performing his functions permanently the Presidential Office shall be deemed vacant when that decision is adopted by a two-thirds majority of the Citizens' *Majlis*.
- (b) If the Presidential Office falls vacant, a three-member committee elected by the Citizens' *Majlis* shall temporarily assume that office.
- (c) The temporary committee elected by the Citizens' *Majlis* as in Clause (b) of this Article, shall take the same oath as the President of the Republic before the Citizens' *Majlis* prior to the commencement of functions connected with the Presidential Office.
- (d) The election of a new President of the Republic shall take place within a period of 60 days from the date the Presidential Office falls vacant.
40. (a) Any charge made against the President of the Republic or charge referred to in Article 48 shall only be presented to the *Shariath* for trial if the charge receives a two-thirds majority of the Citizens' *Majlis*.
- (b) Any charge made against the President of the Republic as in Clause (a) of this Article shall only be debated at the Citizens' *Majlis* after the motion to debate receives the majority of the *Majlis*.

41. In the instance of the trial of a charge under Articles 40 and 48, it shall be conducted by three persons from the body appointed for the administration of justice in Male'. Of these three persons, the President of the Republic and the Citizens' *Majlis* shall each nominate one person, and one person shall be jointly nominated by the President of the Republic and the Citizens' *Majlis*. If a joint nomination cannot be concluded the President of the Republic shall make the nomination.

In the trial of charges specified under this Article, the prosecution shall be conducted by six members of the Citizens' *Majlis* elected by that *Majlis*. The President of the Republic shall be represented by six persons nominated by him.

42. Charges tried and proved under Articles 41 and 57 shall receive due penalty.

43. The term of office of the President of the Republic is a period of 5 complete calendar years from the day he takes the oath of office.

44. One week prior to the expiry of the term of Office of the out-going President, all arrangements in connection with the election of the new President of the Republic, shall be finalized.

45. The President of the Republic shall have the right to nominate one or more Vice-Presidents as and when he chooses to do so.

46. The Vice-President of the Republic shall take the oath administered to the Ministers before the President of the Republic, prior to assuming his duties.

47. In the event of the President of the Republic relinquishing his duties constitutionally, he shall be entitled to a pension equivalent to two-thirds of his remuneration.

48. The President of the Republic shall be removed from his office:

- (a) If it is proved by *Shariath* that he has forfeited any of the necessary qualifications of the President of the Republic as specified in the Constitution.
- (b) If it is proved by *Shariath* that he is guilty of an act the punishment for which has been defined in *Shariath*.

(c) If it is proved by *Shariath* that he has decidedly opposed the principles of the Constitution and that he has personally violated any of these principles.

49. If it is proved by *Shariath* that a case as specified in Article 48 has been established against the President of the Republic, then the President of the Republic shall be removed from his office. The following is the procedure to be adopted to notify the President of the Republic of a decision that he shall vacate his office. Such decisions arrived at by those, mentioned in Article 41 of the Constitution shall be conveyed in writing to the Citizens' *Majlis*. The Citizens' *Majlis* in turn shall inform the President of the Republic of his dismissal in writing.

## MINISTERS

50. The President of the Republic nominates and terminates the appointment of Minister.

51. The compulsory qualification for a Minister are that he:

(a) Shall be a Muslim of Sunni Sect.

(b) Shall be a Maldivian citizen.

(c) Shall be at least 30 years of age.

(d) Shall be capable of conducting the duties of the portfolio assigned to him.

(e) Shall not be guilty of an act the punishment for which has been defined in *Shariath*.

(f) Shall not be a person proved by *Shariath* to be unworthy of trust.

52. Every Minister shall take the following oath before the President of the Republic prior to assuming his duties.

'I swear by Allah that I shall respect the Religion of Islam and the Constitution of Maldives and to be loyal to the State and to the President of the Republic and to safeguard the rights of the citizens and that I shall discharge the duties connected with the Portfolio given to me diligently and faithfully'.

53. Every Minister may be questioned by the Citizens' *Majlis* regarding the administration of the office assigned to him. Further, every Minister shall be responsible for any loss to the State due to his negligence.

54. Should a Minister be questioned by the Citizens' *Majlis* with regard to his administrative duties, he shall submit a detailed reply to the *Majlis*. Such questions and replies shall be exchanged in writing.

55. Should a no-confidence motion with respect to a Minister be carried by the Citizens' *Majlis*, it shall become compulsory for the Minister to inform the President of the Republic of the decision of the *Majlis* and resign.

56. The Citizens' *Majlis* shall have the right to debate maladministration by Ministers. However, any decision for such a case to be referred for trial by *Shariath*, shall be carried by a two-thirds majority of the *Majlis*.

57. In the event of a charge against a Minister being referred by the Citizens' *Majlis* for trial, such a charge shall be tried by three members from the body appointed for the administration of justice in Male', in the presence and with the participation of the following.

4 members elected by the Citizens' *Majlis*, who shall be members of the said *Majlis*.  
4 persons nominated by the President of the Republic.

58. If the President's Office falls vacant due to any reason, the Ministers shall continue to remain in office until a new President is elected.

59. At the end of every financial year the Minister of Finance shall submit accounts of revenue and expenditure of the State and obtain sanction of the Citizens' *Majlis* for the Budget for the following year. No additional expenses can be incurred by the State without being passed by the Citizens' *Majlis*.

60.

#### CITIZENS' MAJLIS

Members of the Citizens' *Majlis* shall be elected by the citizens in accordance with the conditions stipulated in the law.

61. Legislation shall be enacted by the Citizens' *Majlis* and the laws that have to be enacted specifically by the Citizens' Special *Majlis* shall be passed by the *Majlis*.

62. The Citizens' *Majlis* shall comprise 48 members. There shall be 8 members nominated by the President of the Republic, 2 members elected from Male' and 2 members elected from each atoll.

63. Compulsory qualifications for members of the Citizens' Special *Majlis*:

- (a) Shall be a Muslim.
- (b) Shall be a citizen of Maldives.
- (c) Shall be at least 25 years old.
- (d) Shall be of sound mind.
- (e) Shall know to read and write Arabic script, Maldivian script and numerals.
- (f) Shall not be a person who has been penalized for a political offence or a crime within the last five years for which punishment is defined in *Shariath*.

64. The members of the Citizens' *Majlis* shall take the following oath before taking their seats in the *Majlis*.

'I swear by Allah that I shall respect the religion of Islam and the Constitution of Maldives, and shall safeguard the rights of citizens and that I shall continue to be faithful to the State and the Government'.

65. If a member of the Citizens' *Majlis* fails to be present at the *Majlis* without due permission of the President of the *Majlis* for two consecutive Sessions, he shall cease to be a member of the *Majlis*.

66. The life of the Citizens' *Majlis* is 5 years. The *Majlis* after its election, shall commence its new term every five years during the last week of February.

67. The compulsory qualification for every person voting for election of the members of the Citizens' *Majlis*, member of the Citizens' Special *Majlis* and the President of the Republic are that he:

- (a) Shall be a Maldivian Citizen.
- (b) Shall be at least 21 years of age.
- (c) Shall not be a person serving a term of imprisonment imposed under *Shariath* or by the State.
- (d) Shall not be insane.



63. No levy shall be imposed on the citizens by the State unless it is duly passed by the Citizens' *Majlis*.

66. Every law passed shall be applied to circumstances that occur after the passage of the law. No law shall be applied with retrospective effect unless it is specifically so provided in that law.

70. The laws mentioned below shall be passed by the Citizens' Special *Majlis*:

(a) Any law that changes the currency of Maldives.

(b) Any law that may impair the rights of the administration or the citizens.

71. No law permitting any foreign source the right to possess land in Maldives shall be passed.

72. There shall be three regular sessions of the Citizens' *Majlis* annually. The President of the Citizens' *Majlis* shall notify the President of the Republic of the commencement and termination of every session.

73. At a time when the President Office is vacant, the President of the Citizens' *Majlis* may, if the need arises, summon the *Majlis*. All other meetings, save the regular sessions, shall be summoned by a notification of the President of the Republic. Any meeting held contrary to these provisions shall be considered null and void. Any bill passed by such a meeting shall also be considered null and void.

74. The minimum number of members required for the quorum of the Citizens' *Majlis* is 25.

75. Apart from the bills specified requiring special majority to pass, the rest of the bills to be implemented by the State shall obtain a simple majority if the *Majlis*.

76. To obtain a majority of the Citizens' *Majlis* a bill shall register 25 votes and for a two-thirds majority 32 votes.

77. The President of the Citizens' *Majlis* shall not be a member of the *Majlis*. But according to the Article 66, with the election of a new *Majlis* or a President relinquishing his duties, his follower nominates the President of the Citizens' *Majlis*.

The President of the Citizens' *Majlis* shall assume his duties after taking the Ministers' oath in front of the President of the Republic.

78. The President of the Republic and the Ministers reserve the right to participate in the proceedings of the Citizens' *Majlis*. However, the right to vote shall only be exercised if they are members of the *Majlis*.

79. If a seat falls vacant in the Citizens' *Majlis* before the date of expiry of the life of the *Majlis*, a new member shall be elected in accordance with the law, within a period of 60 days, The period of office of the new member shall expire with the life of the *Majlis*.

80. Members of the new *Majlis* shall be elected in accordance with the law, during the last 25 days prior to the expiry of the life of the existing Citizens' *Majlis*.

81. If for any special reason the New *Majlis* cannot be elected, the President of the Republic reserves the right to extend the life of the existing *Majlis* by an official notification, for a specified period.

82. Should it become necessary to amend an article of the Constitution, or to add or delete any article, it shall be passed by a majority of the Citizens' Special *Majlis*.

83. CITIZENS' SPECIAL MAJLIS

The composition of the Citizens' Special *Majlis* shall be as follows:

- (a) The Ministers.
- (b) Members of the Citizens' *Majlis*.
- (c) Forty members elected from Male' and Atolls (2 members elected from Male' and two members from each atoll).
- (d) 8 members nominated by the President of the Republic.

84. The power to summon the Citizens' Special *Majlis* rests with the President of the Republic. The *Majlis* shall cease to function when the items on the agenda of that *Majlis* are over.

85. ADMINISTRATION OF JUSTICE

The administration of justice and *Shariath* shall be conducted by a body appointed by the President of the Republic.

86. No law contradicting the Constitution shall be promulgated.

This Constitution shall become effective from 11th November, 1968.

The Constitution ratified by H.M. Sultan on 10th July, 1967, shall become null and void after 11th November, 1968.

All Praise be to Allah, the Lord of the Universe.

