

DIE VERFASSUNG DER MALEDIVEN VOM 11. 11. 1968

Von HELLMUTH HECKER

In dieser Zeitschrift erschien 1969, S. 425—435, bereits ein Beitrag über die Verfassungsentwicklung und Rechtsstellung der Malediven. Der Text der republikanischen Verfassung von 1968 lag damals nur auf maldivisch vor, und es war nicht möglich, dafür irgendeinen Übersetzer zu finden. Aus diesem Grunde konnte in einer Broschüre (Mitteilungen des Instituts für Asienkunde Nr. 31, 1970), in welcher obiger Aufsatz mit einem ausführlichen Dokumentenanhang erschien, diese geltende Verfassung nicht mit abgedruckt werden. Es wurden dort die Verfassung der ersten Republik von 1953 und die Verfassung des Sultanats von 1964 abgedruckt. Inzwischen konnte nun eine offiziöse englische Übersetzung vom maledivischen Department of Information and Broadcasting (Datum: 4. 1. 1971) erlangt werden, die unten im Dokumentenanhang mit Fußnoten abgedruckt wird.

Einige allgemeine Vorbemerkungen mögen außerdem vorangeschickt werden. Die neue Verfassung schließt sich im Aufbau und Wortlaut eng an die monarchische Verfassung von 1964 an. Einige Umstellungen und Einfügungen sind vorgenommen, außerdem stilistische Verbesserungen. Dabei ließ sich nicht nachprüfen, wie weit diese Änderungen schon in der Verfassungsänderung von 1967 berücksichtigt waren.

Das wichtigste Merkmal der neuen Verfassung ist, wie in den USA, die Einführung des Präsidialsystems, d. h. das frühere Amt des Premierministers wird jetzt vom Präsidenten der Republik wahrgenommen (Art. 52). Der Präsident wird, ebenfalls wie in Amerika, für vier Jahre gewählt (Art. 45): die Frage einer Wiederwahl ist nicht geregelt. Die Machthäufung beim Präsidenten wird auch noch dadurch unterstrichen, daß er bei Ausübung des Gnaden- und Dekorationsrechtes nicht mehr an die Zustimmung des Kabinetts gebunden ist (Art. 35/6). Auch die Möglichkeit, die Verfassung mit einfacher statt bisher mit Zweidrittelmehrheit zu ändern (Art. 85), wirkt sich nach historischen Erfahrungen meist zugunsten des im Amt Befindlichen aus.

Bemerkenswert sind auch einige Veränderungen hinsichtlich der islamischen Staatsreligion. Für eine Verstärkung ihres Einflusses sprechen die Artikel, die neben dem weltlichen Recht jetzt auch noch das Schariatsrecht aufführen (Art. 7, 8, 14, 16), und zwar im Grundrechtsteil. In dieser Hinsicht ist auch die neue Vorschrift in Art. 34 zu betrachten, wonach der Präsident höchste Autorität zur Förderung des Islams ist. Dagegen brauchen die Minister nicht mehr zu schwören, daß sie selber dem Islam treu bleiben, sondern nur, daß sie ihn respektieren werden (Art. 66). Die Möglichkeit, daß Frauen jetzt Minister werden können (Art. 53), ist ebenfalls eine Modernisierung. Eigenartig mutet an, daß die Minister nicht mehr, wie bisher, lesen und schreiben zu können brauchen (Art. 65). Daß von Staatsoberhaupt, Ministern und Abgeordneten nicht mehr, wie bisher, ein guter Ruf als notwendige Eigenschaft verlangt wird (Art. 26, 53, 65), fällt auf. In Art. 74 wird Ausländern der Landerwerb strikt untersagt, während er früher mit Sondergenehmigung gestattet war.

**In the Name of Allah,
The Beneficent, The Merciful**

Praise be to Allah, the Lord of the Universe. Peace and Blessings be upon Mohamed, 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 Constitution¹ having been drafted and ratified, was brought into force on 6th Rabeul Aakhir, 1361 (23rd April 1942).

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

Art. 1

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

The territory of the Republic of Maldives is the islands situated between Latitudes 07.09¹/₂ degrees North, and 0.45¹/₄ degrees South, and Longitudes 72.30¹/₂ degrees East and 73.48 degrees East, and the sea and air surrounding and in between the islands².

The Maldivian State

Art. 2

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

¹ Diese Verfassung von 1942 ist in der Aufstellung in VRÜ 1969, S. 434 nicht enthalten. In einer bei der Forschungsstelle vorhandenen englischen Abschrift der Verfassung von 1937 ist ein Amendment dazu vom 29. 10. 1944 angefügt, woraus sich ergibt, daß 1944 wieder die Verfassung von 1937 galt.

² Die Grade sind in Art. 1 der Verfassung von 1964 etwas anders angegeben, und der letzte Halbsatz fehlte dort noch.

Art. 3

Maldives shall be a Republic, its Religion shall be Islam, the Official language shall be Divehi, and the Capital shall be Male'.

Maldivian Citizens

Art. 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.
- (c) Any foreigner who qualifies, under the 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 (c) and (d) may in accordance with the law be revoked³.

Rights of Citizens

Art. 5

Maldivians are equal before the Law.

Art. 6

No foreign national shall be employed by the State except when absolutely necessary.

Art. 7

No person shall be apprehended, except under conditions specified by Shariath⁴ or Law.

Art. 8

No person shall be penalized except convicted under Shariath⁴ or on conditions specified by Law. Under no circumstance can an injury be inflicted.

Art. 9

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

Art. 10

Private premises and dwellings shall be respected. Such premises and dwellings shall not be trespassed, save under conditions stipulated in the Law⁵.

Art. 11

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.

³ Dieser Absatz (e) war in der Verfassung von 1964 nicht enthalten. Dagegen enthielt Art. 7 der Verfassung von 1952 (andere) Vorschriften über den StA-Verlust.

⁴ In Art. 7 und 8, 14, 16 der Verfassung von 1964 war nur das Gesetz, nicht auch das islamische Schariatsrecht vorgesehen.

⁵ Art. 10 von 1964 schützte auch das Land, nicht nur die Gebäude.

Art. 12

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

Art. 13

Letters, correspondence, telephone calls, telegrams and wireless messages⁶ exchanged between persons shall not be opened, intercepted, read, or divulged, except in accordance with the express provision in the law.

Art. 14

Every person has freedom of speech and expression of thought, orally and in writing, so long as the express provisions of Shariath⁴ and the law are not contravened.

Art. 15

Every citizen shall learn
to read and write the Arabic and Divehi script,
to recite the Holy Quran, and
the religion of Islam to the extent laid down in the law⁷.

Art. 16

There exists freedom of acquiring knowledge and imparting it to others in a manner that does not contravene Shariath⁴ and law⁸.

Art. 17

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

Art. 18

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

Art. 19

Permission to travel abroad for a valid reason, shall only be withheld for the following:

- (a) Persons whose financial means are proved to the Government to be inadequate.
- (b) Persons serving a term of imprisonment or those whose movements are restricted under the law.
- (c) Such person or persons who, the government has reason to believe, may, by their presence abroad, harm the interests of the external relations of Maldives⁹.

Art. 20

Every Maldivian citizen shall have freedom to appeal to higher authority in the event of his being unjustly penalized¹⁰.

Art. 21

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 years¹¹.

⁶ Art. 13 von 1964 schützte nur „letters and correspondence“.

⁷ Diese Pflichten waren 1964 in Art. 16 geregelt, und zwar in umgekehrter Reihenfolge.

⁸ Dies war in Art. 15 von 1964 ausführlicher als Pressefreiheit beschrieben. Die Freiheit des Lernens war in Art. 17 als Ausbildungsfreiheit gesondert behandelt.

⁹ In dem entsprechenden Art. 21 von 1964 fehlt der Absatz (c) und der zweite Halbsatz von (b).

¹⁰ Art. 22 von 1964 gab dies Recht gegen jedes Unrecht, nicht nur gegen Strafen.

¹¹ = Art. 23 von 1964.

Administration of State

Art. 22

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

- (a) The President of the Republic
- (b) Ministers' Majlis
- (c) Citizen's Majlis¹².

President of the Republic

Art. 23

The President of the Republic is the supreme head of the State¹³.

Art. 24

The President of the Republic shall be elected by a public referendum¹⁴.

Art. 25

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

- (a) The Citizen's Majlis by a secret ballot decides on a candidate. After obtaining his consent in writing the Citizen's Majlis proposes his name to the public for election by secret ballot.
- (b) If the candidate nominated by the Citizen's Majlis obtains a majority he is elected President of the Republic.
- (c) If he fails to secure a majority, the Citizen's Majlis shall re-consider and propose another candidate in accordance with the procedure adopted as before¹⁵.

Compulsory Qualifications For the President of the Republic

Art. 26

- (a) Shall be a Muslim of Sunni Sect.
- (b) He shall be a citizen of Maldives born of Maldivian parents
- (c) 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 not be guilty of an act that warranted maximum penalty by Shariath¹⁶.

Art. 27

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

12 = Art. 24 von 1964, außer daß in a) Präsident statt Sultan steht.

13 entspricht Art. 26 der Verfassung von 1964, Art. 25 entfällt.

14 Art. 28 (a) bestimmte, der Sultan werde gemäß dem Wahlgesetz gewählt.

15 Art. 25 ist eine neue Vorschrift.

16 Entspricht Art. 27 von 1964. Neu ist, daß der Präsident gebürtiger Maldiver sein muß, also kein Eingebürgert sein darf. Das Mindestalter ist jetzt 30, beim Sultan 25. Beim Sultan hieß es zu lit. g noch, er müsse fähig sein, die offiziellen Zeremonien zu leiten. Am meisten fällt auf, daß der letzte Punkt von 1964 hier fehlt: Der Sultan sollte guten Charakter haben und ein frommer Mann sein.

"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."¹⁷

Art. 28

The supreme authority to ratify laws is the President of the Republic¹⁸.

Art. 29

Any Bill passed by the Citizen's Majlis shall become law after its ratification by the President of the Republic.

Art. 30

The President of the Republic shall have the right of referring to the Citizen's Majlis for re-consideration, any bill presented for ratification after specifying reasons for doing so.

Art. 31

If a bill, thus referred to the Citizen's 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.

Art. 32

Any bill, passed by the Citizen's Majlis and presented for ratification by the President of the Republic that fails to be ratified or referred to the Citizen's Majlis for re-consideration within a period of 30 days shall be considered ratified by the President of the Republic¹⁹.

Art. 33

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.

Art. 34

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

Art. 35

The President of the Republic reserves the right to grant pardon and amnesty to offenders²⁰.

Art. 36

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

Art. 37

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 Constitution²¹.

17 Der Eid ist unverändert (Art. 28, c. von 1964). Der Eid des Sultans mußte vor einer großen Versammlung abgelegt werden (Art. 28, b).

18 Art. 28—30 = 29—31 von 1964; Art. 31 = Art. 34 von 1964; Art. 33 = Art. 36 von 1964.

19 Art. 32 ist neu, ebenso Art. 34.

20 In Art. 40 und 41 von 1964 waren diese Rechte an den Vorschlag des Kabinetts gebunden.

21 Das Notverordnungsrecht in Art. 43 von 1964 stand dem Premierminister zu, der das Kabinett schnellstmöglich informieren sollte. Daß diese Notverordnung nicht gegen die Verfassung verstoßen dürfe, ist neu.

Art. 38

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 contravene the Shariath and the Constitution²².

Art. 39

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 purpose²³.

Art. 40

If the President of the Republic desires to resign from his Office, he shall tender his letter of resignation to the Citizen's Majlis²⁴.

Art. 41

(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 Citizen's Majlis.

(b) If the Presidential Office falls vacant, a three-member committee elected by the Citizen's Majlis shall temporarily assume that office.

(c) The temporary committee elected by the Citizen's Majlis as in Clause (b) of this Article, shall take the same oath as the President of the Republic before the Citizen's 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.

Art. 42

(a) Any charge made against the President of the Republic or charge referred to in Article 50 shall only be presented to the Shariath for trial if the charge receives a two-thirds majority of the Citizen's Majlis.

(b) Any charge made against the President of the Republic as in Clause (a) of this Article shall only be debated at the Citizen's Majlis after the motion to debate receives the majority of the Majlis.

Art. 43

In the instance of the trial of a charge under Articles 42 and 50, 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 Citizen's Majlis shall each nominate one person, and one person shall be jointly nominated by the President of the Republic and the Citizen's 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 Citizen's Majlis elected by that Majlis. The President of the Republic shall be represented by six persons nominated by him.

²² Entspricht Art. 39 von 1964.

²³ Art. 39 von 1964 setzte zur Vertretung des Staatsoberhauptes ein Sonderkomitee ein.

²⁴ Art. 45/6 von 1964 regelten nur die zwangsweise Absetzung des Sultans, ein Rücktritt war nicht vorgesehen, obwohl 1945 ein Sultan zurückgetreten war. Die folgenden Art. 41–48 sind neu.

Art. 44

Charges tried and proved under Articles 43 and 59 shall receive due penalty.

Art. 45

The term of office of the President of the Republic is a period of 4 complete calendar years from the day he takes the oath of office.

Art. 46

Arrangements shall be made for the election of a new President during the last 60 days prior to the expiry of the term of Office of the President of the Republic. At least 7 days before 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 finalised.

Art. 47

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

Art. 48

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.

Art. 49

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 remuneration²⁵.

Art. 50

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 principles²⁶.

Art. 51

If it is proved by Shariath that a case as specified in Article 50 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 43 of the Constitution shall be conveyed in writing to the Citizen's Majlis. The Citizen's Majlis in turn shall inform the President of the Republic of his dismissal in writing²⁷.

Art. 52

Ministers' Majlis

The President of the Republic nominates and terminates the appointment of Ministers²⁸.

25 Entspricht Art. 42 von 1964, wo Sultan und Premierminister dieses Recht erhielten.

26 Entspricht Art. 45 von 1964.

27 Entspricht Art. 46 von 1964, mit einigen Abweichungen.

28 Art. 51—54 von 1964 sahen das Amt eines Premierministers vor, der die Minister ernannte.

Art. 53

The compulsory qualifications 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 25 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 trust²⁹.

Art. 54

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 President of the Republic and to safeguard the rights of the citizens and that I shall discharge the duties connected with the Portfolio assigned to me diligently and faithfully.“³⁰

Art. 55

Every Minister may be questioned by the Citizen's 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 negligence³¹.

Art. 56

Should a Minister be questioned by the Citizen's 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.

Art. 57

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

Art. 58

The Citizen's 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.

Art. 59

In the event of a charge against a Minister being referred by the Citizen's 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 Citizen's Majlis, who shall be members of the said Majlis.

4 persons nominated by the President of the Republic.

²⁹ Entspricht Art. 55 von 1964. Neu ist, daß auch Frauen Minister sein können. Dagegen ist das Erfordernis, ein Minister dürfe keinen schlechten Ruf haben, fortgefallen.

³⁰ Art. 54 entspricht Art. 70 von 1964.

³¹ Art. 55—59, 61 entsprechen Art. 56—61, 63 von 1964, mit geringen Abweichungen.

Art. 60

If the Presidential Office falls vacant due to any reason, the Ministers shall continue to remain in office until a new President is elected³².

Art. 61

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 Citizen's Majlis for the Budget for the following year. No additional expenses can be incurred by the State without being passed by the Citizen's Majlis.

Art. 62

Citizen's Majlis

Members of the Citizen's Majlis shall be elected by the citizens in accordance with the conditions stipulated in the law³³.

Art. 63

Legislation shall be enacted by the Citizen's Majlis and the laws that have to be enacted specifically by the Citizen's Special Majlis shall be passed by that Majlis.

Art. 64

The Citizen's Majlis shall be comprised of 54 members. They are 8 members nominated by the President of the Republic, 8 members elected from Male' and 2 members elected from each of 19 atolls³⁴.

Art. 65

Compulsory qualifications for members of the Citizen's Majlis and those of the Citizen's Special Majlis:

- (a) Shall be a Muslim of the Sunni Sect.
- (b) Shall be a citizen of Maldives.
- (c) Shall be at least 25 years of age.
- (d) Shall be of sound mind.
- (e) 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 Shariath³⁵.

Art. 66

The members of Citizen's 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 the citizens and that I shall continue to be faithful to the State and the Government.“³⁶

32 Diese Vorschrift ist neu.

33 Art. 62-63 sind neu.

34 Entspricht Art. 47 von 1964; die Angabe der Zahl der Atolle ist neu.

35 Entspricht Art. 48 von 1964. Zusätzlich hieß es dort, der Abgeordnete müsse arabisch und maledivisch lesen und schreiben können und seinen Bezirk gut kennen. Die Strafvorschrift war 1964 enger, indem nur kein Verfahren anhängig sein, aber auch kein schlechter Ruf vorliegen durfte.

36 Der Abgeordneteneid in Art. 69 wich etwas ab, indem vom Abgeordneten Beibehaltung der islamischen Religion gelobt werden mußte.

Art. 67

In the event of a member of the Citizen's Majlis being found guilty by Shariath of having committed an act contravening Shariath or law he shall cease to be a member of the Majlis³⁷.

Art. 68

If a member of the Citizen's Majlis fails to be present at the Majlis without due permission of the President of the Majlis for two consecutive Sessions or if it is found that he had forfeited any one of the compulsory qualifications, he shall cease to be a member of the Majlis.

Art. 69

The life of the Citizen's Majlis is 5 years. The Majlis after its election, shall commence its new term every five years during the last week of February³⁸.

Art. 70

The compulsory qualifications for every person voting for election of the members of the Citizen's Majlis, members of the Citizen's 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.

Art. 71

No levy shall be imposed on the citizens by the State unless it is duly passed by the Citizen's Majlis.

Art. 72

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 wrovided in that law³⁹.

Art. 73

The laws mentioned below shall be passed by the Citizen's 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.
- (c) Any law relating to the lease of any part of the territory of Maldives to any foreign source for a period exceeding five consecutive years⁴⁰.

Art. 74

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

Art. 75

There shall be three regular sessions of the Citizen's Majlis annually. The President of the Citizen's Majlis shall notify the President of the Republic of the commencement and termination of every session⁴¹.

37 Art. 67 und 68 sind neu.

38 Art. 69—70 entsprechen Art. 49—50 von 1964, wo noch der Januar als Beginn der Sessionsperiode angegeben war.

39 Art. 71—72 entsprechen Art. 37—38 von 1964.

40 Entspricht Art. 32—33 von 1964. Dort war als weiterer Punkt (2) Einführung unterschiedlicher Besteuerung vorgesehen. Das Landerwerbsverbot in Art. 74 fehlte 1964; dort war der Erwerb nur an die Genehmigung der Spezialversammlung geknüpft, während das Pachtrecht in Art. 33 behandelt war.

41 Art. 75—84 sind neu.

Art. 76

At a time when the Presidential Office is vacant, the President of the Citizen's 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.

Art. 77

The minimum number of members required for the quorum of the Citizen's Majlis is twenty eight.

Art. 78

Apart from the bills specified requiring two-thirds majority to pass, the rest of the bills to be implemented by the State shall obtain a simple majority of the Majlis.

Art. 79

To obtain a majority of the Citizen's Majlis a bill shall register twenty eight votes and for a two-thirds majority thirty six votes.

Art. 80

Posts of the Citizen's Majlis shall be filled by elected members of that body.

Art. 81

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

Art. 82

If a seat falls vacant in the Citizen's 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.

Art. 83

Members of the new Majlis shall be elected in accordance with the law, during the last sixty days prior to the expiry of the life of the existing Citizen's Majlis.

Art. 84

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.

Art. 85

Should it become necessary to amend an article of the Constitution, or to add to or delete any article, it shall be passed by a majority of the Citizen's Special Majlis⁴².

Art. 86

Citizen's Special Majlis

The composition of the Citizen's Special Majlis shall be as follows: —

- (a) The Ministers.

⁴² Entspricht Art. 72 von 1964: dort war zweidrittel Mehrheit erforderlich, auch für die jetzt in Art. 73 geregelten Materien.

- (b) Members of the Citizen's Majlis.
- (c) Forty six members elected from Male' and the Atolls (eight members elected from Male' and two members from each of the nineteen atolls).
- (d) 8 members nominated by the President of the Republic⁴³.

Art. 87

The power to summon the Citizen's 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 over⁴⁴.

Art. 88

Administration of Justice

The administration of justice and Shariath shall be conducted by a body appointed by the President of the Republic⁴⁵.

Art. 89

No law contradicting the Constitution shall be promulgated⁴⁶.

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

The Constitution⁴⁷ 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.

43 Entspricht Art. 73 von 1964. Der vierte Punkt bezog sich auf die in der Hauptstadt anwesenden Honorationen.

44 Art. 87 ist neu.

45 Entspricht Art. 66 von 1964. Die dortigen Art. 67—68 enthielten noch weitere Justizvorschriften.

46 = Art. 74 von 1964 (Schlußartikel).

47 Hierbei handelt es sich anscheinend nur um eine Änderung der Verfassung von 1964 (s. The Far East and Australia 1969, S. 257).