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**Unofficial Translation of
Law Number 05/2008 (Police Act)**

Translated by:
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Police Act

Law Number: 05/2008

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- Introduction and title
1. (a) This is the law defining the objectives, role, responsibilities, duties, basis and principles to be followed, administration, the powers, immunities, and all other principles that apply to the police of the Republic of Maldives.
 - (b) This law shall be cited as the "Police Act".
- Objectives of the Police
2. The objectives of the police are mentioned underneath.
 - (a) Ensure public order and peace.
 - (b) Aid in the protection of the lives of people and their property.
 - (c) Respect the fundamental rights of the citizens and uphold those rights;
 - (d) Stop (all) criminal acts in the Maldives and take action against all such acts, including those acts committed by Maldivians outside the Maldivian national territory.
 - (e) Discover, ascertain and investigate criminal acts committed in the Maldives as well as outside the Maldivian national territory by Maldivian citizens;
 - (f) Operate as assented or agreed in the international conventions and agreements to which Maldives is party to;
 - (g) Provide assistance the public in solving civil issues to the extent required;
 - (h) Assist public and provide policing services in concert with the public;
 - (i) Conduct awareness amongst the society for crime reduction.
- Maldives Police Service
3. (a) An organization must be established to perform the role of policing in accordance with this Act and regulations made pursuant to this Act.
 - (b) For the execution of this Act, the organization with the name of "Maldives Police Service", established on 01st day of September 2004, shall be deemed as the organization established under this Act for performing the role of policing.

- (c) Maldives Police Service shall be administrated under a ministry decided by the President of the Republic.
- Police Oath
4. (a) In order to responsibly perform the duties and abide the responsibilities mentioned in this Act, every police officer shall take the oath mentioned in Annex 1 of this Act.
- (b) Every police officer serving at Maldives Police Service on the commencement date of this Act shall take the oath in subclass (a) of this section, before a judge.
- (c) It is the sincere duty of every police officer to abide by the taken (police) oath.
- Role of Police
5. (a) Maldives Police Service is a civil organization excluded from the Maldivian Civil Service, established by the Government of Maldives to perform the roles, responsibilities and duties in accordance with this Act and pursuant regulations.
- (b) The role of police is that of a civil service.
- Responsibilities of Police
6. The responsibilities of the police are mentioned underneath.
- (1) Protect and uphold the Constitution of the Republic of Maldives;
- (2) Establish and maintain the internal security of the Republic of Maldives and security of the community;
- (3) Protect the Government and the sovereignty of the nation from any internal conflict or criminal act;
- (4) Protect and maintain public order and peace;
- (5) Perform activities in conjunction with the role of police for the implementation of rules and regulations;
- (6) Ascertain and investigate acts committed in contravention of the laws and regulations of the Republic of Maldives;
- (7) Identify, ascertain and investigate criminal acts committed, that could adversely affect the citizens or the community or the economy of the Republic of Maldives;
- (8) Regulate and monitor roads, public places, mass gatherings, rallies and public congregating places;
- (9) Maintain and control road traffic and remove objects obstructing the flow of traffic and hindering pedestrian movement;

- (10) Implement land and sea transportation laws and regulations;
- (11) Provide assistance in the protection of life, property and dwelling places during natural disasters and other disasters that strike the Republic of Maldives;
- (12) Perform the role deemed for implementing court orders and other lawful orders;
- (13) Gather, compile, examine information necessary for performing the role of police, and commence necessary action in furtherance of the information received.

Duties of Police

7. (a) Every police officer shall perform the under mentioned duties.
 - (1) Fully abide and comply with the Constitution of the Republic of Maldives, laws and regulations of the Republic of Maldives.
 - (2) Respect and protect the fundamental rights of the citizens whilst performing the role of police.
 - (3) Perform the role of police impartially, without undue favour to anyone, justly, in exercising powers and discretions conferred with the police;
 - (4) Continually remain honest and truthful in performing the role of the police.
 - (5) Continually remain honest and faithful in performing duties and responsibilities of the police.
 - (6) Perform all assigned official tasks to the best of the police officer's ability.
 - (7) Be constantly alert in assisting all individuals who are in need of assistance due to personal, economic, social reasons or due to any other emergency, and in protecting all persons from unlawful activities.
 - (8) Whilst carrying-out the role and functions of the police, serve with dignity, respect the humanity of every person and preserve the human rights of every person.
 - (9) Abstain from the exercise of disproportionate force whilst performing policing duties.
 - (10) Non-disclosure of information obtained or gathered

(during police work) to any person or party, save as mentioned in the law.

- (11) No police officer shall act cruelly, in a degrading manner, inhumanely or mercilessly towards any person in any circumstance, and shall not allocate or allow another person to commit such an act.
- (12) Be conscientious for the medical conditions of persons under police custody and where such person needs medical attention immediate steps are taken to provide the required assistance.
- (13) Carry out no acts of corruption and take action against all such deeds.
- (14) Attempt to prevent any activity contrary to the duties and responsibilities of the police, and report instantly to the concerned authorities where there exist reason to believe that such an (unlawful) act has been committed or will be committed.
- (15) Without hesitation follow notices and conform to any orders given by superior officers that are non-contradictory with Islam or with the Constitution of the Republic of Maldives or laws and regulations of the Republic.
- (16) Obey not a command or an order given by a senior officer that is contradictory with the duties the police.
- (17) Be accountable for acts committed, omitted and for the orders given to subordinate officers.

- (b) It shall legally be obligatory for every police officer to perform the duties and responsibilities at the maximum competence.

Police Power

- 8.** (a) Police has the authority to perform acts conducive to the execution of their duties, and acts related to the execution of their duties, and acts that are essential for achieving the objectives of police.
- (b) In accordance with the law, police officers shall have the authority to stop and question persons, arrest persons on suspicion of a crime, conduct searches; obtain samples from suspects, uncover evidence, maintain and safeguard the same,

investigate criminal acts, detain suspects held for investigation, and extend the period of detainment of suspects.

Authority to demand identifiable information

- 9.** (a) Police officers shall have authority to demand for (proof of) identifiable information of a person who is in a house (dwelling) or within a place (premise) or in a vessel or within that region (vicinity) where it is believed that an act contradictory to the law is taking place.
- (b) Upon the presentation of the National Identity Card or passport or any other such official document by the addressee of the order mentioned in subsection (a) of this section, it shall be deemed that such a person has conformed to the given order.

Temporary closure of road or an area

- 10.** (a) Police officers shall have the power to temporarily close roads or an area and prohibit any person from entering such a place or permit people to enter a road or area in a manner stated by police, if performed otherwise, where there exist the possibility of obstruction to the role of police or there exist reason to believe that an act contrary to law is happening or might occur in that road or within that area.
- (b) Under such an order (as mentioned in the previous subsection), such a road or area may be held in temporary closure to a maximum duration of 72 (seventy two) hours.
- (c) Such an order (as mentioned in the previous subsection) shall only be pronounced by an Assistant Commissioner of Police or by a police officer holding a rank higher than Assistant Commissioner of Police.

Right to request for public assistance and utilization of public property

- 11.** (a) In indispensable circumstances, in order to perform the role of police, police officers shall have the right to request for public assistance and make use of the property or vessel or a thing belonging to any member of the community.
- (b) Any member of the community injured or a property damaged in pursuant to subsection (a), reparation shall be given to that person.
- (c) Any person abstaining to provide assistance for a request made as in accordance with subsection (a), has under this Act committed an offence.

- Acquire and utilize articles, means and weapons
- 12.** Police shall have the authority (power) to import, handle and utilize equipment, articles, means and weapons required to perform their responsibilities in accordance with the laws and regulations pertaining to government's assets and finances, and government policies.
- Scope of police powers and discretions
- 13.** (a) Powers and discretions shall be available to every employee of Maldives Police Service in accordance with the Constitution of the Republic of Maldives, laws and regulations pertaining to policing, and within the extent of lawful or judicial (court) orders.
- (b) Every task is assigned to an employee of Maldives Police Service, for it to be executed within the scope of powers and discretions available to police, to their maximum competence and ability.
- (c) Every employee of Maldives Police Service shall exercise the legal powers and discretions empowered to that employee, in accordance with laws and regulations.
- (d) Each employee of Maldives Police Service will be accountable to the Commissioner of Police, with regard to the exercise of the powers and discretions available for that employee and for the employee's discharge of responsibilities.
- (e) Any employee of Maldives Police Service, whilst performing the role of police or while completing any task assigned to that employee, knowingly or intentionally exerts power or discretions beyond that employee's entitled extent, over another person to influence that person or for any other purpose, commits a crime.
- Use of reasonable force to obtain compliance
- 14.** Pursuant to the powers and discretions entitled by the police, every police officer shall have the authority to use the amount of force necessary to achieve the purpose of ensuring compliance of any person, who refuses to comply with or shows aggression to a lawful order made by a police officer, whilst carrying-out the role of the police.
- Rights of police officers
- 15.** The rights available to every police officer are stated below.
- (a) Compensation for any injuries sustained and for the damages

caused to the property while performing the role of police.

- (b) Medical assistance and treatment for any physical loss or injury caused to a police officer, in the line of duty, shall be provided at the expense of the State.
- (c) Execute no disciplinary action brought against a police officer without providing opportunity to hear and respond to a complaint brought against that police officer.
- (d) The complainant shall have no role in the pronouncement (of the penalty) against a police officer, nor has any influence over that pronouncement.
- (e) The penalty for misconduct shall be proportionate to the wrongdoing.
- (f) Prospect of appealing at Police Integrity Commission or any (relevant) court of law, against any disciplinary or administrative action taken against a police officer.
- (g) No disciplinary or administrative action shall be taken against a police officer pursuant to a report lodged at the relevant authority, for preventing an act contravene to the duties of police.
- (h) No disciplinary or administrative action shall be taken against a police officer's denial to comply with an order in direct contravention with the duties of police.
- (i) Where a police officer cannot be proven guilty in a suit, brought against that officer, compensation shall be offered for the loss that police officer incurs.

Minister

- 16.** (a) Until the President of the Republic determines otherwise, the Minister shall be the most superior leader of the police responsible for setting policies to carry-out the role of police and sustain the standard of services rendered by the police.
- (b) In conformation with the orders of the President of the Republic and within the extent conferred by the President of the Republic, the Minister shall have the authority to perform the acts stated below.
- (1) Exercise the powers and discretions available to any superior police officer at any given time.
 - (2) Give a direct order to any individual police officer, or a group of police officers, or all

police officers, at any given time.

- (3) Issue regulations and orders deemed necessary, from time to time, for ensuring compliance to this Act and for the achievement of the purpose of this Act.

Responsibilities of the
Minister

- 17.** For the purpose of this Act, the responsibilities of the Minister are;
- (a) Sustain the standards of police services, and perform the responsibilities conferred through this Act, and exercise the powers and discretions available to the Minister, in a manner, the Minister believes, will maximize the standards of police service.
 - (b) Formulate policies, systems (structures) and regulations necessary for establishing accountability and for overseeing the performance of police as well as enhancing and sustaining police services, issue orders relating to these and take all other required steps and measures in pursuant to these.
 - (c) Formulate (and issue) regulations on below stated subjects pertaining to Maldives Police Service.
 - (1) General Regulation.
 - (2) Code of Conduct and Code of Ethics.
 - (3) Regulation on the possession and use of weapons.
 - (4) Employment Regulation.
 - (5) Uniform Regulation.
 - (6) Training Regulation.
 - (7) Regulation on disciplinary and administrative misconducts, and penalties for such misconducts.
 - (8) Regulation on awarding promotions, awarding ribbons and medals (honour badges) and demotions.
 - (9) Regulation on obtaining sick leave and other leaves.
 - (10) Regulation on possession and use of police identity cards.
 - (11) Regulation on the investigation of complaints filed against the employees of Maldives Police

Service and actions to be taken against the misconducts.

(12) Regulation on staff postings and deployment.

(13) Regulation on the exercise of police powers and discretions.

(14) Regulation on handling, retaining and utilization of articles, means and equipment used for the execution of the responsibilities of police.

(15) Regulation of Special Constabulary.

(16) Regulation on the retirement of police officers.

(17) Regulation of Police Integrity Commission.

(d) The regulations mentioned in subsection (c) of this section shall be implemented within 6 (six) months from the implementation of this Act.

Police Integrity Commission **18.** Police Integrity Commission is an independent legal entity with power to sue and suit against, and to make undertakings on its own capacity.

Objectives of the Commission **19.** The objectives of Police Integrity Commission are stated below.
(a) To promote respect for law within police officers.
(b) To independently investigate unlawful activities occurring within the police and take actions as mentioned in the law.
(c) To provide the necessary legal protection to police officers to perform their duty.
(d) To enhance public trust and confidence in relation to police service.

Members of the Commission **20.** (a) The Commission shall consist of 5 (five) members.
(b) The members of the Commission shall be appointed by the President of the Republic with the advice of the People's Majlis.

Prerequisites of the Members **21.** The Members appointed to the Commission shall fulfil the following prerequisites:
(a) Must be a Muslim.
(b) Must be a citizen of Maldives.
(c) Must be of sound mind.

- (d) Must have attained 25 years of age.
- (e) Must not be convicted for an offence punishable by *hadd* (flog) as per Islamic Shari'aa or for a fraudulent act, or an offence related with bribery.
- (f) Must have capability and capacity to perform the responsibilities and duties of the Commission.
- (g) Must not be employed elsewhere.
- (h) Must not be at a political post, either elected or appointed, as mentioned in the Constitution of the Republic of Maldives or in a law.
- (i) Must not be a husband, wife, child, father or mother of a police officer.

Appointment of Members

- 22.** (a) Members of the Commission shall be appointed as per subsection (b) by the President of the Republic, following the advice of the People's Majlis.
- (b) As per subsection (a), advice of the People's Majlis shall be sought and its advice be given as follows:
- (1) The President of the Republic shall propose the names to the People's Majlis in writing, every time a member is needed to be appointed to the Commission.
 - (2) The proposal shall nominate names not fewer than the number of members required to be appointed.
 - (3) The Speaker of the People's Majlis shall inform the President of the Republic, in writing, the decision of the People's Majlis.
- (c) Members shall be appointed with the consideration that the appointed person (member) possesses the capability to perform the responsibilities and duties of the Commission and shall fulfil the prerequisites mentioned in section 21 of this Act.
- (d) The candidates proposed by the President of the Republic for the opinion of the People's Majlis, to be appointed as members of the Commission shall be amongst the President's nominees and selective respondents from the general public (who has applied for the position). The President of the Republic shall emphasise the candidates to be representatives

of diverse professions.

Responsibilities of the
Commission

- 23.** The responsibilities of the Commission are mentioned underneath.
- (a) Inquire, investigate and take actions with regard to complaints lodged by the general public against Maldives Police Service and police officers.
 - (b) Analyse the cases brought-up by the Minister with respect to the decisions or conclusions arrived by Maldives Police Service with regard to the complaints carried forward to that Service by police officers, and compile reports on the analysis and submit the Commission's opinion to the Minister.
 - (c) When a person files a complaint against a police officer, alleging violation of law or failure to perform a responsibility, the Commission shall inquire and investigate, and must submit a report to the Minister which presents the Commission's opinion.
 - (d) Inquire and investigate the complaints lodged with the Commission pursuant to section 41 of this Act, and submit to the Minister the report on the findings of the Commission along with the opinion of the Commission.
 - (e) Investigate the cases forwarded by Minister regarding Maldives Police Service, and submit to the Minister the report on the findings of the Commission along with the opinion of the Commission.
 - (f) Forward cases to Attorney General's Office to lay criminal charges for those cases the Commission opts for and have been investigated by the Commission.
 - (g) In purview of the cases investigated by the Commission, where the Commission deems it necessary to bring-out any amendments and omissions to a regulation or policy within Maldives Police Service, propose the Commission's advice to the Minister.

President of the
Commission

- 24.** (a) A President of the Commission shall be appointed amongst the members of the Commission.
- (b) The President of the Republic shall appoint the President of the Commission.

Responsibilities of the

- 25.** The responsibilities of the President of the Commission are as

President of the Commission

follows:

- (a) Plan and manage the functions of the Commission.
- (b) Assign and delegate the complaints filed at the Commission to the members of the Commission, for conducting inquiry.
- (c) Chair the meetings of the Commission.

Vice President of the Commission

- 26.** (a) A Vice President of the Commission shall be appointed amongst the members of the Commission.
- (b) The President of the Republic shall appoint the Vice President of the Commission.

Responsibilities of the Vice President of the Commission

- 27.** Should the President of the Commission be not able to perform the responsibilities, or declines to perform the role of the President, or the position of the President becomes vacant, the Vice President of the Commission shall act as surrogate for the President of the Commission. Furthermore, the Vice President of the Commission shall assist the President of the Commission in administrating the Commission.

Responsibilities of the members of the Commission

- 28.** (a) The responsibilities of the members of the Commission are as follows:
- 1) Attend the meetings of the Commission, except for clearly specified or a known cause.
 - 2) Take on all the responsibilities assigned by the Commission, except for clearly specified or a known cause.
 - 3) Manage investigations conducted by the Commission.
- (b) Every member of the Commission shall serve the Commission independently (without influence), impartially and justly. The assigned functions shall be carried without responding to any influence, in accordance with the laws of the Republic of Maldives.
- (c) A member of the Commission shall not, to any extent, involve in an inquiry or investigation conducted by the Commission, whilst at any stage, when that case has a concerning personal interest, personal involvement, or a financial gain, or any other personal gain or advantage of that member of the Commission. In addition, though a member does not have prior knowledge of such personal interest,

personal involvement, or a financial gain, or any other personal gain or advantage in relation to the matter investigated by the Commission, when the member realises the association of the mentioned attributes, the member shall inform that to the President of the Commission and the member shall forthwith abstain from the inquiry or determination of the outcome of that case.

- (d) Any information received due to the position held at the Commission shall be treated confidential. It will be an offence to disclose any such information to a party that has no functional relationship with the Commission, except for an investigation of an entity with a legal standing and for legal proceedings.

Tenure of members

- 29.** (a) The tenure of a member of the Commission shall be 5 (five) years from the date of appointment.
- (b) Members may be reappointed to a further term of 5 (five) years, except those members who have been dismissed in accordance with section 32 of this Act.

Vacancy of the post

- 30.** Upon the occurrence of the following circumstances, the post of a member shall be deemed vacant.
 - (a) Resignation in accordance with this Act.
 - (b) End of tenure
 - (c) Dismissal of a member in accordance with this Act.
 - (d) Applying to contest in a political position under the Constitution or any law.
 - (e) Failure to fulfil the prerequisites (for a member) mentioned in this Act.

Resignation

- 31.** (a) Should a member of the Commission wish to resign, the member shall offer her/his resignation to the President of the Republic, in writing, specifying the reasons for the act. Furthermore, the member shall continue to perform his/her duties until the acceptance of her/his resignation.
- (b) Even if the President or Vice President of the Commission resigns from office under subsection (a), it shall not be deemed that the person has resigned as a member of the Commission.

- Dismissal of members
- 32.** (a) The President of the Republic may dismiss the members of the Commission upon the occurrence of the following circumstances.
- 1) A member gets declared bankrupt as per Shari'aa.
 - 2) Failure to fulfil the prerequisites (of a member) mentioned in this Act.
 - 3) Conviction for a criminal offence in a court of law.
- Staff of the Commission and technical advisors
- 33.** The government shall render assistance to the Commission in staffing and acquiring resources, for facilitating the Commission in the discharge its responsibilities.
- Remuneration
- 34.** (a) The President of the Republic shall determine the remuneration and other financial benefits offered to the members of the Commission.
- (b) Remuneration and other financial benefits offered to the members of the Commission shall not be lessened during the tenure of the members.
- Power to investigate and pursuant responsibilities
- 35.** (a) The Commission is empowered to carry-out the following, pursuant to an investigation conducted by the Commission:
- (1) Summon witness to the Commission and obtain their statements.
 - (2) Summon persons related to an on-going investigation and obtain their statements.
 - (3) Regarding an on-going investigation, the staff of the Commission shall have the Power to enter government offices and other places for examining the places and documents there, and copy the relevant contents and procure the concerned documents to the Commission.
 - (4) Obtain special information from a person or a party on a particular area, whom the Commission has reason to believe is capable of providing such information.
 - (5) Regarding an on-going investigation, order a government office to surrender the information on the subject or submit a report to the Commission on the concerned matter within a period defined by the

Commission.

- (6) Conduct investigation on complaints filed with the Commission by a single member or a committee comprising members of the Commission.
- (7) Obtain and receive evidence regarding on-going investigations.
- (8) Accept legal counsel.
- (9) Members or members of the Commission or persons assigned by the Commission when accompanied with a member of the Commission, may without prior notice inspect any holding place where persons are held under judicial orders, according to policies defined by the Commission.

(b) Cases investigated by the Commission shall be concluded after giving due consideration to the sayings of the complainant as well as other facts associated with the case.

Other powers of the Commission

36. For the purpose of performing the responsibilities of the Commission, the following powers are vested with the Commission:

- (a) Procure, utilize and use of equipment, accessories and resources in order to discharge the responsibilities of the Commission
- (b) Formulate procedures for internal investigation as well as operational procedures for discharging the responsibilities of the Commission and for implementing this Act.
- (c) Amongst the cases investigated by the Commission, forward to the Attorney General's Office those cases the Commission decides to lay criminal charges against.

Investigations conducted by other parties

37. The Commission shall establish a mechanism to receive information on cases investigated by other legal bodies which involve staff of Maldives Police Service.

Information retrieved through investigations conducted by other agencies

38. Should the Commission has reason to believe that any other investigative agency established under law possesses information pertaining to a case the Commission is investigating in accordance with this Act, then the Commission is entitled to request for that information, as well as use that information.

- Investigate cases related with a case in the judicial process
- 39.** The Commission shall investigate complaints filed against a police officer associated with a case in the judicial process, in a manner that presents no adversity to the case in the judicial process, and as a confidential case. The investigation report shall not be made public until the pronouncement of the verdict of the case in the judicial process.
- Evidence and information pertaining to an investigation
- 40.** The information and evidence collected through the investigation of a particular case shall not be used in any other case.
- Inform the Commission on the occurrence of a defined incident
- 41.** Maldives Police Service shall inform the Commission upon the occurrence of any of the incidents mentioned below.
- (a) Death or infliction of grave bodily injury to a detainee held at Maldives Police Service
 - (b) Unauthorized use of a weapon that could threaten the life of a person, by a police officer.
 - (c) Death or infliction of grave bodily injury to a person due to use of force (by a police officer).
 - (d) Escape of a detainee from police custody.
 - (e) Disciplinary actions taken internally against police officers.
- Actions to be taken upon conclusion of investigation
- 42.** The Commission shall act as mentioned below, upon conclusion of investigation.
- (a) Should the inquiry be on a police officer on suspicion of violation of rules and regulation, then the Commission shall advice the Minister of the opinion of the Commission.
 - (b) Amongst the cases investigated by the Commission, forward to the Attorney General's Office those cases the Commission decides to lay criminal charges against.
 - (c) During the course of investigation of a case, if the Commission realises of any absurdity in a policy or regulation followed within Maldives Police Service, the Commission shall advice the Minister of the amendments to be brought to in order to avoid repetition of such as issue.
- Right to defence
- 43.** During investigations conducted by the Commission, the suspect has the right to be heard, or seek legal counsel to submit the respondent's account of the matter, or the respondent's actions in

relation to the subject matter, to the Commission.

- Enactment of Commission's recommendations
- 44.** Unless specifically mentioned in this Act, upon completion of an investigation, the recommendations submitted by the Commission, to the Minister or any other party, the parties shall enact the advice of the Commission. If a party decides not to enact the advice of the Commission, the party shall inform of that decision in writing.
- Obey orders
- 45.** (a) In relation to the powers vested with the Commission, every person shall conform to the orders of the Commission, including summon orders, providing information to the Commission, submitting documents to the Commission, act or refrain from committing an act required by the Commission.
- (b) In relation to the functions of the Commission, any information sought by the Commission from an agency legally empowered for conducting investigation, any agency except Maldives Police Service may deny for the requested information.
- (c) In relation to the functions of the Commission, any information sought by the Commission from a person may deny for the requested information, provided that he or she is legally entitled for non-provision of that information.
- Immunity to members and staff
- 46.** No criminal or civil suit shall be filed against the members or the staff of the Commission in relation to commission or omission of an act in good faith while discharging the responsibilities of the Commission or exercising the powers vested in the Commission by law.
- Formulate regulations
- 47.** The Commission shall formulate investigation procedures and regulations for discharging the responsibilities of the Commission.
- Meetings
- 48.** (a) A meeting of the Commission shall be held at least once a month.
- (b) The President of the Commission shall preside over all the meetings of the Commission.
- (c) In the absence of the President of the Commission, the Vice President shall chair the meetings of the Commission.
- (d) The quorum for a meeting of the Commission shall constitute

not less than three members.

Decisions of the
Commission

- 49.** The Commission shall aim for unanimity while making decisions on cases investigated at the highest level in the Commission.

Annual report

- 50.** (a) Before February 28 of every year, the Commission shall prepare and submit an annual report on its activities to the President of the Republic, the People's Majlis and the Minister.
- (b) The annual report stated in subsection (a) shall contain the following, for the period reported:
- (1) Complaints filed at the Commission.
 - (2) Cases decided by the Commission and the decisions of the Commission.
 - (3) Open cases with on-going investigation.
 - (4) Recommendations proposed to Maldives Police Service during the reported period.
 - (5) Recommendations enacted and abandoned by Maldives Police Service.
- (c) The Commission shall publicly publish report stated in subsection (a) within a period of 45 (forty five) days from the date of submission of the same to the President of the Republic, People's Majlis and the Minister.
- (d) Under special circumstances, the Commission has the discretion to submit a special report regarding the situation to the President of the Republic, the People's Majlis and the Minister.

Cases the commission is
entitled to investigate

- 51.** (a) Consistent with this Act, the Commission shall have the authority to receive a complaint or conduct an investigation with regard to a complaint, only in the circumstance whereby the incident has occurred after the enactment of this Act, except those complaints lodged with a relevant government agency.
- (b) Unless mentioned otherwise in this Act, the Commission shall receive and investigate complaints wherein the duration from the occurrence of the act and the date of filing the complaint (with the Commission) remains not more than 2 (two) years.

Commissioner of Police

- 52.** (a) A person must be appointed to the rank of Commissioner of Police, within the high-ranking police officers, as the senior most officer responsible for the organization and management of regular affairs of the police in discharging its roles and functions.
- (b) The President of the Republic shall appoint and dismiss the Commissioner of Police.
- (c) Commissioner of Police holds the highest rank of the police and is the foremost staff of Maldives Police Service.
- (d) Maldives Police Service and its employees shall perform and function under the command and control of the Commissioner of Police.
- (e) Commissioner of Police shall be accountable to the Minister with regard to the performance and function of Maldives Police Service, performance of its employees and the standard of the services provided.
- (f) Commissioner of Police shall be accountable to the Minister with regard to the application of legal powers and discretions vested with the post, and for the discharge of his or her responsibilities.
- (g) The powers and discretions of the Commissioner of Police shall be derived from this Act, the regulations made pursuant to this Act and within the description of any other law or regulation pertaining to the role and function of the police.

Responsibilities of the
Commissioner of Police

- 53.** The responsibilities of the Commissioner of Police are as follows:
- (a) Organize and operate the functioning of police in accordance with the Constitution of the Republic of Maldives, its laws and regulations.
- (b) Establish and implement the guidelines, policies and principles for the use of the powers and discretions granted to police officers.
- (c) Establish and implement a mechanism for investigating complaints brought against the employees of Maldives Police Service, and for taking disciplinary action against those culpable employees.
- (d) Formulate and implement the standards and policies necessary for the execution of the role of the police, and for

the maintenance and advancement of standards of services rendered by the police.

- (e) Foster and sustain a reputable level of discipline within the files and ranks of police, applicable with the role of police.
- (f) Organize the Maldives Police Service in a manner best suitable for the optimization of the functions and duties of the police, and allocate employees of Maldives Police Service into administrative departments, appoint department heads and determine the functions to be carried out by these departments.
- (g) Optimise the utilisation of police resources and the budget allocated to Maldives Police Service for deriving maximum efficiency.

Deputy Commissioner of
Police

- 55.**
- (a) A person or persons shall be appointed to the post of Deputy Commissioner of Police in order to assist the Commissioner of Police in planning and managing the routine affairs of the police.
 - (b) The President of the Republic shall appoint and dismiss person or persons to and from the post of the Deputy Commissioner of Police.
 - (c) Deputy Commissioner of Police holds the position of second-in-command of Maldives Police Service.
 - (d) Where more than one person has been appointed as the Deputy Commissioner of Police, it shall be determined who amongst them shall temporarily carry out the responsibilities of the Commissioner of Police and to whom the powers of Commissioner of Police shall be temporarily delegated in the instances specified in subsection (f) of this section.
 - (e) In discharging the responsibilities assigned to the Deputy Commissioner of Police, the Commissioner of Police may authorise the Deputy Commissioner of Police to utilise certain powers and discretions available to the Commissioner of Police.
 - (f) In any of the following instances, the Deputy Commissioner of Police shall have the powers of the Commissioner of Police and shall perform the responsibilities assigned to the Commissioner of Police through this Act and pursuant regulations:

- (1) For any reason, where the Commissioner of Police is unavailable; or
- (2) Where the Commissioner of Police has been suspended; or
- (3) Where the post of Commissioner of Police is vacant; or
- (4) Where the Commissioner of Police is incapable of carrying out the responsibilities of the post due to any reason.

Police officers

- 55.** (a) The Minister shall determine the ranks and positions of police officers.
- (b) In accordance with this Act and the pursuant regulations, the Minister shall recruit new police officers, assign posts, award promotions and demote police officers.
- (c) The Commissioner of Police shall define the positions within the organization structure, determine place of work, and manage deployment of police officers.
- (d) All police officers employed in the Maldives Police Service on the date this Act comes into force, shall be considered to have been employed in accordance with this Act and the regulations made hereunder.

Special Constabulary

- 56.** For the purpose of proficiently discharging the objectives, responsibilities and duties of the police, the President of the Republic shall have the discretion to establish a special division of police officers by the name of Special Constabulary.
- (a) Special Constabulary shall comprise of volunteers wishing to be special police officers.
- (b) The procedures for enrolment and dismissal of volunteers from Special Constabulary shall be of the same manner as a regular police officer, compliant with this Act.
- (c) The Minister shall decide the office, ranks and financial benefits for the staff of Special Constabulary.
- (d) The Commissioner of Police shall determine the place and allocation of work for the staff of Special Constabulary.
- (e) The staff of Special Constabulary shall take the oath of police officers stated in the Act.

- (f) The staff of Special Constabulary shall have the powers, discretions, immunity and rights granted to regular police officers through this Act.
- (g) The staff of Special Constabulary shall perform constabulary duties from the date decided by the Commissioner of Police, till the duration specified by the Commissioner of Police, in accordance with the regulation made pursuant to this Act.

Training

- 57.** The Commissioner of Police shall organize and oversee the training of the employees of Maldives Police Service as prescribed in the regulation made pursuant to this Act.

Awarding police officers with badges of honour

- 58.** (a) The Minister shall determine the award of badges of honour to police officers in accordance with the regulation made pursuant to this Act.
- (b) The Minister shall establish a board to administer and advice the Minister with regard to the award of badges of honour to police officers, in accordance with subsection (a) of this section.

Unauthorized use of police uniforms and badges of honour

- 59.** Any person who commits an act mentioned in subclass (a), (b) and (c) of this section, without obtaining the required permission from a person authorized to give such permission, stands to have committed an offense under this Act.
- (a) Produce, sell or use an official uniform or badge of honour authorized for use by the police.
- (b) Produce or use an official uniform or badge of honour authorized for use by the police or a replica of the same with the intent to deceive a person or persons.
- (c) Give an official uniform or badge of honour authorized for use by the police to a person who is not authorized to make use of the same.

Resignation of police officers

- 60.** (a) Any police officer, except the Commissioner of Police and the Deputy Commissioner of Police, desiring to resign shall submit it in writing to the Minister.
- (b) The police officer who has submitted his or her resignation, in accordance with subsection (a) of this section, to the Minister shall continue to perform his or her duties until such time the officer is informed of the acceptance of his or her

resignation.

- (c) The Commissioner of Police and the Deputy Commissioner of Police may resign by submitting their resignation in writing to the President of the Republic, specifying the reason for the resignation.
- (d) The police officer who has submitted his or her resignation, in accordance with subsection (c) of this section, to the President of the Republic shall continue to perform his or her duties until such time that the officer is informed of the acceptance of his or her resignation.

Discharge with honour

- 61.** (a) The Minister shall have the authority, pursuant to regulation made under this Act, to declare a police officer who has resigned as a person honourably discharged from the police, except those persons dismissed from service.
- (b) The following ways with which a police officer could retire shall be included in the police retirement regulation:
- (1) Age limited to a particular rank.
 - (2) Serve in the same rank for a defined period.
 - (3) Ill-health retirement.
 - (4) Appeal for retirement.
- (c) The Minister shall have the discretion to offer benefits and immunity for those individuals honourably discharged from the police as per subsection (a) of this section, in accordance with the retirement regulation made pursuant to this Act.
- (d) The maximum age limit for a police officer shall be 60 (sixty) years of age. This subsection shall come into effect one year after the enactment of this Act.

Removal from office

- 62.** A person removed or dismissed from the office for failing to comply with this Act or any regulation made pursuant to this Act shall not be granted any of the benefits or immunities provided to the police under this Act.

Desertion

- 63.** (a) Any police officer absconding from work or duty, or attempts to commit such an act shall be penalized as provided in this Act or in a regulation made pursuant to this Act.
- (b) A police officer, who fails to perform the responsibilities assigned to him or her without obtaining permission and

abandons that work, or who absents himself or herself from his or her official duties without obtaining permission for a period exceeding 14 (fourteen) consecutive days, or who denies or fails to appear for a duty assigned by a superior officer during national emergencies, or who wilfully absconds or fails to confront insurgents or enemies of the state during operational circumstances, shall be deemed to have deserted from work under subsection (a) of this section.

- (c) Any person, who encourages, abets or assists a police officer to abscond from work, shall be deemed to have committed an offense under this Act in accordance with subsection (a) of this section.

Salary and other benefits

- 64.** In accordance with the regulation made pursuant to this Act, the Minister shall determine the salary and other benefits to be afforded to police officers. In determining the salary and financial benefits for police officers, the Minister shall consult the Minister of Finance and Treasury.

Injuries sustained in the course of employment

- 65.** Where a police officer is injured or crippled during the course of employment, in accordance with the regulation made pursuant to this Act, rightful compensation shall be provided to that officer.

Welfare fund

- 66.** (a) In order to improve the welfare of police officers, the Minister has the discretion to create a welfare fund and to authorise spending from the fund for the welfare purposes of police officers.
- (b) The Minister, where he sees apt, may assign to the Commissioner of Police, the responsibility of creating and operating the welfare fund stated in subsection (a) of this section.
- (c) In order to improve and expand the welfare fund stated in subsection (a) of this section, it may engage in cooperative business activities in accordance with law and regulation, to cater the needs of police officers and their families and persons who has been discharged from police honourably.
- (d) In order to establish the legal entity required to perform the business activities mentioned in subsection (c) of this section, the Minister shall have the discretion to authorize the formation of associations or organizations within the police,

in accordance with the existing laws.

Disciplinary actions against
police officers

- 67.** (a) Where a police officer contravenes this Act or the regulations made pursuant to this Act, that police officer shall be subject to internal disciplinary actions commensurate to the act committed or omitted, as in the regulation made pursuant to this Act.
- (b) The regulation mentioned in subsection (a) of this section shall provide the following as penalties:
- (1) Receive counselling.
 - (2) Undergo special training sessions.
 - (3) Undergo special counselling session that could enhance capability.
 - (4) Relocation of workplace.
 - (5) Allocation of jobs such that it will enable close supervision.
 - (6) Demotion to a lower rank.
 - (7) Termination of employment.
- (c) This section does not prevent in taking action, as mentioned in the law, against police officers acting in contravention of the law.

Immunities available to the
police

- 68.** (a) No criminal or civil suit shall be filed against a police officer in relation to committing or omitting an act in good faith whilst performing the role of the police in accordance with this Act and the regulations made pursuant to this Act.
- (b) No police officer shall be held accountable for injuries or damages caused in relation to the commission or omission of an act in his or her official capacity, in good faith whilst performing the role of the police in accordance with this Act and the regulations made pursuant to this Act.
- (c) A person, whose refusal to conform to a lawful order, given by a police officer, necessitates the use of police powers and discretions, leading to injury or damage to the person or another person or to his property or that of another person, shall be fully responsible for all the loss incurred.
- (d) Except the persons terminated from employment under section 62 of this Act, the immunities mentioned in subsection (a), (b) and (c) of this section will remain

available to those persons who have resigned from the police.

Wrongdoings for police officers

- 69.** It shall be an unlawful activity for any police officer, even in personal capacity, to commit any of the acts stated in this section:
- (a) To commit any act or engage in any activity that will compromise the police officer's ability to carry his or her duties with impartiality.
 - (b) To commit any act or engage in any activity that will create doubts in the minds of members of the public regarding the police officer's ability to carry his or her duties with fairness.
 - (c) To be a member of any political party, or to be actively engaged in the activities of any political party, or to financially support any political party.

Right to vote

- 70.** Every police officer shall have the right to vote as offered in the Constitution of the Republic of Maldives.

Requesting for the assistance of the military service

- 71.**
- (a) In maintaining law and order, the police may request for the assistance of the military service.
 - (b) Except during state of emergency, the military service shall not exercise any legal powers vested with the police without the receipt of a written request from the Minister as mentioned in subsection (a) of this section.
 - (c) Where the situation necessitates urgency delimiting a written request as mentioned in subsection (b) of this section, the Minister shall endorse the oral request at the earliest.

Obstruction to perform the role of police

- 72.**
- (a) It shall be an offense to obstruct, prevent or conduct any such act against carrying out the duties of police.
 - (b) Commission of any of the following acts shall be considered as an act to obstruct or prevent, or attempt to conduct such an act, against the police in performing the role of police:
 - (1) Obstruct in any form or way, or commission of an act that could obstruct the execution of any of the police powers and discretions, or plot to commit such an act, or participate in the commission of such an act, or call for or encourage or assist others to commit such an act, or attempt to commit an act aforementioned.
 - (2) Denial to comply a lawful order of the police, or call

or encourage the recipient of such an order to disobey that order, or provide assistance for the recipient to infringe that order, or participate or attempt or conspire to commit such an act.

- (c) The police shall have the power to arrest any person who obstructs or prevents the police in carrying-out their responsibilities, or who attempts to commit such an act.

Attacking a person performing the role of police

- 73.** Any offensive act committed or attempted to commit against a person performing the role of police shall be a crime.

Void orders

- 74.** (a) Any order or part of an order that is contrary to this Act or the regulations made pursuant to this Act shall be void or void to the extent of such inconsistency.
- (b) It shall be an offense for any employee of the Maldives Police Service to knowingly and with intent, impose a void order.
- (c) It shall be an offense for any employee of the Maldives Police Service to knowingly and with intent, comply with a void order.

Penalties for offenses for which a specific penalty is unspecified

- 75.** The penalty for any offense for which a specific penalty has not been specified in this Act shall be the imposition of a fine not exceeding 12,000/- (twelve thousand) Rufiyaa, or imprisonment in jail for a period not exceeding 6 (six) months, or the imposition of a fine not exceeding 12,000/- (twelve thousand) Rufiyaa and imprisonment in jail for a period not exceeding 6 (six) months.

Definitions

- 76.** (a) Except or otherwise defined in subsection (b) of this section, the articles of this Act shall be construed with the natural ordinary meaning of the words or phrases.
- (b) The terms and phrases shall be interpreted as provided below.
- (1) “Minister” shall mean the minister at the ministry mandated by the President of the Republic to be responsible for the Maldives Police Service.
- (2) “Police officer” shall mean each employee of Maldives Police Service who has undertaken the oath of police.
- (3) “Commission” stands for the Police Integrity

Commission.

(4) “Judge” shall mean any person appointed for conducting legal proceedings in a court of law, as mentioned in the Constitution.

Enforcement date

77. This Act shall come into force upon approval of the People’s Majlis, assent by the President of the Republic, and on the date of publication this Act on government gazette.

Annex

Police Oath

I swear in the name of Almighty Allah to remain truthful and honest in protecting the religion of Islam and the Constitution of the Republic of Maldives; to maintain the nation’s peace and tranquillity; to protect the Republic of Maldives, her leaders, citizens and their property; with the courage to sacrifice my body and my soul.
