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Introduction

The world's smallest Muslim country, yet, the safest holiday destination with a 98 percent literacy rate- the chosen state for this report is Maldives. One might never wish to be a part of Pakistani cabinet but it is different when it's about the Maldivian cabinet, which was awed globally for holding the world's first underwater cabinet meeting.

Maldives is a very small Muslim country based on islands in Arabian Sea and it is acclaimed to have been established by an exiled Indian Prince. The current constitution of Maldives was introduced in 2008 after President Gayoom rose to power and established a constitutional assembly, also known as the "Special Majlis", to lay down foundations of a democratic constitution for the country.

Key facets highlighted in the constitution include separation of powers to ensure an independent judiciary, independent commissions to ensure free and fair elections along with curbing corruption in the state and empowering the parliament by vesting more powers in it. One of the conspicuous factors of the constitution says that a non-Muslim cannot become a Maldivian citizen.

Form of Government

Maldives is run under presidential system of government whereby the President is rendered as the Head of the State. The local government is devolved and consists of 20 Atolls. Each of the inhabited islands is administered by an Island Councilor who is elected by the members of the island. In October 2008, 40 years after becoming a Republic, Maldives held its first ever multi-party presidential election.

Constitutional Institutions-details of checks and balances eg trichotomy

Article 4 of the Maldivian constitution vests supreme powers to run the country in its Executive, Legislature and Judiciary.

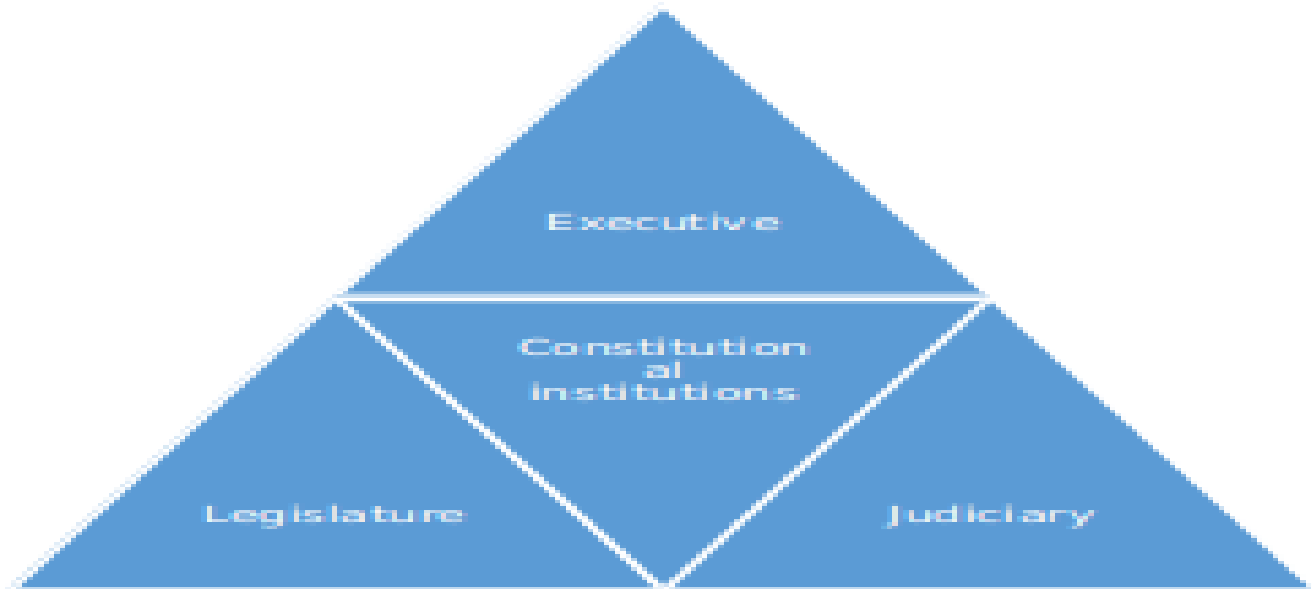


Figure 1 Constitutional Institutions

- The Constitution rests the powers of the Executive with the President of the Republic and the cabinet ministers. The president is in charge of both the state and the government. He is also the head of the military and the official spokesman of Islam in the country. As per the Constitution, the President serves a minimum term of two years and a maximum term of five years.
- The Constitution of Maldives trusts the Parliament or People's Majlis with its legislative powers. This majlis is responsible for making laws or revising them, the constitution is an exception though. In the past, the majlis was dominated by the ruling party but things are very different today. The term for the member of this majlis is five years.
- It relies on the President of the Republic and court with its judicial powers. It focusses to keep separation of these powers intact among these key institutions. Judiciary is a systematic institution in Maldives and is controlled by the Head of the state. It follows the Islamic law and has adopted certain elements of the English common law as well. Judges are not only chosen the President but the Chief Justice is also accountable to him.

Procedure for selection of Head of State and Head of Executive

As per Maldivian Constitution, President of the Republic is rendered as the Head of the state and Head of government as well, as proclaimed in Article 33.

General Elections are conducted in order to choose the best candidate to run the country.

Article 34 of the Constitution of Maldives, lists down the qualifications required for the respective seat.

Article 35 states the procedure followed to choose the best candidate in a democratic way. This procedure begins with the Election Commissioner choosing the candidates qualified under Article 34 and passing the qualified applicants to the Speaker of the People's Majlis along with making a public announcement regarding the names of the candidates chosen as per Article 34. The Speaker of the People's Majlis then calls a meeting to announce the names of these candidates within 3 days of the public announcement.

Voting is then conducted through a secret ballot among the members of the People's Majlis for nominating a candidate further to be chosen by the public. The one who wins the majority qualifies for the position of the President of the state.

Provisions for declaring emergency or any other exceptions

Under the presidential form of government, president has the sole right to declare emergency in case of external threat or civil unrest. During this time, all measures regarding security of citizens and law and order situation shall be taken as per the orders of the President. Only he has the right to suspend rights and laws for the maintenance of public order.

Emergency proclamation is valid for 3 months only. In case of need of an extension in the duration of an emergency proclamation, the matter shall be referred to the People's Majlis.

The president has the sole authority to revoke the Emergency proclamation if he is satisfied with the public security and law and order situation.

Within 30 days of revoking the Emergency, a detailed report on it must be submitted with the People's Majlis by the President.