

ANTI-CORRUPTION COMMISSION ACT

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| Name and Introduction | and 1 | (a) | This Act sets out the responsibilities, powers, mandate of the Anti-Corruption Commission and the qualifications and the ethical standards of the members of the “Anti-Corruption Commission” established under the Constitution of the Republic of the Maldives. |
| | | (b) | This Act shall be cited as the “ <i>Anti-Corruption Commission Act</i> ”. |
| Legal status | 2 | | The Commission is an independent legal entity with a separate seal, possessing power to sue and suit against and to make undertakings in its own capacity. |
| Composition of the Commission | 3 | | The Commission shall consist of 5 (five) members. |
| Appointment of members | 4 | (a) | The members shall be appointed by the President of the Republic as per this section. |
| | | (b) | Where members or a member is to be appointed, the President of the Republic shall submit names not less than the number of members to be appointed to the Peoples Majlis. |
| | | (c) | As per subsection (b), the names submitted to the Peoples Majlis by the President of the Republic shall be names chosen among the names preferred by the President of the Republic and names of those who applied upon a public announcement. Whilst the names are being submitted to the People’s Majlis by the President of the Republic, the names of those who applied upon the public announcement must be submitted to the People’s Majlis for their information. |
| | | (d) | The President of the Republic shall appoint to the positions those persons approved by a majority of the members of the People’s Majlis present and voting, from the names submitted to the People’s Majlis as per subsection (b). |



- Prerequisites of the members 5
- (e) Among those qualified for appointment to the Commission, a person shall possess the educational qualifications, experience and recognized competence necessary to discharge the functions as stipulated in section 5.
- The members of the Commission shall fulfill the following prerequisites;
- (a) Must be a Muslim.
- (b) Must be a citizen of the Maldives.
- (c) Must have attained 25 years of age.
- (d) Must not have during the past 5 years been convicted of an offence for which a *hadd* is prescribed in Islam a.
- (e) Must not be a person holding an elected position under the Constitution or any Law of the Republic of Maldives.
- (f) Must not be engaged in government or any other employment.
- (g) Must not have convicted of an offence of personal gain or fraud or corruption.
- (h) Must not have convicted of a criminal offence and sentenced to a term of more than 12 months, and where he has been convicted of a criminal offence and sentenced to a term of more than 12 months, a period of 5 years has been elapsed since his release, or pardon for the offence for which he was sentenced.
- (i) Must not be a member of a political party or an activist of a political party.
- Tenure of the members 6
- (a) The tenure of a member of the Commission is one term of five years effective from the date of appointment.



		(b)	Notwithstanding in subsection (a), except a member removed under section 14, the People's Majlis can approve the renewal of the appointment of any other member for an additional term of not more than five years.
Appointment of the President and the Vice-President of the Commission	7		A President and a Vice-President of the Commission shall be appointed from among the members of the commission. Appointment of such a President and Vice-President of the Commission shall be notified to the President of the Republic and People's Majlis within 48 hours.
Responsibilities of the President of the Commission	8		The President of the Commission shall chair the meetings of the Commission and shall assign responsibilities to the other members.
Responsibilities of the Vice-President of the Commission	9		Where the President of the Commission is incapacitated or unable to perform his duties or his position is vacant, the Vice-President of the Commission shall temporarily perform the responsibilities of the President of the Commission. Furthermore, the Vice-President of the Commission shall perform other responsibilities assigned to him by the President of the Commission.
Vacancy of Post	10	(a)	The post of a member shall be deemed vacant in the following circumstances. <ul style="list-style-type: none"> 1- End of the tenure. 2- Resignation. 3- Being dismissed as a member of the Commission as per section 14. 4- Standing to be elected to a political position under the Constitution or any other Law. 5- Death. 6- Failure to fulfill any prerequisites stipulated in this Act.



- (b) Should a circumstance which leads the vacancy of a post of a member of the Commission realize or upon resignation of the President or Vice-President, the post of the President or the Vice-President of the Commission shall be deemed vacant.
- (c) Should the majority members of the Commission refute the handling of the responsibilities of the President of the Commission or Vice-President of the Commission, that person shall resign from that post.
- (d) The resignation of the President or the Vice-President of the Commission from his post as per subsection (c) shall not be deemed his resignation as a member of the Commission.
- Appointment of 11 persons to the vacant posts
- (a) As per section 4 the recommendation of the People's Majlis shall be acquired 30 (thirty) days prior to the availability of a vacant position upon realization of a circumstance stipulated in subsection 10 (a).
- (b) A person shall be appointed to a post of the President or Vice-President or member of the Commission within 60 (sixty) days of such post gets vacant as per realization of a circumstance stipulated in subsections 10 (a) 2,3,4,5 and 6.
- (c) 60 (sixty) days prior to the expiry date to appoint a member to the Commission as per subsection (a), the President shall submit the list of names to the People's Majlis.
- (d) Within 72 (seventy two) hours the post of the President or Vice-President of the Commission gets vacant as per subsections 10 (c) or 15 (b), a person shall be appointed to such post as stipulated in section 7.
- Execution of the 12 duties of the members
- The following are the responsibilities of the members of the Commission;
- (a) To be present for the Commission meetings;
- (b) To execute the responsibilities assigned by the Commission.



- Assumption of posts 13
- The members of the Commission shall assume office upon taking and subscribing, before a Judge, the oath as follows;
- “I, ... (name of the person)..., do swear in the name of Almighty Allah that I will respect the religion of Islam, that I will bear true faith and allegiance to the Maldives, that I will uphold the fundamental rights of the Maldivian citizens and will discharge the duties and responsibilities of the membership of the Anti-Corruption Commission honestly and faithfully in accordance with the Constitution and laws of the Republic of Maldives.”
- Dismissal of members 14
- A member of the Commission can be dismissed as per subsection (b), upon realization of a circumstance stipulated in subsection (a).
- (a) Where it is found that an action of a member contravenes subsection 17 (a) or is unable to perform his duties;
- (b) Where the Committee established under the Regulation of the People’s Majlis to oversee independent Commissions and Posts finds that a member must be dismissed upon realization of a circumstance stipulated in subsection (a), the People’s Majlis may approve the dismissal by majority of the members present in a vote.
- Resignation 15
- (a) Where a member of the Commission wish to resign from office, he may offer his resignation, specifying the reason in writing, to the President of the Republic and the office shall become vacant when the resignation is received by the President.
- (b) Where the President of the Commission wishes to resign from office, he may offer his resignation, specifying the reason in writing, to the Commission. Likewise, the Vice-President of the Commission may resign from the office by specifying the reason in writing to the President of the Commission and the office shall become vacant when the resignation is received by the President of the Commission.



- (c) Resignation of the President or the Vice-President of the Commission from their posts as per subsection (b), shall not be deemed their resignation as a member of the Commission.
- Salary and benefits 16
- (a) The People's Majlis shall determine the salary and other benefits of the President and the Vice-President of the Commission.
- (b) The salary and the benefits of the President, the Vice-President and members of the Commission shall not be deducted in their term of office.
- (c) As per the instruction of the Ministry of Finance and Treasury, the Commission shall determine the salary and benefits of the employees of the Commission.
- Ethical standards of the members 17
- (a) The members of the Commission whilst undertaking responsibilities of the Commission or exercising the powers of the Commission shall follow the following;
- 1- To uphold the Constitution and Laws.
 - 2- To promote rule of law and to protect the fundamental rights and freedom of the citizens.
 - 3- Whilst members undertaking responsibilities of the Commission or exercising the powers of the Commission shall prioritize national interests and benefits of the citizens.
 - 4- Whilst undertaking responsibilities of the Commission or exercising the powers of the Commission, members shall not discriminate any citizen based on race or national origin or colour or sex or age or mental or physical disability, political or other opinion or property or family or native island or language birth or status.
 - 5- Whilst undertaking responsibilities of the Commission or exercising the powers of the Commission, the members shall not take orders from anyone or shall not be influenced by anyone.



- 6- Without being hesitant and gaining a benefit to anyone or without being personalized and to be independent to discharge the functions to eradicate corruption from state institutions as per the Constitution and the Laws.
- 7- An act or participation or conversation or expression of thought or by any other means, a member of the Commission shall not make his independence or independence or fairness of the Commission questioned.
- 8- Not to use information obtained in his capacity as a member or his post for personal gain or gain for another.
- 9- Not to provide information obtained in his capacity as a member to a third party for a purpose unrelated to discharging his duties and responsibilities.
- 10- Shall not actively engage in a business or in a practice of any profession or any other income generating employment, be employed by any other person.
- 11- Each member shall protect his ethical standards acceptable to the society at all times.

- (b) The Commission has the discretion to review its decisions, where the Commission finds that a decision of the Commission of which a member participated is in contravene to subsection (a).
- (c) Apart from taking actions against a member who has breached a Law by the Court, the Commission can be made responsible in a manner decided by the Court.
- (d) Every member shall submit to the Auditor General in a format determined by him, a statement of all property and monies owned by him, business interests and liabilities. Every member appointed to the Commission shall submit to the Auditor General, a statement of all property and monies, business interests and liabilities, owned by him prior to his being appointed as a member. The Auditor General has the discretion to



submit errors in statements submitted as such to the People's Majlis.

Immunity	18	No criminal or civil suit shall be filed against the President or Vice-President or a member of the Commission in relation to committing or omitting an act in good faith whilst undertaking responsibilities of the Commission or exercising the powers of the Commission or powers conferred to the Commission by a law.
Meetings of the Commission	19	A meeting of the Commission shall be held at least once in a month.
Quorum and voting	20	(a) A majority of the members of the Commission shall constitute a quorum at a meeting of the Commission. (b) Any decision of the Commission shall be taken by a majority of the votes of the members present and voting.
Responsibilities of the Commission	21	The following are the responsibilities of the Commission; (a) To inquire into investigate all allegations of corruption; any complaints, information, or suspicion of corruption must be investigated. (b) To recommend further inquiries and investigations by other investigatory bodies, and to recommend prosecution of alleged offences to the Prosecutor General, where warranted. (c) To carry out research on the prevention of corruption and to submit recommendations for improvement to relevant authorities regarding actions to be taken. (d) To promote the values of honesty and integrity in the operations of the state, and to promote public awareness of the dangers of corruption. (e) To conduct seminars, workshops and other programs on prevention and prohibition of corruption to further public awareness, to carry out researches and to publish them.



- (f) To carry out everything necessary to undertake the responsibilities of the Commission.
- (g) To implement Act No. 2/2000 (Law on Prevention and Prohibition of Corruption) and to formulate regulations under that Act.

Powers of the 22
Commission

As per criminal procedure laws and regulations, the Commission possess the following powers regarding investigations it conducts.

- (a) Summon witnesses to the Commission and procure their statements.
- (b) Summon persons related to an ongoing investigation to the Commission and procure their statements.
- (c) Procure and examine relevant documents, when necessary, in an ongoing investigation.
- (d) To procure documents related to an ongoing investigation, the employees of the Commission shall, as per section 24, go to premises and examine relevant documents and other items and where necessary, bring them to the Commission.
- (e) Should the Commission have reason to believe a party is capable of assisting the Commission in an ongoing investigation on particular areas, the Commission shall request specific information from such party in writing.
- (f) Should a party stipulated in section 24 fail within the given period of time to provide information or submit a report requested by the Commission regarding a complaint filed at the Commission, the Commission shall inquire into the matter in its own capacity.
- (g) Instruct a person being questioned by the Commission in an ongoing inquiry not to leave the Maldives except with the permission of the Commission.
- (h) Conduct investigations in public or in closed sessions.



- (i) Conduct investigations by a single member or a committee comprising members of the Commission.
- (j) Procure, keep and safely use items, resources, equipments necessary to undertake the responsibilities of the Commission.
- (k) Furthermore, the Commission has the other powers necessary to conduct investigations to realize the objective of this Law and other Laws on Prevention and Prohibition of Corruption.

What corruption is 23

Corruption means offences stipulated in Act No. 2/2000 (Law on Prevention and Prohibition of Corruption).

Jurisdiction of the Commission 24

The following shall fall within the jurisdiction of the Commission to realize the objective of this Law.

- (a) Institutions and employees of the executive power.
- (b) Members of the People's Majlis, offices and employees of the People's Majlis.
- (c) Offices and employees of the Judicial Power.
- (d) In addition to the parties stipulated in subsections (a), (b) and (c) other institutions and employees of the state.
- (e) Government companies and government shared public companies and employees thereof.
- (f) State funded companies, organizations, associations, political parties and institutions and employees thereof.
- (g) Institutions and employees of such institutions that obtained government properties or items or money under a contract of the government.
- (h) Other institutions and employees of such institutions that are related to investigations conducted by the Commission under this law or any other law on Prevention and Prohibition of Corruption.



- (i) Non-profit organizations and associations operated without the objective of a commercial benefit.
- (j) The matters related to property or money or items acquired or obtained for the activities of the communities in atolls or islands or wards by the people of those communities.
- (k) Foreigners, participating by any mean or received information on their participation or they are likely to participate in a transaction that is related to an ongoing investigation of the Commission.
- Actions to be taken upon closing an inquiry 25
- (a) The Commission shall act as follows upon closing of an inquiry;
- 1- To close the case where it is found that there is no offence of corruption involved.
 - 2- To refer the case to the Prosecutor General's Office, where it is found that there is an offence of corruption involved and where the Commission believes enough evidence and circumstantial evidence is gathered to prove it in a court.
 - 3- In addition to the execution of subsection (a) 1 and 2, to make recommendations to the relevant institutions stipulated in section 24, where the matter occurred is in the management of such institution.
- (b) Upon closing the matter, to provide the petitioner the report on the matter on his request, and a copy of the report to the party responsible in the view of the Commission.
- Right to be heard 26
- The respondent is entitled to the right to be heard in a matter investigated by the Commission or to seek legal counsel to submit to the Commission the respondent's account of the matter or the respondent's action in relation to the matter. Should the Commission fail to provide the aforesaid right to the respondent during the investigation; the Commission's decision will be void.



- Obeying orders 27
- (a) It is a duty of Maldivian citizens and persons within the jurisdiction of the Maldives as per the Constitution of the Republic of Maldives, to obey orders to summon to the Commission, or to provide information or submit a document to the Commission or act or refrain from committing an act required by the Commission, in relation to the powers conferred through Commission's responsibilities.
- (b) A person failing to obey an order as per subsection (a) or commits an act causing disrepute to the Commission shall be imprisoned for 1 (one) month or remain under house arrest for 3 (three) months or shall be fined by MRF 3,000.00 (Maldivian Rufiyaa Three Thousand).
- Refraining from handling a matter involving self-interest of a member 28
- (a) A member shall not involve to any extent, in a matter concerning their self-interest, personal involvement, or financial or any other personal gain, when such matter is being investigated or the outcome of the matter is being decided by the Commission. Furthermore, although a member does not possess prior knowledge of such self-interest, personal involvement, or financial or any other personal gain in relation to the matter investigated by the Commission, when the member becomes aware of the said connections and when the President has been informed, the member shall refrain from inquiring into the matter or in deciding its outcome.
- (b) The President of the Commission shall inform the Vice-President of the Commission where a matter of self-interest arises, and shall refrain from inquiring into the matter or in deciding its outcome.
- (c) The employees assigned by members of the Commission shall refrain from inquiring into matters of self-interest.
- Appointment of the Secretary General and staff of the Commission 29
- (a) The Commission shall appoint a Secretary General to administer the Commission, and the administration of the Commission shall be subjected to the regulation formulated by the Commission.



- (b) The Commission is responsible for hiring employees to the Commission and dismissing employees from the Commission.
- Financial matters 30 (a) The state treasury shall provide the Commission the funds from the annual budget approved by the People's Majlis, essential to undertake the responsibilities of the Commission. For this, following consultation with the Ministry of Finance and Treasury the Commission shall formulate its budget and submit with state budget to the People's Majlis annually.
- (b) The Commission shall not utilize the financial assistance provided by persons or an organization or a foreign government, for purpose except achieving the objectives of the Commission.
- (c) A financial statement comprising the Commission's income, expenditure, assets and liabilities, audited and prepared in consultation with the Auditor General and in accordance with the regulation formulated by the Commission, shall be submitted to the President of the Republic and the People's Majlis along the annual report stipulated in section 31.
- Annual Report 31 (a) The Commission shall prepare and submit its annual report before February 28th of every year to the President of the Republic and the People's Majlis.
- (b) The annual report stipulated in subsection (a) shall contain the following;
- 1- The work done by the Commission.
 - 2- Complaints filed at the Commission.
 - 3- Cases decided by the Commission and the decisions of the Commission.
 - 4- Cases in ongoing inquiries by the Commission.
 - 5- Cases pending in the Commission.



6- Recommendations made to institutions stipulated in section 24.

7- Recommendations adopted and abandoned by such institutions.

8- Details of administrative actions on management sector of the Commission and on the employees in that year.

(c) The Commission shall openly publish the annual report stipulated in subsection (a) within 14 (fourteen) days of submitting the report to the President of the Republic and the People's Majlis.

(d) Notwithstanding subsection (a) when a special circumstance arises and should the Commission deem relevant, the Commission may submit a special report to the President of the Republic and the People's Majlis accordingly.

Composition of 32
the Commission
and submission of
names

(a) The Commission shall be established and the members, President and the Vice-President of the Commission shall be appointed within 60 (Sixty) days of the first sitting of the first People's Majlis elected under section 296 of the Constitution.

(b) To implement subsection (a);

1- Within 20 (twenty) days of the first sitting of the first People's Majlis elected under subsection 296 (b) of the Constitution, the names of the candidates proposed by the President of the Republic to become members of the Commission shall be submitted to the People's Majlis.

2- The People's Majlis shall make a decision on the candidates to be appointed as members of the Commission and inform the President of the Republic of the decision within 20 (twenty) days from the day the President of the Republic proposes a name or names to the People's Majlis as per subsection (b) 1 and 3.



3- As per this section, the President of the Republic shall propose a new name or names of candidates to the People's Majlis with 5 (five) days after the People's Majlis informs the President of the Republic of their disapproval of previous names of candidates proposed by the President of the Republic.

Anti-Corruption Commission established in the Transitional Period	33	(a)	The Anti-Corruption Commission established under section 289 of the Constitution shall have all powers and responsibilities of the Anti-Corruption Commission established under this Act. Except sections 6 and 32 of this Act, all other sections of this Act shall be effective on the Anti-Corruption Commission established under section 289 of the Constitution.
		(b)	As per subsection (a), upon establishment of the Anti-Corruption Commission, the Anti-Corruption Board that operated prior to the approval of this Act will be repealed. All the cases and complaints submitted to the Board shall be transferred to the Anti-Corruption Commission established under subsection (a).
		(c)	Until the establishment of an Anti-Corruption Commission as per section 32, the Anti-Corruption Commission established under subsection (a) shall continue.
Implementation of this Act	34		This Act shall be implemented upon approval, ratification and publication of this Act in the Gazette of the Government of the Maldives.
Repeal	35		Upon enactment of this Act, section 27 of Act No. 2/2000 (Law on Prevention and Prohibition of Corruption) will be repealed.
Formulation of regulation	36	(a)	The Commission shall formulate and enforce regulations necessary to implement this Act. Within 6 (six) months of the establishment of the Commission stipulated in section 32 (a), the regulations thereof shall be formulated.
		(b)	Subsection (a) does not prevent the regulations formulated under subsection (a) being amended or formulate a new regulation under this Act by the



Commission.

- (c) Notwithstanding subsection (a), subsection (a) does not prevent the Anti-Corruption Commission established under section 289 of the Constitution formulating a regulation to implement the duties and responsibilities of that Commission.

Interpretation 37 Unless the context otherwise in this Act;

Auditor General means the Auditor-General appointed under Act No. 4/2007 (Audit Act).

Commission means Anti-Corruption Commission.

Institution means all the institutions stipulated in section 24 of this Act and all persons elected or appointed to such institutions.

