

Unofficial translation of Draft  
**Bill on the Maldives Police Service 2012**  
March 2013



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The Commonwealth Human Rights Initiative (CHRI) is an independent, non-partisan, international NGO working for the practical realization of human rights in the countries of the Commonwealth.

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The Dhivehi version of this Bill can be accessed [here](#).

## Maldives Police Service Bill 2012

<b>Chapter One:</b>			
<b>Introduction</b>			
Introduction and Title	1.	(a)	This Act lays down the manner in which the Maldives Police Service is constituted and organised; and the responsibilities, powers and all other matters that apply to the Service.
		(b)	This Act shall be cited as the “Maldives Police Service Act 2012”.
Purpose	2.	The purpose of this Act is to achieve the following objectives:	
		(a)	Whereas given one of the fundamental principles of the Constitution is to uphold the rule of law; to create an impartial and organised police service, free from extraneous influences that is able to uphold the rule of law
		(b)	And whereas given democracy, human rights and individual freedom are the fundamental tenets of the Constitution; to safeguard, within the ambit of the Constitution, the human rights of all persons in the Maldives, in accordance with democratic norms and human rights standards, ensuring the provision of legal protection entitled to all.
		(c)	to reorganise and facilitate the running of the police service in accordance with the new way of thinking in upholding the respect afforded to the Constitution and laws.
		(d)	to facilitate the functioning of the police service to be professionally organised, service oriented, free from political influences and accountable to the public;
		(e)	to recompile and redefine the aim of the police, its objective, powers and responsibilities;

		(f)	to grant due legal safeguards, powers and capacity to the police to enable it to function with regard to the aforementioned purposes.
Glossary	3.		The glossary of words and terms given special interpretation in this Act is found in section 155.
Enforcement of the Act	4.	(a)	All sections of this Act shall come into force starting 11 November 2013. Unless specified otherwise in this Act, wherever ‘the enforcement date of this Act’ is mentioned, it refers to the date of 11 November 2013.
		(b)	Notwithstanding subsection (a) of this section, upon the date of publication of this Act in the Maldives Government Gazette, relevant state institutions shall commence the [re]organisation of the police service as according to that stipulated in this Act, in order to facilitate comprehensively, the provision of the Service as according to this Act.
		(c)	In order for state institutions to undertake that stipulated in subsection (b) of this section, for the purpose of completion and organisation of that stipulated in this Act in proper succession by 11 November 2012, the President of the Republic may decide to implement certain sections of the Act at certain dates decided by him, even before 11 November 2013.
		(d)	Where the President of the Republic decides not to enforce any given sections before 11 November 2013 pursuant to subsection (c) of this section, all sections of this Act shall fully come into force starting 11 November 2013.
Transitional Principles	5.		Notwithstanding the provisions cited in section 4 of this Act, that may be exercised to facilitate full enforcement of this Act by the advent of the enforcement date of this Act, the provisions prescribed in section 153 of this Act cites the mandatory transitional provisions that have to be implemented

		starting from the enforcement date of this Act.	
<b>PART I</b>			
<b>THE POLICE SERVICE</b>			
<b>Chapter Two:</b>			
<b>Organisation of the Police</b>			
Ongoing Police Service	6.	This section of this Act hereby defines that the Maldives Police Service established and implemented under Law Number 5/2008 (the Police Act), upon the enforcement date of this Act, shall come under this Act; and the Service shall be deemed the “Maldives Police Service” the establishment of which is made mandatory under Article 236 of the Constitution, with the objects of which as defined in Article 244 of the Constitution.	
Special Attributes of the Police Service	7.	(a)	The Police Service is established as a civil service.
		(b)	The Police Service shall be organised as one service for the entire territory of Maldives.
		(c)	The Police Service is not part of the Maldives Civil Service. Moreover, the provisions exercised upon the employees of the Maldives Civil Service shall not be exercised on the members of the Maldives Police Service.
		(d)	The provisions stipulated in the Employment Act shall not be exercised upon the Police Service. Members of the Maldives Police Service are exempt from the provisions of the Employment Act.
Establishment of Wings and Branches	8.	(a)	Notwithstanding section 7 of this Act, in order to provide due police functions to the entire territory of Maldives, in an efficient fashion; as necessary, for the areas mentioned forthwith, separate wings or branches or units, organised separately from the main police service, and

			functioning under a separate administrative structure, may be established and operated. In order to:
			(1) operate a system, in accordance with the law, that openly and under-cover; collects, compiles and manages such information necessary to uphold and enforce the law; to promote and preserve public order; to prevent crimes and protect public properties.
			(2) deal, investigate and take proper measures, in accordance with the law, against organised crimes and serious or major crimes committed in the community.
			(3) ensure the movement of land and sea vehicles is in accordance with the law and to control and regulate traffic of these vehicles.
			(4) safeguard tourist facilities and to ensure the engagement with tourists is conducted within the ambit of the law.
			(5) collect, compile and manage the necessary information required to be found and managed regarding offenders and those with criminal records, and to utilise such information properly
			(6) ensure safeguards afforded to children by identifying juvenile crimes and taking appropriate measures against such juveniles as according to law
			(7) prevent computer or internet or digital or cyber or modern communication facilities related crimes, and having identified the perpetrators of such crimes, to take appropriate measures against them, as according to law.

			(8) identify and discern offenders by utilising fingerprints, photography, polygraphy, diverse digital and biometric skills, DNA facilities, as well as by using diverse forensic means.
			(9) grant necessary education and training required to new police recruits, and to train and conduct refresher programmes necessary for those in the police service
			(10) provide first responder action for emergency situations arising out of disasters, major crime incidents and major accidents
			(11) introduce police personnel specialised for a given administrative division, or specialised for a given island belonging to that certain division, or specialised for a given city, or atoll, or a special function; in order for the police to discharge their responsibility within a given administrative division.
			(12) conduct necessary research and quality improvement programmes for the development of policing, to improve the standards of police skills and qualitative policing
		(b)	A separate wing or branch or unit, with a separate name or uniform, may be organised, as according to subsection (a) of this section, distinguishing it from other police entities.
		(c)	The wing or branch or unit established as under subsection (a) of this section, is not included within the administrative structure of the police service that includes directorates, commands, departments, sections and units.
Method of establishing wings	9.	(a)	Where any separate wing or branch or unit of the police service is to be established as according to section 8(a) of this Act, it shall be



and branches			undertaken by the Minister having published a resolution to that effect, with reference to this section. Moreover the said resolution shall be pursuant to the authority granted under this Act, akin to that granted to any regulation enacted under the authority of this Act.
		(b)	Where any separate wing or branch or unit of the police service is to be established as according to this section, the name and mandate of the said entity shall be included by the Minister, in the resolution so mentioned in subsection (a) of this section.
Heads of wings and branches	10.	(a)	Where a separate police wing is established, the wing shall be headed by an officer not below the rank of Superintendent of Police.
		(b)	Where a separate police branch is established, the branch shall be headed by an officer not below the rank of Chief Inspector of Police.
		(c)	Where a separate police unit is established, the unit shall be headed by an officer not below the rank of Inspector of Police.
		(d)	Notwithstanding subsections (a), (b) and (c), for the purpose of that cited in section 8(a) paragraph (8) of this Act, in the event of establishing a separate wing or branch or unit of the police, such entity may be headed by a police staff.
Capacity to engage in Maldives	11.		Given the Police Service is organised as one service for the entire territory of Maldives, all members of the Service may perform all necessary functions of the police required under this Act at any location in the entire territory of Maldives, unless specified otherwise in this Act. Moreover, the empowerment afforded to the police under this Act shall be granted to all policemen, to undertake the said functions at all

		locations in the Maldives.	
Establishing Districts and Circles	12.	(a)	The Commissioner, having divided the Maldives into different Police Districts, may determine how many police divisions are allocated in each Police District. The Commissioner may also subdivide the Police Districts, and may create Police Circles on each sub-district, giving as many Police Stations to the said Circles.
		(b)	Each Police District created under subsection (a) of this section, shall be headed by an officer of the rank of Superintendent of Police. Each Circle shall headed by an officer of the rank of Inspector of Police.
		(c)	Two or more Police Circles may be assigned to a Police District. Two or more Police Stations may be assigned to a Police Circle.

**Chapter Three:**

**Service Structure**

Membership of service	13.	(a)	The members of the Police Service consists of total 9 categories as follows:
			(1) The Commissioner
			(2) The Deputy Commissioner
			(3) persons holding appointment in the Executive Service of the Police.
			(4) persons holding appointment as an executive police officer;
			(5) persons holding appointment as a commissioned police officer;
			(6) persons holding appointment as a

			noncommissioned police officer;
			(7) persons holding appointment as a constable.
			(8) Police recruits
			(9) Police Staff
		(b)	The persons holding appointment as members of the Police Service are those mentioned from (1) to (7) of subsection (a) of this section. Police recruits and police staff are not police officers.
		(c)	Those mentioned in subsection (a) of this section are not members of the Maldives Civil Service. Members of the Police Service are state employees of the Maldives Police Service created and organised under this Act.
Order of Service Structure	14.	(a)	For the purpose of section 13 of this Act, the Police Service is based on the following order of ranks, in descending order
			(1) the Commissioner of Police
			(2) the Deputy Commissioner of Police
			(3) Assistant Commissioner of Police
			(4) Chief Superintendent of Police
			(5) Superintendent of Police
			(6) Deputy Superintendent of Police
			(7) Assistant Superintendent of Police
			(8) Chief Inspector of Police
			(9) Inspector of Police
			(10) Sub-Inspector of Police

			(11) Assistant Sub-Inspector of Police
			(12) Head Constable
			(13) Constable
		(b)	The Main tasks assigned for each officer in all ranks mentioned in subsection (a) of this section shall be specified in accordance with a regulation made pursuant to this Act.
Ranks and Grades	15.	(a)	The Commissioner enjoys the power to assign officers to ranks; to create grades pursuant to ranks to officers under the rank of Superintendent of Police, as specified under section 14 of this Act. The Commissioner is also empowered to determine the transfer of officers from grade to grade, in accordance with the regulation made pursuant to this Act, and to assign ranks and grades to the officers pursuant to the said regulation.
		(b)	In assigning positions within the Police Service, the Commissioner shall give precedence to attain representation of as many cities, atolls and islands of the Maldives; and to open the opportunity for representation of women in the police service in their fullest capacity.
Police Uniform	16.	(a)	The Police Service is a uniformed service.
		(b)	The Minister shall decide on the mode of the Police Service uniform.
		(c)	In assigning the uniforms mentioned in subsection (b) of this section, the Minister, on recommendations proposed by the Commissioner, shall decide on the parts and distinguishable features of the uniforms pursuant to separate wings or branches or units

			or ranks or grades of the Police.
		(d)	Notwithstanding subsections (a), (b) and (c) of this section, the police staff mentioned on section 13 (a) paragraph (9) of this Act, shall not wear a police uniform.
<b>Chapter Four:</b>			
<b>The Police</b>			
Officers and Recruits	17.	(a)	A person is deemed a police officer and this Act is exercised on him, after having completed the basic training given to police recruits as prescribed under this Act; and after having subscribed to the police oath and therein taking the employment of a police officer.
		(b)	Any other person save those mentioned in subsection (a) of this section, shall perform duties as a policeman as a police recruit and not as a police officer. And provisions in this Act directed at police officers shall not be exercised for or against such recruits.
		(c)	Police recruits shall be assigned within the Police Service under a contract of employment.
		(d)	Where a police recruit is engaged or active in any matter related to the public, his uniform shall identify him as a police recruit.
General Conditions of Employment of the Police	18.		All police officers shall possess the following qualifications. Any person failing to meet the qualifications shall not be a police officer. And where any of the qualifications are found lacking while being a police officer, such person is thereby dismissed from the position of a police officer.
		(a)	be a Maldivian citizen
		(b)	not have been convicted of a criminal offence in the past 10 years.
		(c)	possess good health, good conduct and

			capability to perform the duties of the police.
		(d)	shall not be a member of a political party
		(e)	shall not be a person charged with a drug offence.
Conditions of employment of commissioned officers	19.		Apart from the prerequisites of a police officer prescribed in section 18 of this Act, a commissioned police officer shall possess the following qualifications.
		(a)	shall not be a person charged for a criminal offence in the past 5 years.
		(b)	not have been convicted of a criminal offence at any moment in time.
		(c)	not have been convicted of an offence for which a <i>hadd</i> is prescribed in Islam, at any moment in time.
		(d)	shall not be a person charged with a drug offence, at any moment in time.
Oath of policemen	20.	(a)	Every policeman must take the oath of office, prescribed in subsection (c) of this section, before commencing his duties as a police officer. The oath shall be taken before a judge.
		(b)	Where a police officer remains in employment as a member of the Police Service without intermission, he need not repeat the oath upon change of his rank or position or task.
		(c)	The text of the police oath of office is mentioned herewith:  “I do swear in the name of Almighty Allah, that I shall perform the service as a Maldives police officer free from seeking benefits for, or inflicting harm against, any person; that I will, sincerely and honestly, uphold the religion of Islam, the Constitution of the Republic of Maldives and the rules pursuant to statutes made in accordance with the Constitution. And I shall uphold public safety. In any event so

			confronted, I shall perform the duty of a police officer in that conviction. So help me Allah to remain firm in this conviction.
<b>Chapter Five:</b>			
<b>The Role of the Police</b>			
The Duty of the Police	21.	All persons in the position of a police officer, is active within the ambit of the law; implements sincerely and honestly all orders bid on him within the ambit of the law; and in any duty that he performs, he shall conduct his tasks to attain the best results due.	
Aim of the Police Service	22.	The aim of the Police Service is to eradicate fear in the community, to prevent criminal acts, to ensure human rights, to undertake, in conjunction with the community, the basic tasks and auxiliary tasks required to exercise the rule of law.	
Mandate of the Police Service	23.	In order to attain the 4 primary objects of the Police Service prescribed in Article 244 the Constitution, the mandate assigned to the Police is mentioned forthwith:	
		(a)	to uphold and enforce the law impartially and in equal measure.
		(b)	to assist persons to protect their lives, freedom, rights and property.
		(c)	to safeguard and maintain public order and peace.
		(d)	to establish and maintain an atmosphere of internal security; and to identify in good time, criminal acts and crimes committed and other acts done in contravention of internal security or the security of the community, and to take proper measures against such.
		(e)	to maintain law and order at public places and public gatherings, in roads and other public areas; in important state buildings and centres; to safeguard the places against target attacks,

			dangers, violent and destructive acts.
		(f)	to take crime prevention measures
		(g)	to limit the opportunity of committing criminal acts
		(h)	to take safeguard measures in good time to prevent crime,
		(i)	to liaise with other departments and take necessary measures in order to create a crime free environment
		(j)	to operate a comprehensive system to register and maintain a ledger of all complaints brought before the police regarding criminal acts; and to record details of the complaints in the said ledger including the date of the complaint and the measures taken in relation to it.
		(k)	to investigate cognizable offences coming to the notice of the police, and where appropriate to pursue prosecution; to duly request the Prosecutor General to pursue prosecution.
		(l)	where necessary, to arrest and detain those suspected of crimes; to collect relevant evidence; and where necessary, to inspect places and persons, and to undertake all other measures required for the furtherance of the investigation
		(m)	to undertake necessary action to maintain public order and peace; and maintain a feeling of security in the community
		(n)	to provide, as first responders, all possible help to people in situations arising out of natural disasters and distressing and damaging situations; by providing active assistance to



			them
		(o)	to aid any individual, who is in danger of physical harm to his person or property, and to provide necessary help and afford relief to him in all possible ways.
		(p)	to afford protection to the individual afflicted with sudden danger or alarm or difficult predicament.
		(q)	to facilitate orderly movement of pedestrians and vehicles, in accordance with the law
		(r)	to collect intelligence relating to matters affecting public peace in good time, and where necessary, take measures in relation to the intelligence so gathered.
		(s)	to take charge of unclaimed property and take action for their custody and disposal in accordance with the procedure prescribed.
		(t)	to assist institutions established pursuant to the Constitution and statutes, in enforcing their lawful orders.
		(u)	to assist in enforcing court orders and sentences
		(v)	to undertake any other tasks assigned to the Police by any other statute enacted by the People's Majlis.
Police Covenant	24.	In undertaking the mandate of the Police as prescribed in section 23 of this Act, the police hereby vow to:	
		(a)	abide by and comply with the Constitution and laws of the Maldives;
		(b)	protect and respect the fundamental rights of

			citizens
		(c)	ensure that the powers and discretions conferred upon the police are exercised with impartiality and without favour or bias towards any person;
		(d)	remain constant in truthfully and honestly carrying out the role of the police
		(e)	remain constant in safeguarding the mandate of the police
		(f)	carry out all assigned duties to the best lawful outcome
		(g)	esteem and respect the humanity of every person and protect and maintain the human rights of every person
		(h)	refrain from using disproportionate force to any situation at hand.
		(i)	ensure that under any circumstances, no person is treated by the police; cruelly or insultingly or inhumanely or in a degrading manner, or to make another person to do so or allow another person to do so
		(j)	take due notice to safeguard the medical condition of the persons under the care and custody of the police and to ensure that where any such person needs medical attention immediate steps are taken to provide such assistance.
		(u)	abide by and comply without hesitation to all directives and orders given without contravening the tenets of Islam, the Constitution and laws.
Legality	25.	(a)	The police are afforded the power to perform

			all the duties in the assignments of the Police Service as prescribed in section 23 of this Act, as according to the provisions prescribed in law in relation to any given matter, and within the scope of those provisions.
		(b)	In performing any assignment of the Police Service as prescribed in section 23 of this Act, a police officer may not commit any act, in contravention to any provision prescribed in this Act or any other act, regarding such an act as due police powers and responsibilities. Police officers also shall not contravene any other laws.
Scope of Police Powers And Discretions	26.	(a)	Powers and discretions are available to all police officers, in accordance with the Constitution, the laws pertaining to the role of the police and within the arena of lawful or court orders.
		(b)	Each police officer should utilise the powers and discretions available to him within the ambit of that prescribed in subsection (a) of this section.
		(c)	Each policeman will be held accountable with regard to the utilisation of the powers and discretions available to him and the discharge of his responsibilities.
Rights of the Police	27.	All policemen are afforded the following rights:	
		(a)	Compensation for injury suffered in the course of performance of duty;
		(b)	State sponsored medical treatment for injuries sustained on duty
		(c)	Not to take any disciplinary steps against a policeman without granting him the

			opportunity to exercise the right to be heard and right to respond to complaints lodged against him.
		(d)	where a complaint is lodged against a policeman, the policeman has the right to request that the complainant be barred from being present at the proceedings and that the complainant not be allowed to exercise any undue influence over such proceedings;
		(e)	the penalty will always be commensurate to the offence committed
		(f)	any disciplinary action taken against a policeman will be appealable as according to this Act.
		(g)	no disciplinary action will be taken against a policeman pursuant to any report made by him to the appropriate authorities, in order to prevent acts that contravene the covenant and mandate of the police.
		(h)	no disciplinary action will be taken against a policeman's refusal to act in accordance with an order or a command that is in direct contravention of the covenant and mandate of the police.
		(i)	where a policeman is acquitted from charges made against him, to gain damages for loss suffered.
Social Responsibilities Of The Police	28.	The following are social responsibilities of the police:	
		(a)	show due courtesy and decorum in engagement with individuals of the public.

		(b)	behave with women, children and disabled individuals, with due courtesy, affording them due human dignity;
		(c)	provide required assistance to women, children and disabled individuals, on public places needing such assistance;
		(d)	provide immediate assistance to victims of crime, and in particular ensure that they are given prompt medical aid;
		(e)	ensure that in all situations, especially during conflict between individuals and between communities, the conduct of the police is always governed by the principles of human rights norms and impartiality;
		(f)	prevent harassment and threats to women and children in public places, including stalking, making objectionable remarks or speaking to them in objectionable language;
Police Ethics	29.	(a)	where there is engagement with an individual of the public in the performance of police duty, the engagement shall be conducted calmly with respect and kindness. Individuals shall be addressed in the polite form of the language. No policeman shall address any individual with foul language or engage rudely with anyone.
		(b)	where applying force is necessary in the performance of police duty, such force shall be applied within the ambit of the law and the force should be proportionate to the due situation. No policemen shall threaten anyone with a show of force, save with that prescribed in the law to attain a lawful object of the law.
		(c)	Kindness shall take precedence in dealing with women, children, disabled individuals and

			victims of crime during the course of performing police duty.
		(d)	in engaging with those in police custody, with detainees and with those under investigation, the police shall address them in respectful form of the language, avoiding foul language. Language deemed to hold personal grudges shall not be used.
Code of Conduct	30.	(a)	Given the role of the police is that of a public service, and given also that the service is conducted in engagement with the public; the success of the role of the police is thereby based on public trust vested on the police; to this end, a regulation titled ‘the Code of Conduct of the Police’ including behavioural and ethical standards to be abided by the police in discharging its role, shall be compiled and implemented by the Commissioner pursuant to this Act and with reference to this section.
		(b)	This Act deems that all persons assigning to, and remaining with, the employment of the police, do so, having accepted to undertake their duties in accordance with the Code of Conduct of the Police. This Act also deems that all policemen acknowledge that, where the code is violated, disciplinary action may be taken against the violator in accordance with this Act and the said code; and that among the disciplinary measures so taken, the immediate dismissal of the violator from the employment of the police is also possible.
Police Values	31.	All members of the Police Service shall perform his duties giving precedence to the following:	
		(a)	To hold on to his honour above all things.

		(b)	To uphold the law
		(c)	To safeguard the rights and freedom of each and every individual
		(d)	To improve the quality of living of the community through the Police Service
		(e)	To attain satisfaction for individuals of the public, the community and the police.
		(f)	To utilise available resources to their best capacity
		(g)	To utilise powers vested on the policeman in his capacity as a policeman, responsibly

**Chapter Six:**

**Recourses, Training and Budget**

Providing Recourses	32.	The Minister, in relation to state affordability, shall provide the following, for the due function of police assignments.	
		(a)	To allocate a reasonable number of employment positions in the Police Service; and to arrange remuneration, financial and employment allowances pursuant to the employment.
		(b)	To arrange material and building facilities required for the Police Service
		(c)	To arrange the following facilities required for the performance of police duty
			(1) Basic facilities needed for and in Police Stations
			(2) Facilities to safeguard police information
			(3) Facilities to detain those arrested as crime suspects
			(4) Facilities for official record keeping

			(5) Facilities needed for the safe keeping of police weapons
			(6) Where people are kept in detention, appropriate facilities for those detained
			(7) Police communication facilities
			(8) Transport facilities
			(9) Protective facilities
			(10) Electronic facilities
			(11) Forensic facilities
			(12) Investigatory facilities
Planning	33.	(a)	The police shall work under a ‘Strategic Policing Requirement’ plan drawn up by the Minister and notified to the police accordingly.
		(b)	To attain the aims described in the Strategic Policing Requirement mentioned in subsection (a) of this section, the Commissioner shall prepare a Strategic Action Plan for a four-year period duly identifying the objectives of policing sought to be achieved during the period, and setting out an annual report for their implementation.
		(c)	The annual budget allocated to the police shall be released in relation to the attainment of goals of the Action Plan, for the year in question.
Training Policy for the police	34.	(a)	The Police Service shall have a Training Policy covering the main aims in providing basic training for recruits; and in capacity building and refresher programmes provided to police officers of various wings, branches, units and ranks; to improve their skills.
		(b)	Training priority shall be given according to that described in subsection (b) of this section, for the purpose of improving police related subjects and skills; to improve public engagement norms of the police; to provide



			training in upholding constitutional norms and honour of policemen.
		(c)	For the purpose of providing, coordinating and initiating the training prescribed in this section, the Minister has the power to create a training centre for the police. It is also the responsibility of the Minister to provide necessary facilities to the training centre.
		(d)	In evolving the training policy, advantage shall be taken of the methodologies of distance learning, outsourcing and on-the-job training.
Mandatory Training	35.	(a)	It is mandatory upon all police officers of all ranks to undergo police training, and to sustain refresher and renewal programmes
		(b)	Completion of appropriate training programmes shall be linked to the promotion of police personnel of different ranks, and to their postings to different assignments.
		(c)	An annual refresher training course shall be treated as mandatory to policemen of all ranks.
Police Budget	36.	(a)	The Commissioner shall be responsible for submitting the annual budgetary requirements of the Police Service to the Minister or any other party prescribed by law.
		(b)	The budgetary allocations of the police passed by the state shall be placed at the disposal of the Commissioner, who shall not be obstructed by any party to spend within the ambit of the Public Finance Act and other laws, the amounts so earmarked.
<b>Chapter Seven:</b>			
<b>Employment</b>			
Promotion List	37.	(a)	Promotion shall be granted to police officers below the rank of Chief Superintendent of Police, having compiled a Promotion List and

			to those included in the list.
		(b)	A regulation pursuant to this Act and with reference to this section shall be compiled outlining the provisions by which names entitled for promotion are enlisted in the Promotion List. The Regulation shall be titled as the “Promotion List Regulation”
		(c)	The Promotion List Regulation shall include the following information:
			(1) Method by which a person is enlisted
			(2) Method by which a name enlisted is removed
			(3) Ranks of police officers in the list
			(4) Period up to which a name can be enlisted without action
			(5) Method of skill assessment for inclusion in the list.
Retirement of Executive Officers on medical grounds	38.		Where the commissioner finds that a person holding appointment in the Executive Service or appointment as an Executive Officer, by reason pertaining to the officer’s health, is unfit for the purpose of performing the duties of office; the Commissioner has the power to discharge the officer from his employment with honour, where the officer has no disciplinary grounds brought against him.
Discharge with honour	39.		Save those dismissed from police employment pursuant to section 41 of this Act; and those who resign from the police service, for the purpose of evading possible disciplinary action in relation to an act committed whilst in office; all those who leave the Service on their own accord, free from any impending disciplinary action; shall be deemed to have left the Service with honour.
Granting Special Privileges	40.	(a)	A Person discharged with honour according to sections 38 and 39 of this Act, where he had

			remained in the police service employment for 15 consecutive years, is entitled for employment privileges in accordance with the Retirement Regulation made pursuant to this Act and with reference to this section.
		(b)	Notwithstanding subsection (a), the rights of gaining special privileges shall be exercised on such a person, where he had requested for such privileges and having arranged all matters in accordance with the regulation mentioned in subsection (a) of this section, before his leaving of office.
Dismissal	41.	(a)	The Commissioner shall compile and notify a regulation made pursuant to this Act and with reference to this section, consisting the circumstances and provisions by which policemen, save the Commissioner and the Deputy Commissioner, may be dismissed from office.
		(b)	In prescribing the provisions by which a policeman may be dismissed from office as according to the regulation mentioned in subsection (a) of this section; the principles of dismissal laid down, by which a person holding appointment in the Executive Service or appointment as an Executive Officer is dismissed; shall be distinguished, and shall have additional safeguards, from dismissal principles of other ranks;
		(c)	The dismissal of the Commissioner and the Deputy Commissioner shall be in accordance with section 56 of this Act.
<b>Chapter Eight:</b>			
<b>Death and Injury</b>			
Death in the Performance Of	42.	(a)	Where a policeman dies in the course of performance of his duty, the following persons of the deceased are entitled for special state

Duty			allowances in accordance to the amounts and provisions pursuant to a regulation made under this Act and with reference to this section.
			(1) The spouse of the deceased until the spouse marries someone else.
			(2) Surviving children of the deceased until they attain the age of 18
			(3) Surviving parents of the deceased until the time of their death.
		(b)	The special state allowances mentioned in subsection (a) of this section shall be more than double the amount the deceased policeman received as salary and allowances on the date of his death.
		(c)	Where there are more than one beneficiary entitled for the special state allowances mentioned in subsection (a) of this section; the proportion by which the said allowances are to be divided among the beneficiaries shall be prescribed in the regulation mentioned in subsection (a) of this section.
		(d)	For the purpose of this section, death of a policeman in the course of performance of his duty means, death during official and other hours, in the course of undertaking a given responsibility or function or assignment or task specifically assigned to the said policeman; or death during the course of undertaking what is strictly required in the situation at hand in his capacity as a police officer.
		(e)	In interpreting death as described in subsection (d) of this section, death by the following circumstances are not included:
			(1) Natural death
			(2) Death in a traffic accident in the course of reporting to work

			(3) Death as a consequence of committing an unauthorised act by law for a policemen to commit.
			(4) Death as a consequence of an act contravening a lawful order or outside the scope of such an order.
			(5) Suicide
Injury in the Performance Of Duty	43.	(a)	Where a policeman suffers material or physical injury in the course of the performance of his duty, the state shall arrange expenses incurred for the treatment of the said injury in accordance to the provisions pursuant to a regulation made under this Act and with reference to this section.
		(b)	For the purpose of this section, injury of a policeman in the course of the performance of his duty means, injury during official and other hours, in the course of undertaking a given responsibility or function or assignment or task specifically assigned to the said policeman; or injury during the course of undertaking what is strictly required in the situation at hand in his capacity as a police officer; or injury inflicted by someone on him at a later date or time, in connection with the policeman's undertaking.
Compensation for injury	44.	A policeman has the right to recover the following two types of damages under this Act, in connection with any injury suffered in the course of the performance of his duty, from the perpetrator of the injury; where the injury was caused as a direct result of the perpetrator's action.	
		(a)	Pecuniary damages
		(b)	Non-pecuniary damages
Pecuniary damages	45.	The following pecuniary damages may be awarded as according to 44 (a) of this Act.	
		(a)	Damages of past, present and future medical expenses incurred to police personnel suffering injury in the course of performance of duty,

			that are not covered by the state
		(b)	Damages where the policeman incurs out-of-pocket expenses for treatment of an injury suffered in the course of performance of duty, from the date of the injury up until end of proceedings in court.
Non-pecuniary damages	46.	The following non-pecuniary damages may be awarded as according to 44 (b) of this Act.	
		(a)	For loss of bodily injury, in direct consequence of that suffered to police personnel in the course of performance of duty,
		(b)	For loss of injury, resulting severed organ, in direct consequence of that suffered to police personnel in the course of performance of duty,
		(c)	For loss of injury, resulting dysfunctional organ in direct consequence of that suffered to police personnel in the course of performance of duty;
		(d)	For loss of enjoyment of life resulting severed or dysfunctional organ in direct consequence of that suffered to police personnel in the course of performance of duty,
		(e)	Pain, suffering, and loss of amenity in direct consequence of injury suffered to police personnel in the course of performance of duty,
		(f)	For future loss of earnings in direct consequence of injury suffered to police personnel in the course of performance of duty;
		(h)	Cost of legal representation for the proceedings in question.
Cap on damages	47.	(a)	In recovering damages under this Act; in connection with any injury suffered in the course of the performance of police duty; the rate and nature of damages to be awarded to the policeman shall be decided by the courts, based on circumstances related to the given incident, with reference to this section and

			according to relevant guidelines maintained by the courts.
			To maintain equity and fairness in the proceedings, in recovering compensation from among the heads of damages that may be awarded as specified under this Act, the court may decide as following:
			(1) to award for all heads of damages claimed
			(2) to award for a part of all the heads of damages claimed
			(3) to award claims on <i>stare decisis</i> basis
<b>PART II</b>			
<b>KEY OFFICES</b>			
<b>Chapter Nine:</b>			
<b>The Commissioner</b>			
	48.		The Office of the Commissioner of Police is the highest office in the police. No policeman shall hold office above the office of the Commissioner. No office of the police shall be created above the Office of the Commissioner.
General Responsibilities of the Commissioner	49.	(a)	Pursuant to this Act, the Commissioner shall operate, maintain and control the Police Service; instruct, order and give necessary commands to policemen; and shall be accountable for the operation of the police service.
		(b)	The responsibilities of the Commissioner include: optimum utilisation of available resources in police operations and assignments; to endeavour to undertake police duties in the most efficient manner.
		(c)	The Commissioner enjoys the power to determine the appropriate responsibilities vested on various posts of the police and on individual policemen;

		(d)	In discharging the responsibility of the police service, the commissioner enjoys the power to provide, modify, or stop the implementations of, commands to members of the police service, general or particular.
		(e)	Where it is required to sign an agreement with any party to provide the necessary supplies and service to the police service; and for necessary undertakings, the Commissioner may sign, or sign by delegation, such agreements for and on behalf of the Police Service
		(f)	Any command of the Commissioner, pursuant to this sections shall have effect to the extent that is consistent with other provisions of this Act, regulations made pursuant to this Act and other laws and regulations.
Procedure to appoint Commissioner	50.	(a)	The Commissioner shall be appointed by the President, on the recommendation of the Minister
		(b)	The person appointed as Commissioner must be a serving officer from above the rank of Chief Superintendent of Police.
	51.	(a)	Save in situations prescribed in section 52 of this Act, whenever the need to appoint the Commissioner arises, the Minister shall announce the vacancy to members of the Executive Services of the Police giving them the opportunity to apply for the post of Commissioner.
		(b)	Upon receiving the opportunity described in subsection (a) of this section, persons in the service may individually submit own nomination to the Minister, or where, in the opinion of a service member, a certain person in the service is suitable for the post, every member of the service has the right to nominate his name to the Minister.
		(c)	Upon the Minister receiving nominations according to subsection (b) of this section, he



			shall request the Police Integrity Commission and the Professional Standards Command for the presentation of a report on the nominations that includes the following:
			(1) whether the nominee meets the required prerequisites
			(2) the proportion to which the nominee maintains his honour
			(3) Where there is a cause not to appoint the nominee to the office of the Commissioner, its reasons
		(d)	Where there is need to present a report by the Police Integrity Commission or the Professional Standards Command regarding a nominee for the Office of the Commissioner, they shall submit their opinion on the issue in the report presented to the Minister
		(e)	Where the Minister finds, in view of the Police Integrity Commission and the Professional Standards Command reports, that the nominee for the Office of the Commissioner to be recommended to the President, is suitable for the post, he shall propose the name for an opinion by secret ballot among members of the Executive Service of the Police.
		(f)	The Minister shall recommend to the President the nominee to be appointed as Commissioner, where there is majority support of more than half of the total membership of the Executive Service of the Police, to the nominee.
		(g)	Where the Minister finds it appropriate to reappoint a person concluding his term of office as Office of the Commissioner, for an additional term, the procedure for opening up for new nominations, as according to subsection (a) of this section, shall not be exercised.
The First Commissioner of	52.	Notwithstanding section 51 of this Act, in appointing the first Commissioner of Police according to this Act, wherever the	

Police		role of the members of the Executive Service is prescribed in section 52 of this Act in connection with the appointment of the Commissioner, such reference shall mean the total membership of executive officers; and in the appointment of the Commissioner, the reference to the Executive Service mentioned in section 51 of this Act shall apply from the second Commissioner appointed under this Act.
Qualifications of the Commissioner	53.	The Commissioner to be appointed shall fulfill the following qualifications:
		(a) Must not be convicted of an offence punishable by a <i>Hadd</i> , as per Shari'ah.
		(b) Must have served in the Police Service for more than 10 years
		(c) Where the appointment of the Commissioner is undertaken after the first 5 years since the enactment of this Act, must have served in the as an executive officer for 5 years
		Must enjoy physical health required to undertake the office of the Commissioner
		Must have shown sound performance in his period of employment in the police service
		Must have due experience to operate the Police Service
		Must have participated in police training programmes
		Must not be convicted of a criminal offence
		Must not have been identified by any state office in association with an act of corruption or any act of disrepute

			Must have a badge or honorary decoration or award or certificate in recognition for his bravery, or efficiency or exceptional service
Term of office	54.		The term of office of the Commissioner who is appointed shall be a term of 4 years. The appointment can be renewed for an additional term of 4 years.
Resignation	55.	(a)	If the Commissioner wishes to resign from office, he may do so by writing, addressed to the President.
		(b)	Upon the President receiving the resignation letter as prescribed in subsection (a) of this section, the Commissioner is duly dismissed from office.
Dismissal from office	56.	(a)	The Commissioner may be dismissed from office by the President on a submission based on the Minister's recommendation.
		(b)	The Minister may only propose to the President for the dismissal of the Commissioner under the following circumstances:
			(1) He is convicted of a criminal offence
			(2) He is prosecuted for a corruption charge
			(3) He is suspended from service pursuant to this Act and regulations pursuant to this Act
			(4) He is unable to discharge his office due to physical and mental incapacity
			(5) He is transferred or appointed to another position of the state with his consent
			(6) He is convicted of a disciplinary action
			(7) Where it is decided by three quarters majority of the total membership of the

			Executive Service by secret ballot, that he is incompetent to perform the responsibilities of the post, or that he carried out an act unsuitable to the position of Commissioner, and duly notified to the Minister
Vacancy of the Post of the Commissioner	57.		Under the following circumstances the post of the Commissioner shall become vacant:
		(a)	Death
		(b)	Where there is no renewal of appointment, on completion of the term of office.
		(c)	Dismissal from Office
		(d)	Attaining 60 years in age
		(e)	Resignation
<b>Chapter Ten:</b>			
<b>Deputy Commissioner</b>			
The Deputy Commissioner	58.	(a)	The second highest position in the police is the Office of the Deputy Commissioner of Police.
		(b)	The general responsibility of the Deputy Commissioner is to plan all police assignments; and to operate and manage the daily undertakings of the police in the discharge of the role of the police.
		(c)	In the discharge of the responsibilities assigned to the Deputy Commissioner, the Commissioner may delegate some of his powers and discretion vested in him under this Act and regulations pursuant to this Act.
The Appointment and Dismissal of the Deputy Commissioner	59.	(a)	The appointment, dismissal, term of office, resignation, dismissal shall be undertaken according to same procedure exercised on the Commissioner under this Act.
		(b)	In the appointment of the first Deputy Commissioner under this Act, wherever the

			members of the Executive Service is mentioned, such reference shall include the executive officers; and in the appointment of the Deputy Commissioner, the reference to the Executive Service shall only apply from the second Commissioner appointed under this Act.
The Acting Commissioner	60.	(a)	During a vacancy in the Office of the Commissioner, or during his suspension, or when he is on a long vacation, or during the lapse in the appointment of a commissioner, the Minister in writing shall appoint the Deputy Commissioner to the post of Acting Commissioner.
		(b)	Pursuant to subsection (a) of this section, a person in the position of the Acting Commissioner shall remain in office, up until the date of his term of office as prescribed in the letter of appointment. The letter of appointment of the Acting Commissioner may be annulled by the Minister whenever he sees fit.
		(c)	The Acting Commissioner shall have the authority to exercise all the powers and discretions vested on the Commissioner under this Act and regulations pursuant to this Act.
<b>Chapter Eleven:</b>			
<b>The Executive Service</b>			
The Offices of the Executive Service	61.	(a)	The positions in the Police Executive Service shall be permanent offices publicly announced and notified in good time as such by the Minister, on recommendations of the Commissioner. The number of positions in the Executive Service shall not be more than 13.
		(b)	The positions mentioned in subsection (a) of this section shall consist of heads of Directorates and Commands.
		(c)	Only serving executive officers shall be

			appointed to a position in the Executive Service.
		(d)	Executive Officers are those from above the rank of Superintendents.
		(e)	The office of the Commissioner is not a post in the Executive Service. Nonetheless, the Commissioner is the chairman of the Executive service owing to his office.
		(f)	Save the Office of the Deputy Commissioner, the positions in the Executive Service, as prescribed in subsection (a) of this section, are permanent offices decided in good time and publicly announced as such, by the Minister, on recommendations of the Commissioner.
Appointment to Executive Service	62.	(a)	Save the office of the Deputy Commissioner, the Minister, on recommendations of the Commissioner shall appoint persons to the positions in the Executive Service.
		(b)	The Deputy Commissioner is included automatically in the Executive Service owing to his office.
		(c)	Whenever there is a vacancy among the positions in the Executive Service; and in the event of new appointments, having notified all members of the Police Service regarding the vacancy, due opportunity must be provided for those wishing to apply, to submit application to the Commissioner.
		(d)	A decision to appoint a person from among the applicants shall be undertaken as follows:
			(1) Not to appoint save those who applied
			(2) For the Commissioner to appoint, on the basis of the merit of the applicants
		(e)	Prior to appointment of a person to the Executive Service, the Commissioner shall

			ensure whether the Police Integrity Commission and the Professional Standards Command, found reason to believe that the applicant should not be appointed to the office. The Commissioner must also give attention to other relevant information before coming to a decision.
		(f)	The appointment of a person to the Executive Service shall be governed by a contract of employment
		(g)	The term of employment of the executive officer so appointed shall be 5 years. The Commissioner has the discretion to renew the term of office for an additional term.
		(h)	The responsibilities of employment of Executive Service positions is based on a contract of employment. The contract shall be taken to be made by a signed instrument between the Commissioner and the appointee;
		(i)	None shall be appointed to a position in the Executive Service without a contract of employment;
		(j)	In the contract so signed between the Commissioner and the appointee, the following information shall be included.
			(1) The duties and responsibilities of the post
			(2) Details of how the post is to be undertaken
			(3) Remuneration
			(4) Allowances
			(5) Process by which the post can be relieved
			(6) Dismissal procedure

			(7) Transfer procedure
			(8) Retirement procedure
			(9) Termination procedure
			(10) Procedure by which disciplinary action may be taken while serving the post
		(k)	A post in the Executive Service may not be annulled while there is a serving officer in the post. The Minister may annul a post in the executive service on occasion the post is vacant and pursuant to the provision describing its creation.
		(l)	Notwithstanding subsection (k) of this section, the Commissioner has the power to transfer an officer serving in the Executive Service to another post within or without the Executive Service, on a basis prescribed by his contract of employment.
<b>Chapter Twelve:</b>			
<b>Other Positions</b>			
The posts of Executive Officers	63.		The posts of Executive Officers consist of those posts, save those in the Executive Service, starting from policemen above the rank of Superintendent of Police among the commissioned officers of the police.
Appointing Executive Officers	64.	(a)	The Commissioner may appoint or promote or transfer police officers to the post of executive officers
		(b)	Having appointed a person to the post of an executive officer, the Commissioner shall inform the assignment to the Police Integrity Commission as soon as possible;
		(c)	A person shall be appointed as an executive officer after giving due regard to his potential



		(d)	Where appointment to a position as executive officer is granted by way of promotion, appointment shall be granted to the higher ranked or graded officer immediately below the position.
		(e)	Where certain positions require specific skills or academic capability, appointment to such a position, shall be made to those fulfilling the requirements.
		(f)	Appointment to a position as executive officer by way of promotion, shall be undertaken where the appointee is included as a nominee in the Promotion List.
		(g)	Prior to appointment of a person as an Executive Officer, the Commissioner shall ensure whether the Professional Standards Command finds reason to believe that the applicant should not be appointed to the position.
The 4 Advisors to the Commissioner	65.	(a)	To consult and advise the Commissioner in the discharge of his responsibilities, the Commissioner shall appoint the following 4 positions; having created them and having determined them as permanent posts in the Police Service and having arranged that the 4 positions are to be employed by police staff.
			(1) Legal Consul
			(2) Financial Advisor
			(3) Technical Advisor
			(4) Criminal Liaison Officer
		(b)	The Office of the Legal Counsel is assigned the responsibility to provide consultation and advice to the Commissioner to ensure the operation and mandate of the police service is conducted within the ambit of the Constitution and law. Where the police service requires

			legal representation, this Act grants the Legal Consul the authority to represent the Police Service in any such legal dealings, unless stated otherwise in the Constitution.
		(c)	The Office of the Financial Advisor is assigned the responsibility to provide consultation and advice to the Commissioner in connection with the operation and management of matters of finance in the Police Service; and to ensure its financial operation and mandate is conducted within the ambit of the Constitution and law; and is conducted according to the Public Finance Act and other relevant laws. Where the police service requires fiscal representation, this Act grants the Legal Consul the authority to represent the Police Service in any such fiscal dealings, unless stated otherwise in this Act or any other law.
		(d)	The Office of the Technical Advisor is assigned the responsibility to provide consultation and advice to the Commissioner to conduct the operation and mandate of the police service within the ambit of the Constitution and law; and to provide consultation and advice on how a police service is organised and ordered in an open democratic society, in providing its service by engaging with the public, and gaining trust from them; to give consul in what among the modern facilities, developments, skills, tactics and principles used by the police, shall gain advantage to the Police Service; and to provide consultation and advice in connection with reform to be brought to the Police Service by utilising those faculties.
		(e)	The Office of the Criminal Liaison Officer is assigned the responsibility to provide advice to

			the Commissioner; in connection with police investigations and the principles and actions exercised by the police to prevent crime; and to create, coordinate and maintain liaison among the Police Service and the Prosecutor General's Office, the Maldives Customs Service, Maldives National Defence Force, the courts and other state offices and institutions; and to make representations on behalf of the police regarding the aforementioned
		(f)	For the position of the Technical Advisor mentioned in subsections (a) and (d) of this section, a long-time expert police officer or advisor from the police service of a country enjoying relations with the Maldives Police Service, may be appointed.
Other appointments	66.		The Commissioner may appoint, with the Minister's consent, such number of persons to be commissioned officers, noncommissioned officers, constables or police recruits as is necessary for the effectual administration of this Act and the efficient and proper discharge of the prescribed responsibility.
Appointment of Temporary Staff	67.	(a)	In addition to permanent positions required for the functioning of the Police Service, where the Commissioner finds the need for temporary employees to be employed as police staff, he may appoint such staff with the consent of the Minister
		(b)	Temporary employees shall be employed under the following circumstances after having created temporary posts:
			(1) For a specified term to undertake a specified assignment on a specified project
			(2) For a specified term to undertake a specified service on a specified field

		(c)	A temporary employee may not be appointed for more than two years. Where he is to be assigned a position after the completion of the two years, it shall be assigned under a contract of employment.
		(d)	In appointing temporary employees due regard must be given to their employable potential as according to provisions prescribed in this Act.
		(e)	No temporary post shall become a permanent post of the Police Service
<b>Chapter Thirteen:</b>			
<b>The Role of the Minister</b>			
The Minister's Accountability	68.	(a)	It shall be the responsibility of the Government to set up an efficient, effective, responsive and accountable Police Service for the entire country. On behalf of the Government the Minister shall be accountable for this responsibility.
		(b)	For the purpose of subsection (a) of this section, the Minister shall exercise his responsibility, in accordance with Strategic Policing Requirements, general policies, guidelines, standards and values prescribed in this Act. This shall be achieved through the Minister laying down policies and guidelines, setting standards for quality policing, facilitating their implementation and ensuring that the police perform their task in a professional manner.
Free from Influence	69.		Notwithstanding subsections (a) and (b) of section 68 of this Act, the police, in undertaking the mandate of the Police Service prescribed in section 23 of the Act, the Minister shall not interfere in the decisions of the police taken in their capacity as policemen. The police are also free from all

		extraneous influences in undertaking their assignments as prescribed mandate of the police in this Act, or in exercising their power.	
Responsibilities of the Minister	70.	In order to maintain the concept specified in Article 242 of the Constitution, what follows is how the Police Service shall be operated under the watch of the Minister and how he is answerable for it.	
		(a)	To prepare and notify the police on the Strategic Policing Requirement
		(b)	To determine the general norms, principles, policies and standards required in order to set up an efficient, effective, responsive and accountable Police Service.
		(c)	To undertake the role required on the Minister in appointments and in recommending appointments.
		(d)	To decide and notify the police the general standards to be maintained in crime reduction and in community policing.
		(e)	To supervise policing methods from time to time, in accordance to the principles laid down by the Minister.
		(f)	To place before the President and the People's Majlis, before the commencement of the first sitting of the first term of the Majlis of each year, a report on the operations of the Police Service.
		(g)	To identify the standards and indicators for the evaluation of the following:
			(1) Operational efficiency
			(2) Public satisfaction
			(3) Victim gratification for the police
			(4) Evaluation of police investigation methods, their speed and effectiveness

			(5) Evaluation of police accountability
			(6) Evaluation of optimum utilisation of resources
			(7) Evaluation of police human rights record;
		(h)	To determine the standards to be maintained on the following, in order to assess the entire policing service
			(1) To evaluate the progress of achieving the objectives of policing sought during the current year
			(2) To evaluate the challenges faced in the performance of police duty
			(3) To evaluate the obstacles to material resources facing the police.
		(i)	Where additional expenditure is required from the State Budget for responsibilities vested on the Minister in connection with police operations, to get authorisation from the Finance Minister before implementing such an operation
		(j)	In discharging the responsibilities vested on the Minister in connection with policing, where there is need for joint action or cooperation with other state institutions, to proceed as such.
Minister not to issue individual commands	71.	(a)	In exercising any powers vested on the Minister pursuant to section 70 of this Act, the Minister may not command the police to conduct a specific case under police scrutiny in a specific manner.
		(b)	The Minister may not issue individual commands to specific members, policemen or recruits of the Police Service.
		(c)	The Minister shall issue required notifications to the police as general notifications, principally outlining the main policy on how to

			proceed with a certain number of assignments, or assignments falling on certain number of police fields. The Minister does not enjoy the power under this Act to question individual policemen in connection with developments on certain cases or cases relating to certain people.
<b>Chapter Fourteen:</b>			
<b>The Role of the Prosecutor General</b>			
The Prosecutor General's power to issue orders to the police.	72.	(a)	Under the general power vested on the Prosecutor General in Article 223 of the Constitution to oversee the legality of various police investigations, the Prosecutor General enjoys the power to issue the following orders to the police:
			(1) To specify to the Prosecutor General how a certain act or acts were conducted in undertaking a given investigation
			(2) To carry out certain investigations conducted by the police publicly, under prescribed legal standards.
			(3) To abide with a given legal principle in conducting a given investigation in a given circumstance
			(4) In connection with a police investigation, having evaluated under prescribed legal standards a given investigatory measure committed by the police; where the Prosecutor General does not believe the measure was taken within the law, to annul the said measure or the part of the investigation to which the measure was implemented.
			(5) To review and revise the circumstances and conditions under which any person is arrested or detained by the police, and where there is a

			need to amend any of the procedure, to order for its amendment and monitor its implementation
			(6) Where the Prosecutor General is aware of criminal activity, under the general authority vested on him on Article 223 (f) of the Constitution; to order an investigation into the alleged criminal activity and to order to report to him what was identified in the said investigation.
			(7) In a given investigation conducted by the police, where it is deemed a given freedom or right of the arrestee or the detainee or the one investigated, enshrined in the Constitution, has been deprived; to order the police to rectify and give recourse to the said depravity; or
			(8) To order the police to discontinue, rectify, alter or proceed only on a prescribed course, regarding any police investigation or operation in suspicion of a crime conducted on the own-initiative of the police;
		(b)	Where the Prosecutor General issues an order in connection with any of the that cited in paragraphs of subsection (a) of this section, the enforcement of the order is obligatory on the police.
		(c)	Notwithstanding subsection (b) of this section, where a court issues a ruling or an order that alters or quashes an order issued by the Prosecutor General under any paragraphs of subsection (a) of this section, the police shall thereby abide with the ruling or order of the court.
Seeking Prosecutor General's Instruction	73.	(a)	In circumstances where a certain police investigation is carried out; the Police have the discretion to seek instructions from the



			Prosecutor General, for the purpose of ensuring the legality of a given operation required for a given police investigation;
		(b)	Pursuant to subsection (a) of this section, the Police shall seek instructions from the Prosecutor General in writing. The Prosecutor General shall likewise respond in writing.
		(c)	Where the Prosecutor General gives a certain instruction for a given circumstance according to a certain prescription, henceforth the said instruction shall enjoy legal precedence.
		(d)	All the instructions conveyed by the Prosecutor General under this section shall be recorded and managed by the Police as the Instructions from the Prosecutor General.

**Chapter Fifteen:**

**The Role of the 241 Committee**

The responsibility of Multiparty (241) committee of the People's Majlis	74.	Whereas given that Article 241 of the Constitution prescribes that a committee of the People's Majlis shall be established to exercise continuing oversight of the operations of the security services; and given Article 239 (b) of the Constitution cites that the security services shall be subject to the authority of the People's Majlis; given also that Article 242 of the Constitution states that each security service shall be under the responsibility of a Minister, who shall be answerable for its operations to the People's Majlis. And whereas it is stated by Article 236 of the Constitution that the Maldivian security services, consisting of the Military Service and the Police Service, is established to enable all persons in the Maldives to live in peace, security and freedom; and given the security services mentioned in the said article includes the Police Service and given also that Article 244 describes the primary objects of the Police Service; And therefore in order to supervise the Police Service created and operated pursuant to the aforementioned articles, this Act hereby assigns the following responsibilities to the 241 Committee.
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		(a)	To identify the main policies in force to maintain public order and safety, and where the Committee finds that amendments are required for any of the said policies, to inform the Minister and the Police accordingly;
		(b)	To identify the main policies in force in order to protect and secure all people in the Maldives and their property; and where the Committee finds that amendments are required for any of the said policies, to inform the Minister and the Police accordingly;
		(c)	To identify the general policies in force to investigate crime, conservation of evidence and prepare cases for disposition by the courts; and where the Committee finds that amendments are required for any of the said policies, to inform the Minister and the Police accordingly;
		(d)	To identify the general policies in force to uphold the law; and where the Committee finds that amendments are required for any of the said policies, to inform the Minister and the Police accordingly;
		(e)	Where warranted, to clarify information connected with various past, present and future police operations and activities
		(f)	To evaluate the organisation of the police and its effectiveness, and where the Committee finds that changes are required, to inform the Minister and the Police accordingly;
		(g)	To clarify information regarding allowances, benefits, remuneration and other facilities provided to the Police; and where the Committee finds that changes are required for these, to inform the Minister and the Police accordingly;
		(h)	To identify the procedure enforced for those detained for investigation; and where the Committee finds that changes are required for these, to inform the Minister and the Police accordingly;

		(i)	To identify measures warranted to foster public trust in the Police and thereby conducting policing with integrity; and to inform the Minister and the Police accordingly;
		(j)	To examine major grievances filed against police administration or against the Police; and where the Committee finds the grievances so identified to be reasonable, to define measures to be taken to avoid recurrence of the complaints; and to inform the Minister and the Police accordingly;
		(k)	To have a say in allocating the police budget and to oversee whether police expenditure meets budget allocations; and where budget modifications are required for a warranted special expenditure, to implement the budget modification through the Committee.
		(l)	To oversee whether the service of the police is rendered according to the intention of the provisions pursuant to the statutes governing the police service; and where the Committee finds amendments are necessary; to inform the Minister and the Police accordingly;
		(m)	To study promotion procedure of the Police; and where amendment is warranted on any of the procedures, to identify the amendment and inform the Minister and the Police accordingly;
		(n)	To inform the Minister and the Police regarding issues the Committee has in connections with posts established in the police structure.
		(o)	To gain information regarding equipment, resources and weapons used in various police operations; and having studied the operational guidelines of these; where any issues are identified in the guidelines, to inform the Minister and the Police accordingly;
		(p)	To study and assess the effectiveness of crime reduction programmes and where the Committee identifies that amendments are required for any of the said policies, to

			inform the Minister and the Police accordingly;
		(q)	To study ongoing service oriented training and the nature of their main components; and where the Committee identifies that amendments are required for any of the said training programmes, to inform the Minister and the Police accordingly;
		(r)	Having evaluated the proportion to which the Minister fulfills his responsibilities pursuant to section 70 of this Act, to make the Minister answerable to them. And where failures are identified, to determine the period for rectification and inform the Minister accordingly.
		(s)	Having evaluated the proportion to which the Commissioner fulfills his responsibilities; to make him answerable to them. And where failures are identified, to give the Commissioner the opportunity to rectify them in a prescribed time limit.
		(t)	To inform the Minister and the police on warranted measures that the Committee finds, to be taken in order to attain the strengthening of modern democratic attributes and human rights principles in policing. And where the Committee finds that certain statutes need amendment for this attainment; to undertake the required steps on the Committee's own initiative or by referring to other People's Majlis committees.
	75.	(a)	This Act hereby determines that the provision enshrined in Article 239 (b) of the Constitution shall be actively enforced pursuant to the scope of responsibilities assigned to the 241 Committee under section 74 of this Act; after the Committee having voted on any proposal by a majority of the total membership of the Committee, notifies the decision in written form.
		(b)	In order to protect and maintain the provision mentioned in subsection (a) of this section; and for the purpose of actively enforcing the principle that security services shall be subject to the authority of the People's Majlis, as enshrined in Article 239 (b) of the Constitution; pursuant

			to the scope of responsibilities assigned to the 241 Committee under section 74 of this Act; after the Committee having voted on any proposal by a majority of the total membership of the Committee and notified in written form; this Act obliges whoever is charged to undertake such order to comply with it.
<b>PART III</b>			
<b>THE POWERS AND RESPONSIBILITIES OF THE POLICE</b>			
<b>Chapter Sixteen:</b>			
<b>The Powers and Responsibilities of the Police</b>			
Prevalence of this Act over police powers	76.	(a)	Where there is any inconsistency between another statute and this Act, about a provision that confers a power or imposes a responsibility on the police, this Act shall prevail over the provision, whether the said statute was enacted before or after this Act.
		(b)	Notwithstanding subsection (a) of this section, this Act does not affect additional powers or responsibilities the police may have under another statute.
		(c)	The police shall not enjoy any additional powers created from a regulation made pursuant to this Act or regulation pursuant to another statute passed by the People's Majlis.
Requesting assistance and using property	77.	(a)	The police have the right when necessary, in order to carry out the role and functions of the police pursuant to this Act, to request the assistance of the general public and to make use of the property, vehicle or other items belonging to the general public.
		(b)	Compensation must be provided by the state, for any injury caused to the person assisting or any damage caused to the property used, pursuant to subsection (a) of this section.
Entering a public	78.		This section herein confers the police the power to enter a public place

place		in the course of exercising the powers mentioned in this Act, without a search warrant, where necessary.	
Entering a private place	79.	(a)	Where it is necessary for the police to enter a private place, without the permission of its owner, in the course of exercising the powers mentioned in this Act, save that prescribed in subsection (b) of this section, the police may do so only under a court order.
		(b)	This section herein empowers the police to enter a private place and stay for a reasonable time on the place to inquire into or investigate a matter, without a court order, under the following circumstances:
			(1) to serve or restore a document or order according to law.
			(2) to arrest a person having the prescribed circumstances for arresting persons without court order;
			(3) to arrest a person named in a court order;
		(c)	In circumstances stated in 2(b) of this section, the police may only enter a private place, where there is reason to believe a person having the prescribed circumstances for arresting persons without a court order, is in the place; and upon authorisation from a police officer above the rank of Chief Inspector based on the indicia.
		(d)	In a dispute created due to the police entering a private place, the onus is on the police to prove the reasonable grounds by which they entered the place
		(e)	Notwithstanding entry to private places without court order, searching the premises shall only be undertaken pursuant to section 81 of this Act.
Searching public places	80.	(a)	This section herein confers the police the power to search public places without a search warrant.
		(b)	This section herein confers the police the power to undertake the following pursuant to powers conferred to them under subsection (a) of this section:

			(1) power to enter the public place and to stay on it for the time reasonably necessary for the purpose of searching the place.
			(2) power to search the public place for anything that may be evidence of the commission of an offence;
			(3) power to bring under police custody a thing found at the public place, that may be deemed as evidence of the commission of an offence
			(4) Where the police believe a person in a public place has in his possession an item that may be evidence of the commission of an offence; to seize the item from him and bring it under police custody.
			(5) power to photograph the public place
			(6) power to dig up land;
			(7) To search a building located in the public place
			(8) Open and search anything in the place that is covered;
			(9) to search inside anything that is locked, having opened it forcefully or otherwise.
Searching private places	81.	(a)	Where an item that may be evidence of the commission of an offence, is deemed to be in a private place and the said item may be useful as evidence to be produced in court, entry by the police into the place without the permission of the owner shall be conducted under a court order.
		(b)	The section herein confers the police the following powers, pursuant to subsection (a) of this section, in searching a private place under a court order
			(1) power to enter the place stated in the court order and to stay on it for the time reasonably necessary
			(2) power to pass over, through, along or under another place to enter the relevant place;

			(3) power to search the relevant place for the item sought under the court order by searching inside anything that is locked, having opened it forcefully or otherwise or digging up land;
			(4) Where there is an item that may be evidence of the commission of an offence; to bring it under police custody.
			(5) power to photograph any item in the private place
			(6) Where it is necessary to search any person in the place, to do so
			(7) Where it is necessary to search any vehicle in the place, to do so
Roadblocks	82.	(a)	This section herein confers the police the power to establish a roadblock, stop people and vehicles entering or using a public place, put around a place barricades or tapes indicating the place is barricaded or taped by police, allow a policeman to stand or establish a police fall-in in the place, in the following circumstances:
			(1) to arrest a person
			(2) To search for a crime suspect
			(3) To search for an escapee from a crime scene
			(4) to search for a person named in a court order;
			(5) to search a person who has escaped from detention
			(6) To search for a person who had fled from a place having endangered the life or property of someone else.
			(7) To establish public order in that premises
			(8) To prevent an illegal act in that premises
			(9) To uphold the public interest in that premises
		(b)	Any measure taken by police according to subsection (a) of this section can only be continued for a maximum of twenty



			four hours;
Searching someone without a court order	83.	(a)	Save for any of the circumstances for searching a person without a court order prescribed in subsection (b) of this section, searching any person without his consent shall be conducted with a court order
		(b)	The circumstances for stopping and searching a person without a court order stated in subsection (a) of this section are for those persons among those encountered from the crime scene, or those encountered after having left the precincts of the crime scene soon after committing the crime, who are under reasonable suspicion of having committed a crime based on indication found under the following circumstances:
			(1) On suspicion that a person has in his possession a knife or dagger or sharp instrument or any other thing that may be considered as a weapon or a thing that may be used to commit a wrongdoing
			(2) On suspicion that a person has in his possession narcotics
			(3) On suspicion that a person has in his possession stolen property;
			(4) On suspicion that a person has in his possession unlawfully obtained property
			(5) On suspicion that a person has in his possession tainted property
			(6) On suspicion that a person has in his possession evidence of the commission of a seven year imprisonment offence
		(c)	This section herein confers the police the powers, pursuant to subsection (b) of this section, in stopping a person without a court order and to conduct any of the following:
			(1) To bring him under police custody without arresting

			him.
			(2) Save for touching his sexual organs, to search him by touching his outer garments using hands or detecting device.
			(3) To search a thing in his person or thing he is holding
			(4) To search the pockets or any other orifice that could store objects in the garment he is wearing.
			(5) Where he has covered his face, to uncover his face covering
		(d)	The section herein confers the police the following powers, pursuant to the powers of search prescribed in subsection (b) of this section.
			(1) power to bring under police custody a thing found in his person, that may be deemed as evidence of the commission of an offence
			(2) Where there is in his possession a thing used for the purpose of harming another person, to bring the thing under temporary police custody
		(e)	Where a court order issued to search a person does not prescribe any particular methods of searching, this section herein confers the police to use the powers, pursuant to that prescribed in subsections (c) and (d) of this section, during the search.
Searching vehicles	84.	(a)	Save for any of the circumstances for searching a vehicle without a court order prescribed in subsection (b) of this section, searching vehicles shall be conducted with a court order.
		(b)	Where the police reasonably suspects any of the prescribed circumstances for searching a vehicle without a court order exists; they may, without court order, search the vehicle in the following circumstances:

			(1) The vehicle having a sharp object a person may not lawfully possess,
			(2) The vehicle having narcotics a person may not lawfully possess,
			(3) The vehicle having what may be stolen property
			(4) The vehicle having what may be unlawfully obtained property
			(5) The vehicle having what may be a thing, using which, a commission of an offence was conducted
			(6) The vehicle is being used unlawfully
			(7) The police to have reasonable suspicion of a commission of an offence being carried out or about to be commissioned, or have commissioned recently in the vehicle.
		(c)	This section herein confers the police, without court order, to bring under police custody a vehicle and search the vehicle and those in the vehicle where the police reasonably suspect there exists a circumstance prescribed in subsection (b) of this section.
		(d)	This section herein confers the police the power to search a vehicle, where a person in the vehicle is arrested for an offence, for the purpose of finding out if any evidence connected to the commission of the offence is in the vehicle.
		(e)	Where it is impracticable to search a vehicle at the place where the vehicle is stopped, this section herein confers the police the power to take the vehicle to a place with appropriate facilities for searching the vehicle and search the vehicle at that place.
		(f)	Where a thing that may be used as evidence of a commission of an offence or a thing used to commit an offence is found whilst searching a vehicle, this section

			herein confers the police the power to take the thing under police custody.
		(g)	Where a court order issued to search a vehicle does not prescribe any particular methods of searching, this section herein confers the police using the powers, pursuant to that prescribed in subsections (d), (e) and (f) of this section, during the search.
Requiring to state name and age	85.		This section herein confers the police the power to require a person to state his name, age and address in any of the following circumstances:
		(a)	where the police find the person committing an offence;
		(b)	Where the police reasonably suspect the person has committed an offence
		(c)	Where the police find a person in a searchable circumstance
		(d)	A person subject to an order commissioning an act or omission
		(e)	A person subject to the implementation of a court order
		(f)	A person subject to a lawful order
		(g)	A person whom the police reasonably suspect may be able to help in an ongoing police investigation
		(h)	A person to whom the police require to provide certain instructions for the purpose of enforcing the law.
Power to question regarding age	86.		Where the police have reason to believe that an underage person is engaged in an activity and the age of the person is relevant to the person's entitlement to engage in the activity; a person is at a place and the age of the person is relevant to the person's entitlement to be at the place; or a person is in a given place at a given time and his age is relevant; or buying an item and his age is relevant to the transaction; under the aforesaid circumstances, this section herein confers the police the power to require the person to state his date of birth and to present evidence of the correctness of the stated date of birth to the police.

Power to give direction to move away from a place	87.	(a)	Where, in a public place, or in a place under police regulation, or in a place required to be regulated by police by law, or whilst a certain event is occurring in a certain way; the police suspect a person's behavior is causing anxiety to people entering or leaving the place; or interfering with trade or business at the place by unnecessarily obstructing someone entering or leaving the place; or causing an act contrary to general social norms; this section herein confers the power for the police to give the person a direction to move away from the place.
		(b)	The provision prescribed in subsection (a) of this section shall not be exercised on an assembly held pursuant to a freedom of assembly statute
Powers in dealing with breach of the peace	88.	(a)	This section herein confers the police the power to take the steps the police consider reasonably necessary, that are not expressly forbidden by law, to prevent the breach of the peace happening or continuing, or again happening.
		(b)	This section herein confers the police the power to take the steps the police consider reasonably necessary, that are not expressly forbidden by law, to prevent the commission of an offence happening or continuing, or again happening.
Dealing with Alcohol	89.	(a)	This section herein confers the police the power to enter a place or vehicle without a court order; where the police reasonably suspect there exist circumstances to believe that alcohol is kept in the place or in the vehicle under the custody of a person or that alcohol is being consumed by a person. The police also have the power to search the place or the vehicle for alcohol and to bring under police custody, any alcohol being consumed or unconsumed.
		(b)	In a dispute created due to the police entering the place mentioned in subsection (a) of this section without a court order, the onus is on the police to prove the reasonable grounds by which they entered the place.
Power of ordering the production of	90.		This section herein confers the police the power to require the following persons to produce their driver's licence in

driver's licence			the following circumstances:
		(a)	A person reasonably suspected of being present in a place where an offence against the Land Transport Act was committed
		(b)	A person reasonably suspected of being present at a place where an unlawful act was committed using a land vehicle
		(c)	A person reasonably suspected of being present at the scene of an accident
		(d)	A person to whom the police need to provide a directive, considered necessary for enforcing the Land Transport Act
Power for regulating vehicular and pedestrian traffic	91.		This section herein confers the police the power to give to the following persons, any direction the police reasonably consider necessary for enforcing the Land Transport Act and for the establishment of a safe environment for pedestrians and vehicles.
		(a)	For a vehicle about to enter a road or remaining on a road or travelling on a road, to travel towards a certain direction or turn a certain side or to travel in a certain speed.
		(b)	For a pedestrian about to enter a road or remaining on a road or walking on a road, to walk towards a certain direction or turn a certain side.
Power to regulate maritime traffic	92.		This section herein confers the police the power to give directions to a vessel setting out to sail or remaining seaborne or sailing by, to travel towards a certain direction or turn a certain side or to travel in a certain speed for enforcing the Sea Transport Act and for the establishment of a safe environment for seaborne vessels.
Stopping vehicles for prescribed purposes	93.	(a)	This section herein confers the police power to stop a vehicle on the road or a vehicle travelling on the road under the following prescribed circumstances:
			(1) For enforcing the Land Transport Act; to check whether the vehicle is complying with the Act;
			(2) Where it is believed the vehicle was used or involved for the commission of an offence, for confirming the belief

			(3) Where it is suspected that a person in the vehicle was under the influence of narcotics or alcohol, for conducting relevant tests on the person.
		(b)	This section herein conveys the power to the police to require the person in control of a vehicle to move the vehicle to a certain place, for the purpose of parking the vehicle stopped pursuant to this section.
		(c)	Where the driver of a vehicle stopped by the police is found to have driven the vehicle in breach of the Land Transport Act, this section herein confers the police the power to order the driver to cease driving the vehicle thereon.
		(d)	Where a breach of the Land Transport Act is identified on a vehicle, this section herein confers the police the power to bring the vehicle under police custody until the breach is rectified.
		(e)	A vehicle impounded by the police under subsection (d) of this section, may be kept at a place allocated or determined by the police for that purpose. And where the vehicle is unable to be driven to the said place, this section herein confers the police the power to move the vehicle to, and park the vehicle at, the determined place with the help of another vehicle.
Power to stop seaborne vessels	94.	(a)	This section herein confers the police the power to stop a seaborne vessel at sea or a vessel sailing at sea under the following prescribed circumstances:
			(1) For enforcing the Sea Transport Act; to check whether the vessel is complying with the Act;
			(2) Where it is believed the vessel was used or involved for the commission of an offence, for confirming the belief
			(3) Where it is suspected that a person in the vessel was under the influence of narcotics or alcohol, for conducting relevant tests on the person.

		(b)	This section herein conveys the power to the police to require the person in control of a vessel to move the vessel to a certain place, for the purpose of docking the vessel stopped pursuant to this section.
		(c)	Where the driver of a vessel stopped by the police is found to have driven the vessel in breach of the Sea Transport Act, this section herein confers the police the power to order the driver to cease driving the vessel thereon.
		(d)	Where a breach of the Sea Transport Act is identified on a vessel, this section herein confers the police the power to bring the vessel under police custody until the breach is rectified.
		(e)	A vessel impounded by the police under subsection (d) of this section, may be kept at a place allocated or determined by the police for that purpose. And where the vessel is unable to be driven to the said place, this section herein confers the police the power to move the vessel to, and dock the vessel at, the determined place with the help of another vessel.
Determining a crime scene	95.	(a)	Where there was a commission of an offence in a certain place, for the purpose of ensuring whether the place possesses anything that may be used as evidence for proving the offence; and where the police believe the said place needs to be established as a crime scene in order to search and examine what remains to be searched and examined; this section herein confers the power to the police to establish the said place as a crime scene.
		(b)	Where the police decide a certain place is a crime scene pursuant to subsection (a) of this section, an officer responsible for the crime scene must be stationed there.
		(c)	Where a crime scene is established, the place must be overtly identified as a crime scene having identified its



			boundaries with lines or by having a policeman stationed there to indicate the boundaries.
		(d)	This section herein confers the police the power to undertake the following upon determination of a crime scene:
			(1) To control access to the crime scene, in order to take the necessary steps to protect anything at the crime scene from being damaged or destroyed.
			(2) To control induction and removal of things to and from the crime scene
			(3) To take other necessary steps to protect evidence
			(4) To take all necessary steps to undertake forensic examinations and any other undertakings necessary
		(e)	This section herein conveys the police the power to search a place established as a crime scene, without a court order. And this section herein conveys to the police all powers given to the police to search a place under a court order pursuant to section 81 of this Act .
		(f)	A person who intentionally destroys a place established as a crime scene is committing an offence.
		(g)	The punishment for the offence stated in subsection (f) of this section, is a fine not exceeding 30 thousand Rufiyaa, or imprisonment for a term not exceeding 6 month.
		(h)	None of the paragraphs of this section convey to the police the power to establish a crime scene save for a offence that has already been committed.
Applying to monitor bank accounts	96.	(a)	This section herein confers the police the power to apply for a court order to monitor the bank accounts and their

			transactions of the following kinds of persons:
			(1) A person who has committed, or is about to commit, a confiscation offence; and a person involved in the commission, or is about to be involved in the commission, of a confiscation offence;
			(2) A person who has benefited directly or indirectly, from the commission of a confiscation offence;
			(3) A person on suspicion of the commission of a ten year imprisonment offence; or a person who is about to benefit from the commission of a ten year imprisonment offence
		(b)	A court order may be issued pursuant to that prescribed in subsection (a) of this section, without the knowledge of the account owner or without requiring to inform him.
		(c)	The object of an order prescribed in subsection (a) of this section, is to require the bank or the financial institution to provide the police the following information:
			(1) The name of the account holder
			(2) Details of the transactions carried out with the account
			(3) The applying period to which the information required to be provided by the bank or financial institution
			(4) The name of the certain police officer to whom the information is to be provided.
		(d)	Where the monitoring under a court order identifies a certain type of offence, the police may apply for a court order to stop the operation of the account or the operation of transactions from the account, up until a verdict is

			reached in court proceedings.
Power of arrest without court order	97.	(a)	Where the police reasonably suspect there exists a circumstance prescribed forthwith, this section herein confers the police the power to arrest a person without a court order.
			(1) To prevent a person continuing or repeating an offence or committing another offence
			(2) to make inquiries to establish the person's identity where the person refuses to do so
			(3) to ensure the person's appearance before a court where he failed to comply to court summons
			(4) to obtain or preserve evidence relating to the offence
			(5) to prevent the harassment of a person who may be required to give evidence relating to the offence, or to prevent attempts to destroy or interfere with evidence
			(6) to prevent a person fleeing under the custody of a policeman or from the location of an offence
			(7) To prevent someone fleeing lawful detention
			(8) Under the suspicion that a person may not comply to court summons or refuse court summons; and
			(9) For the purpose of enforcing, within the ambit of the law, a subpoena directed at a person from an institution entitled to issue such subpoena by law
		(b)	Save for the circumstances prescribed in subsection (a) of this section, the police may only arrest a person under a court order.

Notice to appear at police	98.	(a)	This section herein conveys the police to require a suspect of an offence or a witness to the offence, in connection with a police investigation, to appear before a police station under a signed order issued by a police officer from above the rank of Inspector.
		(b)	An order issued pursuant to subsection (a) of this section must state the following information:
			(1) The reason for the order to appear before the police
			(2) Where the person is suspected of an offence, the substance of the offence alleged to have been committed
			(3) Where the person is a possible witness to the offence or a person who can possibly provide information to an investigation, the substance of the investigation
			(4) The time and place to appear
			(5) Estimated duration the person is likely to spend in the police station
		(b)	When a person on whom an order to appear has been served appears before a police station in response to the notice, he may not be arrested during his appearance or brought under police custody.
Providing information about arrest	99.	(a)	Where a person is arrested with or without a court order, having informed him orally that he is under arrest and the reason for his arrest; the person shall be provided in writing, promptly and within a maximum of 4 hours, that he is under arrest, the reason for his arrest and information in relation to the offence to which he is suspected.

		(b)	Before the person is released from arrest, the police must give to the person, in writing, the name and rank of the arresting officer and the person in charge of the place where he was kept under arrest.
		(c)	Where the police arrest a child the police must, promptly and within a maximum of 8 hours, advise the child's guardians, of the arrest.
Period under police custody	100.	(a)	Where a person is brought under police custody without arresting him, in order to question him suspecting an offence, he must not be kept under police custody for more than 4 hours.
		(b)	In the 4 hours mentioned in subsection (a) of this section the person may be questioned for not more than 2 hours;
		(c)	The time out taken during the questioning may be more than 2 hours.
		(d)	Where a person is brought under police custody without arresting him, in order to question him suspecting an offence, before the police start to question him, he must be given the opportunity to telephone or speak to a friend or relative or his lawyer to inform the person of his whereabouts
		(e)	Where a person who is brought under police custody without arresting, wants for his lawyer to be present during the questioning he has the right to request for the lawyer. And where the person requests for the presence of his lawyer, this section herein obliges the police to comply with the request.
Legal cautioning	101.	(a)	Upon informing a person that he is under arrest in suspicion of the commission of an offence, the police must caution

			the person in the way required under law. Or where a person under police custody is deemed under arrest by law, whilst under police custody; the police must caution the person in the way required under law
		(b)	The cautioning prescribed in subsection (a) of this section includes the following:
			(1) That he has the right to remain silent
			(2) That answering questions posed in desired
			(3) That he has the right not to answer
			(4) That any answer he provides may be held against him in court
			(5) That he has the right of legal counsel
			(6) Where he is unable to arrange legal counsel, that the state shall provide him with such under relevant procedures
		(c)	Before starting to question a person under arrest in suspicion of an offence, the police must ensure that the person understood what was stated in the caution.
		(d)	Where a person is questioned while under arrest; before the police start to question him, he must be given the opportunity to telephone or speak to a friend or relative or his lawyer. And he must also be given the opportunity to inform them of his whereabouts.
		(e)	Where a person under arrest, wants for his lawyer to be present during the questioning, he has the right to request for the lawyer. And where the person requests for the presence of his lawyer, this section herein obliges the police

			to comply with the request.
Arrangement for interpreting	102.		Where the police are unable to question a person in the language he generally speaks or in a language known to him, the police must make use of an interpreter. And where the person is to be communicated by sign language, the police may make use of someone able to communicate in sign language with the person questioned.
Audio and Video recording	103.	(a)	The audio or video recordings of the legal caution addressed by the police, the reply to the caution, the questions posed by the police and the answer given must be undertaken.
		(b)	A person may not be questioned having withheld the audio and video recording of the questioning
		(c)	The video and audio recording of an investigation may be produced before the court as evidence of someone's statement in the investigation and the court shall admit such as evidence.
Power to search person in detention.	104.	(a)	This section herein conveys the power for the police to search a person in detention.
		(b)	Notwithstanding subsection (a) of this section, a person to be searched must be touched by those of the same sex as the person to be searched; and only those of the same sex must be present while the searching is carried out.
		(c)	Notwithstanding section (a) and (b), where a sexual organ of the person to be searched needs to be exposed or needs to be searched, the search should be undertaken under a court order and according to that prescribed in the order.
Seizure of items during search	105.	(a)	In searching a person under arrest and detention, for the purpose of using as evidence, this section herein conveys the police to seize things found in the possession of, or in

			the person of, or in the garments of, the person being searched, where the things so seized relate to the offence the person is accused of having committed.
		(b)	In searching a person under arrest and under detention, the police may seize the following things under their care found in the possession of, or in the person of, or in the garments of, the person being searched,
			(1) Where the thing found may cause material damage to, or endanger the life or body of the person being searched.
			(2) Where the thing found may cause material damage to, or endanger someone else.
			(3) Where the thing found may be used to flee from detention
			(4) Where it is deemed that what was found in the possession of the person searched is something requiring police safekeeping during the period of his arrest.
Power to take sample from arrestee	106.	(a)	This section herein conveys the police the power to conduct the following with regard to a person arrested and detained by police.
			(1) photograph the person's identifying particulars.
			(2) In taking samples required for the forensic procedure, to take samples outside the scope of that prescribed in subsection (b) of this section, where necessary
			(3) In taking DNA samples, to take samples outside the scope of that prescribed in subsection (b) of this section, where necessary



			(4) taking of a sample of urine
			(5) To take polygraphy test
		(b)	For the purpose of undergoing forensic procedure or DNA sampling, the following may be conducted under a court order and according to what is prescribed in that order.
			(1) To examine a person's sexual organ
			(2) To photograph a person's sexual organ
			(3) To take a sample from a person's sexual organ
			(4) To take a sample from a person's pubic hair
			(5) To take a sample from a fluid of a person's sexual organ
			(6) To take a sample from a person's sexual organ having penetrated something into it
			(7) to take a blood sample
		(c)	Notwithstanding that prescribed in subsection (b) of this section, the police have the power to conduct that stated in the subsection, on a victim of a crime, with his permission.
		(d)	Within the power of taking DNA samples conveyed to the police under this section, the police also have the power to compile and maintain a ledger of DNA samples for the purpose of sample safekeeping.
Acquiring and holding weapons	107.		Notwithstanding what may be stated otherwise in another statute, in order for the police to discharge their mandate prescribed in this Act effectively, the police have the power to import to the Maldives; and to acquire, purchase and retain, those weapons and devices determined by the Commissioner, having considered the time and circumstances at hand, and with the Minister's permission, as necessary to be held by

			police, among nonlethal weaponry and devices. The police also have the power to use and hold the said nonlethal weaponry and devices as prescribed by a relevant regulation.
Holding line-ups	108.	(a)	This section herein conveys the police the power to hold and arrange police line-ups and photo line-ups for the purpose of identifying those suspected of committing an offence and to identify those marked by witnesses.
		(b)	The court must admit as evidence, statements that a particular person identified by a witness in a police line-up or photo line-up made pursuant to subsection (a) of this section, as having being accused of committing a given offence.
Digging up a corpse	109.	(a)	For the purpose of returning the buried corpse of a foreigner back to his country, or where it is found that digging up a buried corpse is crucial for an ongoing investigation; having acquired permission from the highest state institution assigned with religious matters, the police may dig up a buried corpse or dig up part or parts of a corpse located at the given time.
		(b)	Pursuant to subsection (a) of this section, the police may dig up a buried corpse or dig up part or parts of a corpse located at the given time, under the following procedure:
			(1) To dig up only the grave in question
			(2) Uphold religious sensitivities during grave digging
			(3) Not let others be present at the scene of the digging save those necessary to be present
			(4) To take precautionary health measures

Using force during disasters	110.	(a)	In a natural disaster or a dangerous incident, where the police find that lives and property of a group of people will be endangered should they remain where they are, the police may direct them to move to a safe area notified or allocated by the police or relevant state authority.
		(b)	Where there is failure of compliance to any directive given pursuant to subsection (a) of this section, the police may transfer a person or group of persons to a safe area notified or allocated by the police or relevant state authority, using proportionate force. And in doing so, the police have the power to issue directives to establish public safety and interest in the given circumstances.
Releasing records	111.	(a)	The Commissioner shall formulate and notify a regulation pursuant to this Act governing the release of the following information to the following parties among the records maintained by the police.
			(1) To an institution established by the Constitution or law, the criminal record of a person required for a lawful investigation carried out by the institution.
			(2) To the possible employer of a person seeking employment in the Maldives or abroad, the criminal record of the person.
			(3) To an institution established by the Constitution or law, the police record of person required for a lawful investigation carried out by the institution
			(4) To a law enforcement institution established by the Constitution or law, intelligence information for a law enforcement operation.

Requesting military assistance	112.	(a)	The police may, when necessary, in order to carry out the responsibilities and duties of the police, request the assistance of the military
		(b)	Save for circumstances where a state of emergency is declared pursuant to Article 253 of the Constitution, the military may only exercise any power conveyed to the police by law, according to subsection (a) of this section, where such assistance is sought by the Minister from the Defence Minister by written instrument, and within the scope of that requested in the instrument.
		(c)	Where the situation encountered is compliant with a circumstance needing assistance prescribed in subsection (b) of this section, and where the request was sought orally, the oral request must be confirmed in writing promptly and within a maximum of 24 hours.
		(d)	During the discharge of the role of assisting the police by the military, the provisions subject to the police under this Act shall be exercised over the military. And in that situation, for all purposes of this Act, the Military shall exercise their authority within the scope of the authority prescribed to the police under this Act.

**Chapter Seventeen:**

**Special Tactics**

Use of special investigatory tactics in connection with certain crimes	113.	The Police may only use special investigatory tactics for the investigation of the following offences:	
		1.	Homicide
		2.	Extortion

		3.	Embezzlement of state funds
		4.	Sexual child abuse
		5.	Gang rape
		6.	Terrorism
		7.	Gang crimes
		8.	Organised crime
		9.	Corruption
Special Investigatory Tactics	114.		Special investigatory tactics mean, to undertake the following in connection with a person investigated, for the purpose of an ongoing investigation, without his knowledge:
		(a)	Monitoring of his actions, the people he encounters and his movements without his knowledge
		(b)	Establishing a relationship with him, and by his responses and information gathered through the relationship, obtain information for the investigation;
		(c)	To install cameras and wire tapping devices in his dwelling or vehicle to listen to or watch the movements of the place or vehicle.
		(d)	To inspect, monitor and listen to his transactions through the means of communication facilities, letters, documents, electronic mail and telephone.
Circumstances under which special tactics are allowed	115.	(a)	The Police may use special investigatory tactics, under a court order, to obtain information for the following:
			(1) In the interest of safeguarding national security
			(2) Investigations governing offences stated in section 113 of this Act.
		(b)	The Minister shall compile and implement by way of the Commissioner, a regulation detailing the principles and standards to be

			used in undertaking special investigatory tactics and standards safeguarding rights of individuals and prevention of their abuse; and detailing steps to be taken in the event of their violation during the said investigations. The regulation shall be constituted pursuant to this Act and with reference to this section.
Proportional Use	116.		Any of the special investigatory tactics cited in section 114 of this Act may only be utilised under a court order of authorisation issued specifically for that purpose. And in seeking such court order, clarification must be given reasoning out why authorisation for using a certain tactic is requested as opposed to another. The court shall only authorise such a request where the court finds the object to be achieved will not be realised without utilising the tactic.
Applying for Court Order	117.		Application for a court order for the utilisation of any special investigatory tactic shall be sought at the courts through the Prosecutor General, upon written request to him by the Police
Supervision Committee	118.		A Supervision Committee to oversee utilisation of special investigatory tactics is hereby established under this section. The Committee consists of:
		(a)	The President of the Anti Corruption Commission
		(b)	The President of Human Rights Commission
		(c)	The President of Police Integrity Commission
		(d)	The Chairman and Vice Chairman of the People's Majlis oversight committee for operations of the security services under Article 241 of the Constitution
Power to file Grievances	119.	(a)	Where a person suspects that he is subject to a special investigatory tactic by the Police, he has the power to request the Committee to examine his grievance. And where it is found

			that the said investigation was <i>ultra vires</i> , the Committee has the power to stop the investigation. The Committee also has the power to publicly notify regarding such an investigation.
		(b)	Where the Committee cited in section 118 of this Act finds a certain person has been subject to such an <i>ultra vires</i> investigation, the High Court shall issue an injunction to stop the operation. The injunction shall be sought at the High Court through the Prosecutor General, upon request to him by the Committee.
The procedure for court orders	120.		Given this Act contains many police operations that cannot be undertaken save with a court order; the Supreme Court shall compile and notify, pursuant to this Act, a regulation governing the issuance of court orders that specifies the principles mentioned herewith. The regulation shall be titled “the Regulation Governing the Issuance of Court Orders” and shall refer to this section.
		(a)	Instead of entrusting the issuance of court orders to a certain court, to determine that a minimum of 15 judges selected from various courts shall have the authority to issue court orders in Malè.
		(b)	To determine the days of the week in which a given judge so selected shall sit to issue court orders.
		(c)	To ensure that the same judge will not issue court orders on two consecutive days
		(d)	To establish a judges’ rota in issuing court orders
		(e)	To deem that a court order issued by a given judge was issued from the court affiliated to

			the judge.
		(f)	To determine magistrates allowed to issue court orders in the Atolls
		(g)	That the issuance of court orders shall take place upon the police going to the location where the judge is sitting, and upon application for a court order before the judge, he shall come to an immediate decision on the matter .
<b>PART IV</b>			
<b>OFFENCES AND PENALTIES</b>			
<b>Chapter Eighteen:</b>			
<b>Mechanism for Grievance Application</b>			
Grievance Redressal Mechanism	121.	(a)	Commissioner shall establish within the Police Service, a mechanism to receive grievances regarding the police; and having redressed the essence of the grievance, where penalty is warranted, the said mechanism shall set up a penalty system within the police service.
		(b)	The following types of grievances may be filed against policemen:
			(1) For committing an offence of corruption prescribed in law
			(2) For committing an unlawful act prescribed in laws and regulations other than offences of corruption
			(3) Albeit not prescribed in law, committing an undue or unfair or harsh or oppressive act
			(4) An act or omission committed by a policeman for personal gain other than law enforcement



			(5) An act or omission committed by the police in ignorance of the law or circumstances
			(6) An act or omission committed by the police without due regard to relevant procedure
		(c)	The Commissioner shall compile a regulation, pursuant to this Act and with reference to this section, governing the mechanism under which those wishing to file grievances against the police regarding offences stated in subsection (b) of this section, may do so.
		(d)	The redressal of grievances filed against a policeman for an offence stated in subsection (b) of this section, shall be undertaken by the Professional Standards Command. And where the redressal warrants disciplinary action, such action shall be imposed according to the procedure for taking disciplinary action prescribed in this Act. Where indictment for a criminal offence is required, such will be undertaken by applying the case to the Prosecutor General after a criminal investigation.
		(e)	The redressal of grievances by the Professional Standards Command does not by itself rule out redressal of any grievance against the police, by the Police Integrity Commission or the 241 Committee of the People's Majlis or any other party lawfully empowered to redress police grievances.
<b>Chapter Nineteen:</b>			
<b>Disciplinary Measures</b>			
Taking Disciplinary Action	122.	(a)	The Commissioner has the power to take disciplinary measures against individual policemen in order to prevent abuse of police

			power and neglect of police duties.
		(b)	Pursuant to powers enjoyed by the Commissioner to take disciplinary action in accordance with subsection (a) of this section, the following penalties may be imposed.
			(1) Reduction in post; or
			(2) Demote to a lower rank; or
			(3) Compulsory retirement; or
			(4) Removal from service; or
			(5) Reduction in pay; or
			(6) Withholding of increment in pay; or
			(7) Withholding of promotion; or
			(8) Admonish; or
			(9) Fine not exceeding one month's pay; or
			(10) reprimand or censure; or
			(11) Provide counseling; or
			(12) Impose special training; or
			(13) Provide special capacity-building counseling
			(14) Relocation of place of employment; or
			(15) Performing employment duties under close supervision.
Circumstances under which disciplinary penalties may be imposed	123.	Disciplinary penalties may be imposed on policemen due to the following circumstances:	
		(a)	Failure to comply with a lawful order

		(b)	Negligence in the performance of duties
		(c)	Failure to perform duties assigned by an officer of higher rank, accordingly
		(d)	Taking sick leave or vacation leave feigning illness.
		(e)	Feigning injury
		(f)	Providing false information to avoid reporting to duty
		(g)	Failure to report to work
		(h)	Abandoning employment without reasonable excuse
		(i)	Using abusive force
		(j)	Contravene the Code of Ethics
		(k)	Commit an offence mentioned in paragraphs (3) to (6) of 121 (b) of this Act.
Disciplinary penalties directly imposed by the Commissioner	124.	Where the warranted disciplinary penalty is any of the following, the Commissioner may directly impose the penalty. However, the Commissioner may only impose such a penalty against a policeman having signed and issued an instrument to impose the penalty based on the examination of the matter by the Professional Standards Command and on their recommendation of what penalty measures to be taken, if any.	
		(a)	Reduction in pay; or
		(b)	Withholding of promotion; or
		(c)	Admonish; or
		(d)	Fine not exceeding one month's pay; or
		(e)	reprimand or censure; or
		(f)	Impose special training; or

		(g)	Provide special capacity-building counseling
		(h)	Relocation of place of employment; or
		(i)	Performing employment duties under close supervision.
Review	125.	(a)	Where the Commissioner imposes a penalty stated in section 124 of this Act, the one penalised has the right to appeal to the Police Disciplinary Board for review;
		(b)	Having examined an appeal lodged according to subsection (a) of this Act, the Disciplinary Board has the power to determine any of the following:
			(1) To maintain the penalty as imposed by the Commissioner
			(2) To set aside the penalty
			(3) To bring changes to the penalty.
		(c)	The decision of the Disciplinary Board according to subsection (b) of an appeal lodged pursuant to subsection (a) of this section shall be the final and conclusive decision on the matter in the police service level.
		(d)	A policeman aggrieved by the decision of the Disciplinary Board taken according to subsection (b) of this section, have the right to take the decision to the courts.
Disciplinary penalties imposed by the Disciplinary Board	126.		Where the warranted disciplinary penalty is any of the following, the Commissioner may impose such a penalty against a policeman, having received a written instrument to such effect based on the examination of the matter by the Professional Standards Command and on their recommendation of what penalty measures to be taken; and after the Commissioner having applied the recommendations

		of the Professional Standards Command to the perusal of the Disciplinary Board, and upon the determinations made by the said Board.	
		(a)	Reduction in post; or
		(b)	Demote to a lower rank; or
		(c)	Compulsory retirement; or
		(d)	Removal from service; or
		(e)	Withholding of increment in pay; or
		(f)	Suspension from service for a certain period;
Application to the Courts	127.	A policeman aggrieved by the decision of the Disciplinary Board taken according to section 126 of this Act has the right to take the decision to the courts.	
Court Procedure in disposing matters	128.	In disposing matters applied to the courts in connection with a disciplinary action taken against a policeman pursuant to this Act, the court shall only dispose whether due compliance was met by relevant police authorities in following the procedures stated under this Act and regulations pursuant to this Act, in taking the measure. And where there is compliance under procedural grounds, the court may not determine the validity of a decision. The court also may not hold proceedings to dispose the <i>ratio decidendi</i> related to the matter.	
The Disciplinary Board	129.	For the purpose of fulfilling the mandate of the Disciplinary Board pursuant to this Act, this section hereby establishes the Board consisting of:	
		(a)	Three retired policemen
		(b)	Head of police Professional Standards Command
		(c)	Two officers from police executive officers selected by a vote among them
		(d)	Retired judge having 10 years experience

		(e)	A practicing attorney selected by the Executive Service
		(f)	A human rights defender from a Human Rights Non-Governmental Organisation selected by the Executive Service
Right to Defend	130.		The Disciplinary Board shall dispose and conclude any matter before them, having given the opportunity for the accused to defend himself. In his defence, the accused may bring a lawyer of his own choosing and a police officer of the same rank and grade to him to the Board session.
Assessment Criteria	131.		The standards maintained by the Commissioner and the Disciplinary Board shall be that of disposing the evidence before them to determine whether the direction leading the evidence suggest the accused committed the act or not. And also upon disposing whether anyone standing in his position, circumstance and atmosphere will react in the way he did.
Suspension from service.	132.	(a)	Where an imposed penalty does not involve suspension from service, a policeman can be suspended from service upon the recommendation of the Professional Standards Command and on the Commissioners directive, under the following circumstances:
			(1) an investigation is carried out against him for a possible disciplinary action
			(2) an investigation is carried out against him for a suspected criminal offence
		(b)	Where a policeman is suspended under this section, it shall be done under a written instrument clarifying the reason for suspension. The suspension may not exceed more than 3 months.
		(c)	A suspension order may be rescinded or changed.

		(d)	An policeman suspended from duty under this section is entitled to be paid salary and allowances during the suspension.
<b>Chapter Twenty:</b>			
<b>Offences</b>			
Obstruction of Police Duty	133.	(a)	It is a criminal offence to prevent or obstruct, in any manner, a policeman from performing his duties under powers vested in him under this Act.
		(b)	The punishment for the offence stated in subsection (a) of this section, is a fine not exceeding 10 thousand Rufiyaa, or imprisonment for a term not exceeding 1 month, or imprisonment with fine.
		(c)	A person, whose refusal to comply with a lawful order, given by a policeman in the course of carrying out his duties and functions, necessitates the use of the powers and discretions available to the police, leading to injury or damage to the person or another or to his property or to that of another, shall be fully responsible for all loss occurring due to such injury or damage.
Use of the police uniform and badge of honour without authorisation	134.	(a)	The use of an official uniform or symbol or ribbon or anything used by the police for special identification or badge of honour; by a person who is not in the police service; and without authorisation from the police, is an offence.
		(b)	The punishment for the offence stated in subsection (a) of this section, is a fine not exceeding 10 thousand Rufiyaa, or imprisonment for a term not exceeding 1

			month.
Providing False Information	135.	(a)	Whoever provides false information to the police for the purpose of obtaining any benefit, or to inflict harm on, or gain a benefit to someone, is committing an offence.
		(b)	The punishment for the offence stated in subsection (a) of this section, is a fine not exceeding 10 thousand Rufiyaa, or imprisonment for a term not exceeding 1 month.
Dereliction of duty by a police officer	136.	(a)	Committing the following while serving as a policeman is an offence.
			(1) willful breach of expressly stated laws
			(2) Failure to comply to a lawful order; or failure to comply or willfully breaching a provision in a law or provision in a regulation
			(3) subjects any person to any kind of inhuman behaviour
			(4) holds out any threat not warranted by law, or threat of unlawfully using an act warranted by law
		(b)	The punishment for the offences stated in subsection (a) of this section, is a fine not exceeding 1 hundred thousand Rufiyaa, or imprisonment for a term not exceeding 3 years.
Absconding	137	(a)	Any policeman who absconds from work or attempts to do so is committing an offence.
		(b)	A policeman is deemed absent without leave, as provided for in subsection (a) of this section, where he fails to report for work for 14 (fourteen) days without consent, or where he fails to report to work or objects to report to work where a superior officer gives such an order in an emergency; or where he knowingly absconds or ignores order to report to work in situations where confrontation with a party may be imminent.



		(c)	The punishment for the offences stated in subsection (a) of this section, is a fine not exceeding 50 thousand Rufiyaa, or imprisonment for a term not exceeding 1 year.
Further Prosecution	138.		Any disciplinary penalties imposed under this Act on an officer, will not affect his liability for prosecution for any criminal offence stated under any other statute, committed by him in the same transaction. Nor would such prosecution be deemed as double jeopardy.
Null and void orders	139.	(a)	It is an offence for any policeman to issue an order that is null and void to another policeman.
		(b)	It is an offence for any policeman to comply with an order that is null and void.
		(c)	The punishment for the offences stated in subsection (a) of this section, is a fine not exceeding 50 thousand Rufiyaa, or imprisonment for a term not exceeding 1 year.
Penalties for offences for which a specific penalty is not specified	140.		The penalty for any offence for which a specific penalty has not been specified in this Act is, the imposition of a fine not exceeding 12 thousand Rufiyaa or imprisonment in jail for a period not exceeding 6 months.
<b>PART V</b>			
<b>MISCELLANEOUS</b>			
<b>Chapter Twenty One:</b>			
<b>General Provisions</b>			
Police Welfare Office	141.	(a)	For the purpose of providing the following for all police personnel a Police Welfare Office is herein established under this section.
		(b)	The Office stated in subsection (a) of this section shall be headed and operated as part of

			the police structure by an officer not below the rank of Superintendent of Police.
			(1) To provide health care for police personnel and their dependents;
			(2) To provide warranted medical assistance to police personnel suffering injury in the course of performance of duty;
			(3) To maintain financial security for dependents of police personnel suffering disability due to injury in the course of performance of duty;
			(4) To provide post-retirement financial security
			(5) To establish housing schemes for the benefit of police personnel
			(6) To assist in providing education, counselling and training for dependents of police officers;
			(7) To provide appropriate legal facilities for defence of police officers facing court proceedings in matters determined by the Professional Standards Committee as bonafide discharge of duty.
			(8) To lay down and operate general norms relating to police welfare
			(9) to provide adequate insurance coverage to police personnel against any injury, disability, or life threats caused in the course of performance of their duty.
			(10) To provide risk allowance, to those police officers posted in dangerous or hazardous assignments.

			(11) To operate corporative societies in order to obtain the equipment, resources and services required by police.
Principles governing arrest and detention	142.	(a)	The police may arrest a person where there exist expressly declared provisions under this Act or other statutes stating the circumstance on which arrests can be carried out.
		(b)	From the moment the police arrest someone pursuant to this Act or any other statute, the protective rights prescribed by the Constitution on the arrestee shall be exercised.
		(c)	The following rights are included, as protective rights prescribed by the Constitution on the arrestee as stated in subsection (a) of this section.
			(1) Upon moment of arrest the right to be informed by the police that the arrestee is under arrest; and
			(2) Under suspicion of what offence that he is arrested; and
			(3) That he can exercise the right to remain silent; and
			(4) That he has the right for access to legal counsel; and
			(5) The right to be brought within 24 hours of arrest before a Judge; and
			(6) That where the judge determines his arrest was lawful, the judge shall ensure whether there exists any reason for his detention to continue; and that the order to release the person or his detention to continue shall be issued in that same sitting.

		(d)	A person under police arrest is under police detention
		(e)	A person may be taken under police detention without arresting him under suspicion of an offence or without the purpose of obtaining evidence from him.
		(f)	Where a person under police custody is not released or returned to freedom within 4 hours, for the purpose of this Act, the person shall be deemed under arrest. And all protective rights he enjoys under arrest shall be exercised therein. And where the police, therein, fail to conduct his arrest according to the prescribed principles of arresting a person, the arrestee shall be deemed to be under false imprisonment.
		(g)	Every arrest is a detention. But every detention is not an arrest. However, in circumstances where a person is arrested or taken under police custody, he shall be under police detention.
Contradiction between police and other institution over jurisdiction	143.	(a)	Whereas a given responsibility assigned pursuant to the Constitution or law, to certain independent institutions or offices created under the Constitution or law, is to take measures to prevent what is deemed to be criminal offences; to undertake criminal investigations and to prosecute where warranted; notwithstanding that section 23 of this Act grants general jurisdiction on the police to undertake the aforementioned for the same crime; for the purpose of the offence in question, the jurisdiction of independent institutions or offices created under the Constitution or law shall prevail

		(b)	In circumstances described in subsection (a) of this section, the role of the police shall be to assist and facilitate, under powers vested on the police pursuant to this Act, the directives issued by the institution or office mentioned in the subsection, in discharging their prescribed role regarding the crime in question.
	144.	(a)	The following rights are enjoyed by the members of the police service, within the provision, principle and scope of a given basic right prescribed under a statute governing implementation of employee rights.
			(1) Freedom of expression under Article 27 of the Constitution
			(2) The right to form associations and societies under Article 30(a) of the Constitution
			(3) The right to stop work and to strike in order to protest under Article 31 of the Constitution
			(4) The right of peaceful assembly under Article 32 of the Constitution
		(b)	Notwithstanding subsection (a) of this section, up to the enforcement of a statute governing implementation of employee rights as mentioned in the said subsection, none of the rights mentioned in the subsection may be limited to any extent, having considered Article 299 (a) of the Constitution.
		(c)	Subsection (a) of this section shall be enforced from the date the statute mentioned in the subsection comes into force.
Recovery of damages for undeserved injury	145.	(a)	Where an individual suffers undeserved injury in the course of the performance of a policeman's duty, the individual has the right

			to recover damages from the policeman.
		(b)	For the purpose of this section, undeserved injury means, injury suffered to an individual due to a policeman committing an act unauthorised for a policeman, or due to use of power unauthorised by law for policemen, or due to use of disproportionate power, where the power is authorised for the police under law.
		(c)	An individual has the right to recover the following two types of damages under this Act, in connection with any undeserved injury suffered, where the injury was caused as a direct result of the performance of police duty.
			(1) Pecuniary damages
			(2) Non-pecuniary damages
		(d)	Pecuniary damages awarded as according to subsection (c) of this section are damages of past, present and future medical expenses incurred to the individual suffering undeserved injury.
		(e)	The following non-pecuniary damages may be awarded as according to subsection (c) of this section:
			(1) For loss of undeserved bodily injury, in direct consequence of the undeserved injury inflicted on the individual.
			(2) For loss of injury, resulting severed organ, in direct consequence of the undeserved injury inflicted on the individual.
			(3) For loss of injury, resulting dysfunctional organ in direct consequence of the undeserved

			injury inflicted on the individual.
			(4) For loss of enjoyment of life resulting severed or dysfunctional organ in direct consequence of the undeserved injury inflicted on the individual.
			(5) Pain and suffering, in direct consequence of the undeserved injury inflicted on the individual
			(6) For future loss of earnings in direct consequence of the undeserved injury inflicted on the individual
			(7) Cost of legal representation for the proceedings in question.
		(f)	In recovering damages under this Act; in connection with any undeserved injury suffered to an individual; the rate and nature of damages to be awarded to the individual, shall be decided by the courts, based on circumstances related to the given incident, with reference to this section and according to relevant guidelines maintained by the courts.
		(g)	In recovering damages under this section for an individual, from among the heads of damages that may be awarded as specified under this Act, the court may decide as following:
			(1) to award for all heads of damages claimed
			(2) to award for a part of the heads of damages claimed
			(3) to award claims on <i>stare decisis</i> basis
Maintaining police welfare fund	146.	There shall be a police welfare fund in the Police Welfare Office described in section 141 of this Act, consisting of:	

		(a)	Monies allocated to the welfare fund by the state budget
		(b)	Donations from policemen
		(c)	Donations from well-wishers
		(d)	Donations from the Corporative Society
Immunities afforded to the police	147.	(a)	No legal action will be brought against any policeman for acts or omissions, conducted in his official capacity, without bad faith, in the course of carrying out his mandate prescribed in this Act and as according to this Act and the regulations made pursuant to this Act.
		(c)	No policeman shall be held accountable for any injury or damage suffered for acts or omissions, conducted in his official capacity, without bad faith, in the course of carrying out his mandate prescribed in this Act and as according to this Act and the regulations made pursuant to this Act.
Awarding badges of honour to the police	148.	(a)	The Minister, on the Commissioner's recommendation, will determine the award of badges of honour to the police in accordance with the regulations made pursuant to this Act.
		(b)	The Executive Service of the Police shall undertake all matters relating to badges of honour awards and advise the Commissioner accordingly, as prescribed under subsection (a) of this section.
using powers of another officer	149.		Where necessary, a policeman may undertake the responsibilities and duties assigned to a policeman subordinate in his rank at a given time, for the purpose of enforcing the law, or to prevent the occurrence of an unlawful act. Moreover he is empowered to perform directly the tasks assigned to his subordinates.



Right to vote	150.	(a)	Every policeman has the right to vote, which is a right available to all citizens pursuant to the Constitution of the Republic of Maldives
		(b)	Notwithstanding subsection (a) of this section, a policeman may not participate in an activity of a political party or any political activity; and may not commit an act that purports that he is supporting or opposing a candidate standing for a political office.
International Relations	151.	For the purpose of achieving the following objectives, the Maldives Police Service enjoys the power to form agreements forging ties and seeking and providing assistance with bilateral police administrations, international police organisations and institutions, and investigatory bodies active in the international stage:	
		(a)	For the reduction and prevention of crime in the Maldives
		(b)	For the prevention of an act committed by a Maldivian in a foreign country deemed as an offence under law in that country.
		(c)	For the prevention of an act committed by a Maldivian in a foreign country deemed an offence under Maldivian law.
		(d)	To strengthen law enforcement in the Maldives
		(e)	To obtain necessary corporation from international parties in dealing with criminal activity.
		(f)	To improve skills and standards of Maldivian police.
		(g)	To prevent international crime
		(h)	To provide corporation and assistance for required international bodies

Formulation and enforcement of regulations	152.	(a)	The Maldives Police Service shall formulate and enforce the regulations necessary for the functioning of responsibilities prescribed under this Act. The Commissioner shall formulate, operate and enforced the regulations on behalf of the Service.
		(b)	Upon the date of enforcement of any regulation formulated under this Act, the Commissioner shall present a copy of the said regulation to the Minister.
		(c)	All regulations mandatory to be formulated under this Act, shall be formulated and notified within 3 months from the date of publication of this Act in the Government Gazette.
		(d)	The regulations mandatory to be formulated and enforced under subsection (a) of this section include the following:
			(1) Regulation governing the prevention of crime
			(2) Regulation governing criminal investigations
			(3) Regulation to uphold public interest
			(4) Law enforcement regulation
			(5) Regulation governing the maintenance of community safeguards and upholding public peace.
			(6) code of conduct and code of ethics;
			(7) regulation on weapons and the use of weapons
			(8) regulation relating to employment

			(9) regulation relating to uniforms
			(10) training regulation
			(11) regulation relating to disciplinary and administrative misconduct and penalties for such misconduct.;
			(12) regulation relating to promotions, awarding honour badges and demotions;
			(13) regulation relating to holidays and leave
			(14) regulation relating to the possession and use of police identity cards;
			(15) regulation relating to investigating and taking action with regard to complaints brought against the police;
			(16) regulation relating to the determination of the service station and assignment;
			(17) regulation relating to the use of police powers and discretions;
			(18) regulation relating to the care, utilisation and use of equipment made available to the police in order for them to discharge their responsibilities.
			(19) Police retirement regulation
			(20) The mandate of each and every rank of policemen
			(21) Regulation governing detailed procedure to follow in conducting special investigatory tactics.
		(e)	Enforcement of any of the regulations formulated under subsection (a) of this section shall be undertaken after having the

			authorisation of the People’s Majlis 241 Committee.
		(f)	No additional power must be created in any of the regulations formulated and enforced under subsection (a) of this section, save what is prescribed under this Act.
Transitional matters	153.	(a)	The Maldives police service in force on the date this Act is assented shall remain so until the prescribed date on which this Act shall come into force.
		(b)	The Maldives police service in force on the date this Act is assented, shall transform into the Maldives Police Service prescribed under this Act on the prescribed enforcement date of this Act.
		(c)	Those serving in the Offices of Commissioner of Police and Deputy Commissioner of Police on the date this Act is assented, shall remain in their offices until such time as the Commissioner assumes his office according to subsection (d) of this section.
		(d)	Notwithstanding subsection (c) of this section, within the first 30 days from the enforcement date of this Act, the appointment of the first Commissioner of Police and first Deputy Commissioner of Police under this Act shall be undertaken pursuant to this Act.
		(e)	Save for the two posts mentioned in subsection (c) of this section, those serving police posts on the date this Act is assented, until the end of 45 days starting from the enforcement date of this Act, shall remain in their posts. However, that period having elapsed, they may only remain in their positions upon being appointed to the

			posts as prescribed under this Act.
		(f)	Appointments for those serving in various positions up to the enforcement date of this Act, must be completed before the lapse of 60 days starting from the enforcement date of this Act, in order for them to remain in their posts. This shall be undertaken having created the necessary positions prescribed under this Act, and thereby appointing the said persons to the said positions pursuant to this Act.
		(g)	It is the responsibility of the Minister and the Commissioner to introduce and be ready to implement the provisions required under this Act, before the enforcement date of this Act, where this Act prescribes a certain act to be conducted in a certain procedure, and where that procedure was not followed up to the enforcement date of this Act;
Repealed law	154.	Upon the enforcement of this Act, Act No. 5/2008 (Police Act) shall be repealed.	
Interpretation	155.	Except where terms and phrases used in this Act is expressly understood as otherwise, the following terms and phrases shall be interpreted as provided below:	
		‘arrest’ means the termination of the voluntary exercise of freedom entitled to an individual, and the commencement of a legal circumstance where he is under police detention without his consent and own accord.	
		‘under arrest’ means the termination of the voluntary exercise of freedom entitled to an individual, and the commencement of a legal circumstance where he continues to be under police detention without his consent and own accord.	
		‘authorised allowances’ mean the authorisation given by the Minister in writing to afford certain salaries and allowances to	

		certain category of posts.
		‘Noncommissioned officers’ mean policemen who hold ranks below the level of Inspector but above the level of Constable.
		‘Rank’ means police positions, in descending order under a category or capacity for which a policeman belongs.
		‘In detention’ means the circumstance under which the police deprive a person to exercise his freedom voluntarily, under this Act or pursuant to any other act.
		‘Guardian’ includes mother or father or uterine sibling or Shariah or legal guardian.
		‘Under custody’ means circumstance where the police impose a temporary obstruction, pursuant to this Act or other statute, on someone against exercising his freedom voluntarily, but where the said obstruction does not amount to detention. Moreover it implies the circumstance where he is not entitled the protective rights afforded to those under detention.
		‘Commissioned Officers’ mean those police officers from above the rank of Inspector.
		‘Criminal Record’ means information of convicted crimes of a person.
		‘Commissioner’ means the Commissioner of Police.
		‘Court Order’ means the authorisation issued by a judge for the performance of an assignment requiring court order pursuant to this Act or order issued by a judge.
		‘Private places’ means dwellings or houses or land or buildings registered under a person’s name; and houses or households or offices used for people to live; and dwellings, buildings, halls and squares that are authorised to be used by certain institutions, on certain terms for certain people.
		‘Public places’ mean streets, dwellings, land, public squares, parks as well as land, dwellings and building not recognised as

		private property, that are perpetually opened for public use. Where there is reason to suspect that an offence is committed or being committed in shops, cafes, restaurants, tea-shops and other such places open to the public, they shall be interpreted as public places.
		‘Minister’ means the minister mandated by Article 242 of the Constitution to be responsible for the Maldives Police Service;
		‘Employment allowances’ mean allowances granted to a person leaving the police service on his own accord, the insurance system entitled for a policeman, vehicle loaned to him for transport, his entitlement to return to other state positions and all personal benefits afforded to him by the state using state funds because he is a policeman.
		‘post [office/position]’ means the job he performs in the Police Service apart from his rank or grade.
		‘Potential for the post’ means, where appointment to a post or nomination for appointment to a post is implied; having the educational capacity, educational credentials and the skills and wherewithal to undertake the duties of the post; and the person’s honour, work ethics and behavior.
		‘Finance Minister’ means the minister accountable for state finances.
		‘Wing’ means a section of the Police Service equivalent to that of a police Directorate, established as a part of the Police Service but with a special role.
		‘Forensic procedure’ means a procedure performed to examine, take sample and photograph a person’s body; and making an impression from fingers, toes, hands and feet; and measuring the body or part of the body.
		‘photo lineup’ means instead of making a police lineup, to display in an array the photographs of some having the features, or similar features of the suspect as according to the description of the witness; and thereby the witness would

		identify the suspect.
		‘Defence Minister’ means the minister accountable to the military service under Article 242 of the Constitution.
		‘Branch’ means a section of the Police Service equivalent to that of a police Command, established as a part of the Police Service but with a special role.
		‘Grade’ means the order in which each police category is classed within a given category.
		‘Suspension’ means the prohibition of reporting to service for a prescribed period.
		‘Taking sample’ means collecting a sample from someone’s blood or hair or nails or sweat or any other body fluid or bodily liquid.
		‘Strategic Policing Requirement’ means the official written instrument presented by the Minister to the Commissioner stating the aims for which the police need to be in a state of preparedness. The document shall outline how the Government in power, having observed the state of the country, intends to safeguard individuals and the community from dangerous and organised crime; and against possible threats to individual rights. It shall outline methods of police capacity building, to uphold public safety and to protect the public against emergencies and disasters.
		‘D.N.A’ means the nucleic acid that identifies the genetic information of a person’s cells that in turn identifies the unchangeable attributes of a given person owing to their uniqueness, thereby distinguishing the person from others.
		‘Deputy Commissioner’ means the Deputy Commissioner of Police.
		‘Drivers license’ means the official photographic instrument granting permission for a certain person to drive a certain vehicle under the Land Transport Act.



		‘Promotion List’ means the ledger in which the names of those for whom promotion is entitled are recorded and maintained.
		‘Police record’ means the information about a person maintained by the Police in connection with his convicted crimes or prosecutions or investigations.
		‘Police lineup’ means for the witness to identify a crime suspect among those stood up side-by-side, having arrayed people with features or similar features with the suspect identified by the witness; for the purpose of identifying the crime suspect and to identify the person heeded by witness statements stating a certain offence was committed by a certain person.
		‘Police Staff’ means, any person appointed for administrative work in the police service who is not a policeman.
		‘Undertaking polygraph test’ means where a person in being questioned, to identify by means of a machine his breathing rhythm or his blood pressure or his heartbeat or his sweating or any other inadvertent activity coming from him.
		‘Police Circle’ means the area under which two or more Police Stations are established.
		‘Police Station’ means any office or centre created and operated for the purpose of providing police services.
		‘Police District’ means the area under which two or more Police Circles are established.

4 September 2012