

JUDICATURE ACT OF THE MALDIVES

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Judicature Act of Maldives

CHAPTER 1

GENERAL PROVISIONS

Introduction and title

1.
 - a) This is the Act which determines the courts of the Judiciary of the Maldives, their jurisdiction and the principles governing the functions of these courts for the purpose of the administration of justice in the Maldives in accordance with the Constitution.
 - b) This Act shall be cited the “Judicature Act of the Maldives”.

Judiciary

2. The judicial power is vested in the Supreme Court, the High Court and Lower Courts established by this Law and any other statute.

Sources to comply with, when adjudicating on matters before the courts

3. All matters adjudicated before the courts of the Maldives shall be decided upon in accordance with the Constitution, the laws and the Islamic Shari’ah.

CHAPTER 2

SUPREME COURT

The status of the supreme court and the chief justice

4.
 - a) The Supreme Court shall be the highest authority for the administration of justice in the Maldives.
 - b) The Supreme Court shall be the final authority on the interpretation of the Constitution, the law or any other matter being adjudicated by a court of law.
 - c) The Chief Justice is the highest authority of the Supreme Court.
 - d) The Supreme Court shall be governed by the Chief

Justice in accordance with the principles set forth in consultation with the judges of the court.

Constitution of the Supreme Court

5. The Supreme Court of Maldives shall consist a total of 7 (seven) Judges, including the Chief Justice and 6 (six) additional Judges appointed to the Court.

Quorum of the panel of Judges of the Supreme Court

- 6.
- a) Matters shall be disposed of in the Supreme Court by a panel of an odd number of Judges of the court. In matters being adjudicated by the panel, every Judge shall individually, read out their verdict in the panel. The ruling on the matter will be determined by the majority of the individual verdicts of the Judges of the panel.
 - b) Matters submitted to the Supreme Court under Article 113 of the Constitution shall be adjudicated by a panel comprising all the Judges of the Supreme Court and with all the Judges in session.
 - c) Section (b) of this Article does not however, obstruct all the Judges of the Supreme Court sitting together in session from adjudicating on matters decided by a majority of the Judges of the court.

Tenure of the Supreme Court and recess

- 7.
- a) Unless decided otherwise by a majority of Judges of the Supreme Court, the annual term of the Supreme Court every year, will commence on the first official working day of the month of January of the year. The annual term will continue uninterrupted, to conclude on the last official working day of the last week of the month of November. From the date, the Supreme Court will be in recess until the first official working day of the month of January the following year.
 - b) In addition to the circumstances specified in Section (c) and (d) of this Article, unless a circumstance arises in which the Constitution or a law stipulates that a certain matter has to be decided upon during a specific period of time, the Supreme Court will not conduct any hearings during the period of recess between the end of one

annual term and the beginning of another.

- c) When decided by a majority of the Supreme Court for the purpose of expediting the process of adjudicating on matters before the court, this Article does not obstruct the Supreme Court from conducting its hearings during the period of recess between the end of one term and the beginning of another.
- d) Whilst the Supreme Court is in recess, if a state of emergency is declared under Article 253 of the Constitution, the recess of the Supreme Court shall instantaneously come to an end, continuing with the term prior to the recess.
- e) With the exception of the three circumstances specified in Sections (b) (c) and (d) of this Article, matters pending at the Supreme Court by the end of its annual term will proceed when the court reconvenes for the following term.
- f) While the Supreme Court may not conduct any hearing during recess, the receiving of complaints by the court and the administrative functions of the court shall not be interrupted during recess.

Seal of the Supreme Court

- 8.
 - a) The Supreme Court shall have a separate seal for its use. The seal shall be stamped on all declarations documenting the rulings of the Supreme Court, affidavits and every document of the Supreme Court signed by a Judge or Judges of the court. The aforementioned documents will not be considered valid without the seal.
 - b) Without the written consent of the Chief Justice or the Registrar, the seal of the Supreme Court may not be put on any document.

Jurisdiction of the Supreme Court

- 9. The power to adjudicate on the following is held by the Supreme Court.

- a) Matters that shall only be decided upon by the Supreme Court as stipulated in Article 10 of this Act.

- b) Matters which are within the inherent jurisdiction of the Supreme Court as stipulated in Article 11 of this Act.
- c) Of the matters that have been adjudicated by the High Court, those that are appealed to the Supreme Court under Article 12 of this Act.
- d) Matters that are submitted under Article 13 of this Act, for the counsel and advice of the Supreme Court.
- e) Matters submitted to the Supreme Court under Article 143 (a) of the Constitution.
- f) All matters adjudicated by the Supreme Court under the powers bestowed upon the court as the highest authority for the administration of justice.

Matters that the Supreme Court has the sole and final jurisdiction

10. The Supreme Court has the sole power to adjudicate on matters that are determined by the Constitution or law. These include the following.

- a) Matters submitted under Article 74 of the Constitution requesting for a Supreme Court ruling to settle a controversy regarding the qualifications or removal or vacancy of seats of a member of the People’s Majlis.
- b) Matters submitted under Article 113 of the Constitution to determine all disputes concerning the qualification or disqualification of a presidential candidate or running mate, the election of a President or the removal of the President by the People’s Majlis.
- c) Matters submitted under Article 258 of the Constitution to determine issues with regard to the validity in whole or part of the declaration of the state of emergency, or any law or decree made pursuant to the declaration.

Matters within the inherent jurisdiction of the Supreme Court

11. a) The Supreme Court has the jurisdiction to adjudicate on constitutional issues with the following characteristics as matters within the inherent jurisdiction of the Supreme Court.

1. An issue with legal reasons which may send the country into a constitutional void or remove it from the constitutional framework; or
2. A dispute between two powers or institutions of the State regarding the interpretation of the Constitution; or
3. A constitutional issue concerning public interest of the nation.

b) Matters specified in Section (a) of this Article shall be adjudicated upon with a minimum of 5 (five) Judges of the Supreme Court present in session.

Matters adjudicated by the High Court

12. The Supreme Court has the jurisdiction to enquire into any decision or order or ruling of the High Court, on matters submitted by the party to the case contesting the decision on grounds of breaching the Constitution, a law or a regulation made pursuant to a statute.

Matters referred to the Supreme Court for its opinion

13.

- a)** The Supreme Court holds the jurisdiction to advice on matters referred to the court pertaining to a resolution passed by the People’s Majlis under Article 95 of the Constitution concerning important questions or clarifications regarding the law.
- b)** The Supreme Court shall advice on matters so referred under the circumstances stipulated in this Article, within a reasonable timeframe.
- c)** Matters specified in this Article shall be adjudicated upon by the Supreme Court, with a minimum of 5 (five) Judges of the Supreme Court present in session.

Supreme Court hearings

14.

- a)** All hearings of the Supreme Court shall be conducted in a fair, just, impartial and transparent manner.
- b)** Even though Section (a) of this Article states thus, under Article 42 (c) of the Constitution and in circumstances prescribed by Article 71 of this Act,

presiding Judges of the Supreme Court hold the discretion to exclude the public from all or part of the hearing.

Application for appeal

- 15.**
- a)** A matter adjudicated by the High Court and appealed to the Supreme Court under Article 12 of this Act, must be submitted within 90 (ninety) days from the date of the High Court ruling. The 90 (ninety) days will be counted excluding the public holidays between the date of the ruling and the deadline for submission.
 - b)** The High Court shall facilitate a system to provide a summary report of any ruling made by the court to the parties to the case within and not exceeding 14 (fourteen) days from the date of the ruling.
 - c)** With regard to matters that have not been submitted within the duration specified in Section (a) of this Article due to circumstances beyond their power, should the Supreme Court deem the reason for failure of submission as plausible, the Supreme Court has the discretion to receive the matter after the expiration of the duration specified in Section (a) of this Article.
 - d)** If a matter was not submitted within the duration specified in Section (a) of this Article, due to the circumstance specified in Section (c) of this Article, the burden of proof will fall on the party submitting the application to the Supreme Court.

Circumstances in which a High Court ruling may be appealed

- 16.** High Court decisions and rulings submitted under Article 12 of this Act may be appealed to the Supreme Court under the following circumstances.
- a)** That reasons exist to believe that the decision or ruling of the High Court is inconsistent with the law; or reasons exist to believe that an error has been made in the interpretation or application of the law.
 - b)** That a procedure preceding a decision or ruling of the High Court had any of the following defects, due to which the procedure which influenced the

decision or ruling became null and void.

1. Reasons exist to believe that the hearing was conducted in a manner which contravenes the law.
2. The Judge who made the decision or the ruling has reasons of judicial or legal obstacles to adjudicate on the matter.
3. The seal of the court was missing from a document that requires the seal, or the signature of the Judge who made the decision or passed the ruling was absent.
4. The reasons for the decision or the ruling have not stated.

Submitting a procedure for repeal

17. a) A procedure preceding a decision or a ruling can only be appealed in the Supreme Court for nullification, if the point of procedure had directly influenced the ruling and if the point was raised in the court which adjudicated the case but was disregarded.
- b) Although Section (a) of this Article states thus, on matters of interest to the state, although the point of procedure was not raised in the court which adjudicated the matter, the point may be raised for the first time in the Supreme Court with the consent of the panel of Judges presiding over the case.

Guidelines for conducting objective adjudication

18. With the exception of a matter involving the contradiction of jurisdiction of a court, any one of the following course of actions may be taken when conducting objective adjudication into matters that are submitted to the Supreme Court.
- a) If the matter is one in which objective adjudication is possible and if the lower court confirmed and validated the events surrounding the matter, conclude the case after deciding on the course of legal action that can be taken on the matter.
- b) If the matter stated in Section (a) of this Article is

one in which the events surrounding the case has to be clarified again by the High Court, refer the matter back to the High Court.

- c) If the High Court fails to follow the legal principles set forth by the Supreme Court in the retrial as stipulated in Section (b) of this Article, or if the second ruling of the High Court provides a reason for appeal under this Act, the matter may be appealed for the second time in the Supreme Court.
- d) When adjudicating a matter as stipulated in Section (c) of this Article, though the events surrounding the matter has to be verified, the Supreme Court shall conduct the adjudication in whole without referring the matter to the High Court. In conducting the inquiry the Supreme Court is required to give the ruling within the legal principles set forth by the Supreme Court when previously the matter was referred back to the High Court.

Retrial by the High Court

19.

- a) Objective retrials conducted by the High Court into matters referred to the High Court under Article 18 (b) of this Act, shall conform to the boundaries of the legal points laid down by the Supreme Court.
- b) If a matter referred under Section (a) of this Article was not whole but part of a case, the High Court shall only look into that part of the case. Ruling on the part of the matter that was not referred back to the High Court shall remain.
- c) In a matter that was referred to the High Court as stipulated in Article 18 (b) of this Act, although the Supreme Court had only looked into the legal point that was appealed, once the case is referred to the High Court the court reserves the power to conduct a full trial into the matter. However, the High Court may not give a ruling which contradicts the Supreme Court's decision on that particular legal point.

- d) Matters that are referred to the High Court as stipulated in Article 18 (b) of this Act, shall be looked into by a panel of Judges which do not include the Judges who gave the ruling on the matter before.
- e) When conducting a retrial into a matter referred to the High Court as stipulated in Article 18 (b) of this Act, the parties to the case shall be notified of the legal principles set forth by the Supreme Court when the matter was referred back to the High Court, and reasonable opportunity must be given to parties to the case to raise any legal points that they may wish, in a High Court hearing.

Conforming to and challenging a ruling

- 20.
- a) A Supreme Court ruling on a matter shall be conformed to by all the other courts of the Maldives.
 - b) A Supreme Court ruling on a matter shall be conformed to by the Executive, the Parliament, the Judiciary, those in independent posts, state institutions, those holding state positions, the police and the defense force and all the citizens.
 - c) Although Section (a) of this Article stipulates thus, this Act does not obstruct Supreme Court's discretion to change or annul or discard a ruling given by the Supreme Court with regards to a statutory principle or a statutory point.

Submitting documents related to the case

21. When the Supreme Court receives a case that has been appealed to the court, the Supreme Court must notify the High Court in writing. The High Court must submit to the Supreme Court, all documents relating to the case within 7 (seven) days of receiving the Supreme Court notice.

Jurisdiction of the court in its own right

22. In addition to the powers conferred on the Supreme Court by the Constitution and the jurisdiction of the court laid out under various Articles of this Act, the Supreme Court has the jurisdiction to do the following.

- a) The power to give all orders under this Act and the

Supreme Court Regulation, relating to a matter or a case submitted to the court, and to administer justice with regard to such matters or cases, and to take necessary actions to prevent the misuse of the judicial system and to uphold the confidence in the judicial system.

- b)** In its own initiative or at the behest of a concerned party, in order to administer justice and to prevent the exploitation of the judicial system the power to issue various orders in accordance with the law, if any party is found to have violated this law or any principles of the Supreme Court regulation.
- c)** In accordance with the law and regulation, the power to summon people in relation to a case or matter submitted to the Supreme Court.
- d)** In relation to a case or matter submitted to the Supreme Court and for the purpose of finding the truth or any facts surrounding the case, the power to pose any question to any witness or party to the case at any time or in any manner.
- e)** The power to issue an order requesting for the submission of any document required by the court in relation to a case or matter submitted to the Supreme Court.

Registrar of the Supreme Court

23.

- a)** In accordance with this Act, the Supreme Court must have a Registrar to assist the court in receiving cases and to administer these cases in the court.
- b)** The Registrar of the Supreme Court will be appointed by the Chief Justice in consultation with the Judges of the Supreme Court.
- c)** The person appointed as Registrar of the Supreme Court must have the qualifications required in a Judge of the High Court.
- d)** In the absence of the Registrar or if the Registrar is incapacitated and until the Registrar is able to resume the duties or until a new Registrar is appointed, the responsibilities of the Registrar shall be assumed by a person entrusted by the

Chief Justice.

Responsibilities of the Registrar

24. The responsibilities of the Registrar of the Supreme Court include the following.

- a) Receive cases and documents submitted to the Supreme Court.
- b) Ensure that the cases and documents submitted to the Supreme Court are submitted in compliance with the regulation of the court. If a case or documents submitted to the Supreme Court in this respect is found to have been submitted in contravention to the regulation, the Registrar has the discretion to request for the case or the documents to be revised accordingly or to reject such a case or documents.
- c) Maintaining a registry of cases of the Supreme Court.
- d) Planning and publishing the calendar of the Supreme Court.
- e) Carry out activities assigned in the Supreme Court's regulation, as the responsibilities of the Registrar.

The right to submit for review, a decision made by the Registrar

25. a) If any action or decision taken by the Registrar under the powers conferred onto Registrar by this Act or a regulation created under this Act is unsatisfactory to any person or party affected by the action or the decision has the right to submit to the Supreme Court requesting for a review of the decision or the action. The regulation of the Supreme Court must include procedures for reviewing such matters.

b) If a request for review as stated in Section (a) of this Article is being made, the request must be submitted within 7 (seven) days from the date of the decision.

Constituting Panels of Judges

26. Panels of Judges to adjudicate on matters submitted to the Supreme Court will be constituted and Judges to preside these panels will be appointed by the Chief Justice in a fair and equitable manner.

CHAPTER 3

HIGH COURT

Constitution of the High Court

27. The High Court constitutes of a total number of 9(nine) judges including the Chief Judge, and additional 8 (eight) judges appointed to the Court. Once when the number of judges of the High Court is decided by this Article, for the purpose of Article 146 (a) of the Constitution, Article 16 (d) of the Judges Act shall not be in effect anymore.

Seal of the High Court

28. (a) The High Court shall have a separate seal for its use. The seal shall be stamped on all declarations documenting the rulings of the High Court, affidavits and every document of the High Court. The aforementioned documents will not be considered valid without the seal.
- (b) The seal of the High Court shall not be used in any document without written authorizations from the Chief Judge or the Registrar of the High Court.

Chief Judge of the High Court

29. (a) The highest judge of the High Court is the Chief Judge of the High Court. Upon enactment of this Act the Judicial Service Commission shall appoint a Chief Judge to the High Court.
- (b) The High Court shall be administered by the Chief Judge in accordance with the principles formulated in consultation with the Judges of the High Court.

Responsibilities of the Chief Judge of the High Court

30. In addition to responsibilities assigned to the Chief Judge of the High Court under any other Law, the responsibilities of the Chief Judge of the High Court shall included the following.
- (a) Constituting the panel of High Court Judges to oversee cases and decide on the judges to preside over these proceedings.

(b) Provide advice and assistance on procedural matters to other Judges.

(c) Give advice to the Registrar on procedural matters.

(d) Set up a mechanism and guideline whereby the rulings and decisions of the Courts can be easily accessed by Judges, lawyers and the public.

(e) Address and take action on complaints submitted regarding delays and other issues related to cases.

(f) Carryout all other tasks prescribed in the Court Regulations.

Status of the High Court

31. (a) The High Court is the Court of Appeal for all decisions made by the lower courts.

(b) All decisions and rulings from lower courts and tribunals will be appealed in the High Court unless an exemption has not been made by a Law.

Principles on adjudicating cases at the High Court

32. (a) In adjudicating cases at the High Court the evidence and defenses provided in the lower courts shall be taken as the basis.

(b) Section (a) of this Article does not restrict any party from submitting new evidence in the appeal process which did not have the opportunity of being presented in a lower court proceeding.

(c) In the event the judges at the High Court perceives that certain areas of a case being appealed has not been addressed properly in the lower Court, and a retrial of the case is seen as necessary, the High Court judges can provide a legal principle for adjudicating the case and resend the case to be tried in the lower Court where the case was initially tried.

Administering of Cases in the High Court

33. (a) When a case is accepted to the High Court, a request shall be made to the lower court to send all documents related to the case. Once when such a request is made by the High Court, if the court is in Male' the documents shall be sent to the High Court within 7 (seven) days, and if the court is in an island, the documents shall be send to the High Court within 30 (thirty) days. If it is a summary

judgment case, the High Court can request for a shorter period than the above given duration.

(b) In a case where an appeal has been made and if the High Court annuls the ruling of the lower Court and makes a decision on the case, and related to this matter if there are additional issues which have to be decided, these matters will be referred to the lower court which initially made the ruling on the case

(c) In accordance with Section (b) of this Article if a case is referred by the High Court to a lower court, the case shall be presided over by a Judge other than the Judge who previously passed a judgment on the case.

(d) Besides the points submitted when the matter was appealed at the High Court, should new applications be made in relation to the appealed case, the High Court must in its initiative state that the new points will not be taken into consideration.

(e) If a case is being appealed in the High Court with the intent of deception and treachery or the intent of misleading or intent of depriving a person of their rights or the intent of creating an obstacle to deny a person of a right, the High Court has the discretion of passing a judgment to provide compensation for the party who suffers as a result of such an appeal.

Quorum of the Panel of Judges of the High Court

34. Cases submitted to the High Court shall be decided upon by a panel of Judges of the High Court consisting of an odd number. For every case tried in the High Court, each member in the panel of Judges shall read out their verdict individually. And the final verdict of the case shall be based on the majority verdict from the individual verdicts given by the panel of Judges.

Location of the High Court

35. (a) The High Court and all hearings of the High Court in general shall be carried out in Male’.

(b) Even though Section (a) of this Article states so, taking into consideration the workload of cases, the High Court has the discretion to hold its hearings in other

islands of the Maldives, in accordance with guidelines set by the High Court Regulation.

Jurisdiction of the High Court

36. The High Court has the jurisdiction to decide on cases of the following nature.

(a) If the Constitution or a Law states that the High Court shall be the first instance court in relation to certain types of cases.

(b) Cases stated in Article 37 of this Act as those which has the original jurisdiction of the High Court.

(c) Cases which are decided by the lower courts and which are appealed.

(d) Cases which are decided by a tribunal and which are appealed.

Matters of Original Jurisdiction of the High Court

37. From within Constitutional matters, with the exception of matters which are accepted by the Supreme Court related to the Constitution and this Law, the High Court has jurisdiction to adjudicate on the following matters on first instance.

(a) A case submitted in relation to a law or a part of a law which contradicts the Constitution.

(b) A case submitted in relation to a regulation created under a law and if this regulation or part of this regulation is seen to contradict the Constitution or a law.

Matters decided by the Lower Courts

38. If a case concluded by a lower court, or a ruling made by a lower court or a decision made by a lower court, is found to be in contravention to the Constitution, a law or a regulation created under a law, the High Court has the jurisdiction to decide on such a case when submitted by a party to the matter.

Matters Decided by a Tribunal

39. If a case concluded by a Tribunal created under a law or a ruling made by such a Tribunal is found to be in contravention to the Constitution, a law or a regulation

created under a law, the High Court has jurisdiction to decide on such a case when submitted by a party to the matter.

Complaints

40. If any party submits a complaint related to a case being adjudicated in the High Court, the Chief Judge of the High court shall look into the matter and take appropriate action as per the High Court regulation.

High Court Hearings

41. (a) All hearings of the High Court shall be conducted in a free, fair and transparent manner.

(b) Even though it is stated in Section (a) of this Article, in instances made permissible by Article 42 (c) of the Constitution and Article 71 of this Act, the High Court Judges adjudicating the matter has the discretion to have a closed trial or a have a part of the trial closed from the public.

Submission for Appeal

42. (a) Cases submitted for appeal in the High Court in accordance with Article 38 and 39 of this Act shall be submitted within the following duration.

1. If the case was decided by a lower court established in Male', it shall be submitted within 90 (Ninety) days from the date of the lower court's decision.

2. If the case was decided by a lower court established in an island other than Male', it shall be submitted within 180 (One Hundred and Eighty) days from the date of the lower court's decision.

3. If the case was decided by a Tribunal, it shall be submitted within 90 (Ninety) days from the date of the tribunal's decision.

(b) The duration for submission of cases for appeal to the High Court under this Article shall be counted excluding the date of ruling given by the Lower Court or the tribunal, the date of deadline and the public holidays that come in between.

(c) The report of a case decided by a lower court shall be made available by the court to the parties of interest within 14 (fourteen) days from the date the case was decided.

(d) The High Court has the discretion to accept cases for appeal even after the duration stated in Section (a) of this Article that is if a valid reason pertaining to reasons beyond the control of the party arise leading to the delay by a party in appealing and if the High Court has reasons to believe that the reason given for such a delay is a valid one. Hence a party may appeal even if the duration in Section (a) of this Article has expired.

(e) If the delay in submitting the case for appeal exceeds the duration provided in Section (a) of this Article in relation to circumstances stated in Section (d) of this Article, the burden of proof will fall on the party making such a claim.

**Circumstances in which
Decisions of the Lower
Courts and Tribunals can be
Appealed**

43. The decisions and rulings prescribed in Article 38 and 39 of this Act can be appealed under the following circumstances.

- a) That reasons exist to believe that the decision or ruling is inconsistent with the law; or reasons exist to believe that an error has been made in the interpretation or application of the law.
- b) That a procedure preceding a decision or ruling had any of the following defects, due to which the procedure which influenced the decision or ruling became null and void.
 - 1. Contradiction to the law on how a hearing shall be held.
 - 2. The judge who made the decision or the ruling or the adjudicator is one who is faced with a legal or judicial obstacle to make such a decision or pass such a judgment on that case.
 - 3. The decision or the ruling lacks the signature of the

judge or the adjudicator.

4. The reasons for the decision or judgment have not been stated.

Appeals that cannot be carried out in the High Court, being appealed to the Supreme Court

44. (a) In accordance with this Act and the High Court regulation, if the High Court decides that a case submitted for appeal is one which does not come under the circumstances stated in Article 43 of this Act and cannot be adjudicated in the High Court, such a case can be appealed in the Supreme Court in accordance with this Act.
(b) If the High Court decides as according to Section (a) of this Article, reasons for making that decision shall be provided in writing to the party submitting the case for appeal.

Submitting to repeal a procedure

45. (a) A submission to declare a procedure which came prior to the passing of a judgment or the making of a decision null and void can only be appealed in High Court if the point of this procedure directly influenced the decision or the judgment, and the lower court or the tribunal which adjudicated the case overlooked the point of that procedure when it was brought to notice.
(b) Even though Section (a) of this Article states so, in matters of interest to the state even though the point of the procedure was not highlighted in the lower court, with the consent of the panel of judges adjudicating the case, the point of procedure can be taken in High Court for the first time.

Guidelines on objective adjudication of cases by the High Court

46. In cases other than that which contradicts the jurisdiction of a court, all cases submitted to the High Court shall be adjudicated in an objective manner as according to one of the following.
(a) If the case can be adjudicated in an objective manner, and if it can be decided that the lower court has confirmed the case proceedings in a complete and valid manner, decide on the judicial and legal principals of action and

decide on the matter.

(b) If it is a case as stated in Section (a) of this Article and which has to be referred again to a lower court or tribunal, and if the case requires a retrial, resubmit the case to the lower court or tribunal for the retrial.

(c) In accordance with this Article in the case of a retrial conducted in a lower court or a tribunal if the legal guidelines determined by the High Court has not been followed by the lower court or the tribunal, or the second decision or judgment made on the case by the lower court or the tribunal provides a valid reason for appeal in the High Court as per this Act, the case can be appealed in the High Court for a second time.

(d) In adjudicating a case as per Section (a) of this Article, if it is necessary to verify and prove the proceedings of the case again, the High Court shall adjudicate the whole matter again without referring it to the lower court or the tribunal for adjudication of the case. And the High Court shall abide by the basis of the legal guidelines prescribed by the High Court when the matter was referred previously to the lower court or tribunal for adjudication.

Retrial of a Case by the Lower Courts or a Tribunal

47. (a) As per Article 46 (b) of this Act, a case which is sent by the High Court for a retrial to a lower court or a tribunal, the case shall be given an objective adjudication by the lower court or the tribunal within the basis of the ruling passed by the High Court

(b) In accordance with Section (a) of this Article, if the retrial is carried out for a part of the case and not the case is whole, the lower court or the tribunal shall only pass a decision on that part. And the part which is not submitted for retrial to the lower court or the tribunal shall retain the decision made on that part to that date.

(c) In accordance with Article 46 (b) of this Act, the cases submitted for retrial by the High Court to the lower court or tribunal shall be presided over by a judge or adjudicator other than the judge or adjudicator who previously passed the judgment on the case.

Jurisdiction of the courts in

48. In addition to the powers bestowed upon the High Court

its own right

by a law and in addition to the jurisdiction provided to the court under various Articles of this Act, the court has the jurisdiction to perform the following.

(a) In accordance with this Act and the High Court regulation, pass rulings on cases or matters submitted to the High Court, and establish and uphold the administration of justice in relation to such cases or matters, and not to facilitate for the unfair exploitation of the justice system and the power to take all measures to maintain the confidence in the justice system.

(b) If any party goes against this Act or a principle of the High Court Regulation, the court in its own initiative or at the request of a party to the case have the power to issue various rulings which has to be issued in accordance with the law in order to administer justice or to stop the unfair exploitation of the judicial system.

(c) In accordance with the laws and regulations, the power to summon people to the High Court in relation to a case or matter submitted to the High Court.

(d) In relation to a matter or case submitted to the High Court, the power to pose any question to witnesses or any one of the two litigants related to the case, in any manner, or at any time, in order to understand the truth and reality of the matter.

(e) In relation to any matter or case submitted to the High Court, the power to order the submission of any document related to the matter.

Registrar of the High Court

49. (a) In accordance with this Act the High Court shall have a registrar to assist the court in accepting submission of cases to the court and in administering these cases.

(b) The Registrar of the High Court shall be appointed by the Chief Judge of the High Court in consultation with the High Court Judges.

(c) The person appointed to the post of the High Court Registrar shall have qualifications equivalent to that of the post of a lower court Judge.

(d) In the event the Registrar is absent or incapacitated, the duties of the post of Registrar shall be carried out by a person assigned by the Chief Judge of the High Court until the Registrar returns or a new Registrar is appointed.

Responsibilities of the High Court Registrar

50. The following is included in the responsibilities of the High Court Registrar.

- (a) Receive applications and documents submitted to the High Court.
- (b) Confirm that the documents and cases submitted to the High Court are in line with the High Court Regulation. In checking so, if the Registrar finds that the document or case submitted is not in accordance with the High Court Regulation, the Registrar has the discretion to request for the case or the documents to be revised accordingly or to reject such a case or documents.
- (c) Administer the registry of the High Court.
- (d) Preparing and publishing the High Court Calendar
- (e) On request by one of the two litigants of a case submitted to the High Court to change the lawyer, carry out the task of arranging for the changing of the lawyer.
- (f) Facilitate to change the person representing a party in a civil case.
- (g) Carry out the duties prescribed in the High Court Regulation as those which has to be carried out by the High Court Registrar.

The right to submit for review, a decision made by the Registrar

- 51.**
- (a) If any action or decision taken by the Registrar under the powers conferred onto Registrar by this Act or a regulation created under this Act is unsatisfactory to any person or party affected by the action or the decision has the right to submit to the High Court requesting for a review of the decision or the action. The High Court regulation shall prescribe a procedure to address such submissions.
 - (b) If a second request for review is made with regards to

a matter specified in Section (a) of this Article, the submission shall be made within 7 (seven) days from the date of the decision.

CHAPTER 4

LOWER COURTS

Lower Courts

- 52.** (a) Lower Courts are those courts created under this law as first instance courts and courts which have the jurisdiction to try cases which are not mandated by the Constitution or a law to be carried out by other courts.
- (b) Lower Courts are classified into two main categories. That is the upper category and the lower category.
- (c) The courts in the upper category from within the lower courts are the superior courts created under this Act. Or a court created for a specified reason under another law in the same status as the superior court.
- (d) The lower category of courts created from within the lower courts is the magistrates courts created under this Act.

PART 1: SUPERIOR COURTS

Superior Courts

- 53.** (a) Superior Courts are first instance courts created under this law in the upper category of the lower courts.
- (b) The following four courts are superior courts in Male' created under this law.
- 1.** Civil Court
 - 2.** Criminal Court
 - 3.** Family Court
 - 4.** Juvenile Court
- (c) Divisions of the four superior courts stated in Section (b) of this Article can be created in other regions of the

country. The population and the case load in that region shall be taken into consideration before creating such a division.

(d) In accordance with Section (c) of this Article, a division can be created by a decree issued by the Chief Justice in consultation with the Judicial Council and the Judicial Service Commission.

(e) In accordance with Section (b) of this Article, if four divisions of the four courts are established in one island, the magistrate court of that island will be abolished. And if a division from among the four courts is established in an island, matters that fall within the jurisdiction of the relevant court shall be carried out by the relevant division and not by the magistrate court.

Creation of the Superior Court

54. (a) The “*Madhanee*” Court which was functioning in Male’ prior to the enactment of this Act, shall transform into the Civil Court stated in Article 53 (b) of this Act, and with the enactment of this Act that Civil Court is created. And the Judges, staff and work of the “*Madhanee*” Court shall be transferred into the Civil Court once when this law is enacted and the ongoing cases in that court shall also be transferred to the Civil Court from that moment.

(b) The “*Jinaaee*” Court which was functioning in Male’ prior to the enactment of this Act shall transform into the Criminal Court stated in Article 53 (b) of this Act, and with the enactment of this Act that Criminal Court is created. And the Judges, staff and work of the “*Jinaaee*” Court shall be transferred into the Criminal Court once when this law is enacted and the ongoing cases in that court shall also be transferred to the Criminal Court from that moment.

(c) The “*Aailaa Aai Behey*” Court which was functioning in Male’ prior to the enactment of this Act shall transform into the Family Court stated in Article 53 (b) of this Act, and with the enactment of this Act that Family Court is created. And the Judges, staff and work of the “*Aailaa Aai Behey*” Court shall be transferred into the Family Court once when this law is enacted and the ongoing cases in that court shall also be transferred to the Family Court from that moment.

(d) The “*Kudakudhinna Behey*” Court which was functioning in Male’ prior to the enactment of this Act shall transform into the Juvenile Court stated in Article 53 (b) of this Act, and with the enactment of this Act that Juvenile Court is created. And the Judges, staff and work of the “*Kudakudhinna Behey*” Court shall be transferred into the Juvenile Court once when this law is enacted and the ongoing cases in that court shall also be transferred to the Juvenile Court from that moment.

(e) During the transfer process of the work from a Court abolished under this Act to a Court which is created under this Act, if the Court created does not have the jurisdiction of a work being transferred from the court which is abolished, under this Act that work shall be assigned to the court with the relevant jurisdiction for that work as determined by this Act.

(f) The number of Judges in a superior court shall be decided by the Judicial Service Commission based on the recommendations of the Judicial Council.

(g) The Judicial Service Commission shall appoint Judges to the superior courts in accordance with the law.

(h) The superior court judges shall be addressed as Judge.

(i) The four superior courts created under Article 53 of this Act shall have a Senior Judge. And the head of each of these courts is the Senior Judge. From within the Judges in a superior court, the Judicial Service Commission shall appoint a person to fill the post of chief judge for each superior court.

Responsibilities of the Senior Judge 55. In addition to the responsibilities assigned by other laws, the responsibilities of the Senior Judge of a superior court are the following.

(a) Determine the Judges who would adjudicate the cases of that court.

(b) Give advice and assistance to other Judges of that court in procedural matters.

(c) Give advice to the Registrar of the court on issues related to procedure and administration.

(d) Establish a mechanism whereby the decisions and

rulings of the court can be easily viewed by the Judges, lawyers and the public.

(e) Take action in relation to delays and other complaints related to cases submitted to the court.

(f) Carryout all tasks prescribed in the court regulation as those responsibilities which have to be carried out by the Senior Judge.

Seal of the Superior Court

56. (a) For all superior courts created under this Act there shall be a seal designed for the exclusive use of that particular superior court. This seal shall be stamped in all official documented rulings and declarations by that superior court and all other official documents of that court. None of the aforementioned documents will be valid without the seal of that particular superior court.
- (b) The seal of the particular superior court shall not be used in any document without written authorizations from the Chief Judge or the Registrar of that superior court.

Jurisdiction of the Superior Court

57. (a) From the four superior courts created under Article 53 of this Act the jurisdiction of the Civil Court is in schedule 1 of this Act, jurisdiction of the Criminal Court in schedule 2 of this Act, jurisdiction of the Family Court in schedule 3 of this Act and the jurisdiction of the Juvenile Court is prescribed in schedule 4 of this Act.
- (b) In accordance with Section (a) of this Article, if additions or omission to the jurisdictions prescribed in schedule 1 or schedule 2 or schedule 3 or schedule 4 of this Act has to be carried out, the modification has to be done in agreement with the Judicial Service Commission and the Judicial Council and by a decree issued by the Chief Justice.
- (c) Any modification brought about in accordance with Section (b) of this Article shall come into effect after the publication of the omission or the addition in the Government Gazette.
- (d) In accordance with Section (a) of this Article if any omission or addition has been brought to the jurisdictions prescribed in schedule 1 or schedule 2 or schedule 3 or schedule 4 of this Act, in accordance with Section (b) and (c) of this Article, it is deemed that the changes have been

brought to those schedules of this Act.

Judge Presiding over a Trial 58. Cases submitted for adjudication in a superior court will generally be presided over by one Judge who would carry out the trial and give the verdict. However the Senior Judge of the superior court has the discretion to assign a panel of Judges consisting of an odd number to adjudicate a case taking into consideration the nature, type and other factors surrounding the case.

Registrar of the Superior Court 59. (a) In accordance with this Act each superior court shall have a Registrar to assist the court in accepting submission of cases to the court and in administering these cases and assisting the Senior Judges of the superior courts.
(b) The Registrar of the superior court will be appointed by the Senior Judge with advice from the Judges of that superior court.
(c) The person appointed to the position of a superior court Registrar shall be one who fulfills the qualification of the post of a Judge at that superior court.
(d) In the event the Registrar is absent or incapacitated, the duties of the post of Registrar shall be carried out by a person assigned the task by the Senior Judge of that superior court until the Registrar returns or a new Registrar is appointed.

Responsibilities of the Registrar of the Superior Court 60. The following are included in the responsibilities of the superior court Registrar.
(a) Acceptance of documents and cases submitted to the Court.
(b) Confirming that the documents and cases submitted to the court are in line with the court regulation. If the Registrar finds that the document or case submitted is not in accordance with the court regulation, the Registrar has the discretion to request for a case or document to be modified in line with the court regulation or reject the case or document.

- (c) Administer the registry of the court.
- (d) Prepare and publish the Court Calendar
- (e) In the event a request is made by one of the two litigants of the case submitted to the court to change the lawyer assigned to them, carry out the task of arranging for the changing of the lawyer.
- (f) Facilitate to change the substitute to a party in a civil case.
- (g) Carry out the duties prescribed in the court regulation as those which has to be carried out by the court Registrar.

The right to submit for review, a decision made by the Registrar

- 61.** (a) If any action or decision taken by the Registrar under the powers conferred onto Registrar by this Act or a regulation created under this Act is unacceptable to any person or party affected by the action or the decision has the right to make a submission requesting for a review of the decision or the action.
- (b) If a second request for review is made with regards to a matter specified in Section (a) of this Article, the submission shall be made within 7 (seven) days from the date of the decision.

PART 2: MAGISTRATE COURTS

Creation of the Magistrate Courts

- 62.** Prior to the enactment of this Act, all courts functioning as Island Courts shall transform into Magistrate Courts as stated in Article 52 (d) of this Act, and with the enactment of this Act that Magistrate Court is created in place of the Island Court of an island. And the Judges, staff and work of the Island Court shall be transferred to the Magistrate Court once when this law is enacted and the ongoing cases in that court shall also be transferred to the Magistrate Court from that moment.

Existence of a Magistrate

- 63.** A Magistrate Court shall be established in all inhabited

Court

islands with the exception of Male' where there are the four superior courts created in accordance with Article 53 (b) of this Act and in an island where 4 divisions of these four superior courts are established in accordance with Article 53 (c) of this Act.

Judges of the Magistrate Court

- 64.** (a) Among all islands where a Magistrate Court is established, a Judge shall be stationed in every island with a population of more than 500 people.
- (b) In islands where a Magistrate Court is established and where the population is less than 500 people, the workload of such a Magistrate Court shall be assigned to Judges in accordance with the principles prescribed in Article 67 (c) of this Act.
- (c) Judges of the Magistrate Courts shall be addressed as "Magistrate".

Seal of the Magistrate Court

- 65.** (a) For all Magistrate Courts created under this Act there shall be a seal designed for the exclusive use of that Court. This seal shall be stamped in all official documented rulings and declarations by that court and all other official documents of that court. None of the aforementioned documents will be valid without the seal of that particular Magistrate Court.
- (b) The seal of the particular Magistrate Court shall not be used in any document without written authorization from the Senior Magistrate or the Registrar of that Magistrate Court.

Jurisdiction of the Magistrate Court

- 66.** (a) The areas of jurisdiction of the Magistrate Courts are stipulated in schedule 5 of this Act.
- (b) In accordance with Section (a) of this Article, if additions or omission to the jurisdictions stipulated in schedule 5 of this Act has to be carried out, the modification has to be done in agreement with the Judicial Service Commission and the Judicial Council and by a decree issued by the Chief Justice.
- (c) Any modification brought about in accordance with Section (b) of this Article shall come into effect after the publication of the omission or the addition in the Government Gazette.

(d) In accordance with Section (a) of this Article if any omission or addition has been brought to the jurisdictions stipulated in schedule 5 of this Act, in accordance with Section (b) and (c) of this Article, it is deemed that the changes have been brought to those schedules of this Act.

CHAPTER 5

DETERMINING THE SECTORS OF THE JUDICIARY

Determining the Sectors of the Judiciary and appointing Magistrates

67. (a) To organize and arrange the work of the Magistrate Courts and for easy administration of the Magistrate Courts, once when this Law is enacted a judicial sector shall be deemed created for every administrative area prescribed in schedule 2 of the Constitution.

(b) Even though it is stated otherwise in other laws, the appointment of Magistrates for the Magistrate Courts in the judicial sectors shall be carried out by the Judicial Service Commission in consideration of the following factors.

1. If it is an island with a population of 500 people, in keeping with the number of cases submitted to the Magistrate Court of that island, decide on the number of required Magistrates that need to be stationed in that island and appoint such a number of Magistrates.

2. In an island where there are less than 500 people and taking into account the number of cases submitted to the Magistrate Court and in a manner where the work of the court will not be affected, and to carry out the work at a reasonable pace, the work of the Magistrate Court of that island shall be handed over to a Magistrate from that judicial sector.

(c) The status of the practicing magistrates in the Island Courts at the time of the enactment of this Law shall be determined as follows.

1. If it is an island with a population of over 500

people, apart from the magistrate who is appointed to be stationed in that island the other magistrates appointed to that island's Magistrate Court are also magistrates of the judicial sector to which their Magistrate Court belongs.

2. If it is an island with a population less than 500 people, the magistrate assigned with the tasks of that island's Magistrate Court is also a magistrate of the judicial sector to which that island's Magistrate Court belongs.

Senior Magistrate

68. (a) From the magistrates assigned to the specific judicial sectors categorized in accordance with Article 67 (a) of this Act, the Judicial Service Commission shall appoint a Senior Magistrate for every sector.
(b) The person in charge of administering and organizing the judicial sectors is the Senior Magistrate of that judicial sector.
(c) The following are included in the responsibilities of the Senior Magistrates of the judicial sectors.
 1. From the Magistrate Courts established in that judicial sector, the Senior Magistrate shall organize and dispatch magistrates from that judicial sector to attend to the cases submitted to courts which do not have a magistrate stationed in that island's Magistrate Court.
 2. Give advice and assistance to magistrates of that judicial sector on matters related to administration and procedure.
 3. Take action on complaints submitted related to delays in cases and other such complaints.
 4. All other tasks prescribed in the regulation as that which has to be carried out by the Senior Magistrate.

CHAPTER 6

REGIONAL JURISDICTION OF THE COURTS

Regional Jurisdiction of the Courts

- 69.** In addition to the jurisdiction of the courts determined by the Constitution and this Act, in the following circumstances, and in relation to the number of its occurrences the courts have a regional jurisdiction.
- (a)** The court is in the sector where the defendant has their permanent address. If the case is against more than one person, the permanent address of one of the defendants' belongs to the sector where the court is.
 - (b)** In cases related to property, the court must be from the sector where the property or a part of the property is.
 - (c)** If it's a case against a state authority or an institution, it shall be a court within the sector where the state authority and institution is located.
 - (d)** If it's a case against a company or a club or an association, it shall be a court in the sector where the main office is located. And if it's a case brought against one of the branches of such a body than it shall be a court in the sector where the branch office is located.
 - (e)** If it's an inheritance related case, the region where the inheritor had their permanent address prior to passing away, or a court in the sector where the inheritance is.
 - (f)** If it's a case regarding bankruptcy it shall be the court which passed the ruling.
 - (g)** If it is a business related case then it shall be in a court in the sector where the permanent address or the temporary address of the defendant is, or it could be a court agreed upon by all parties or it's a court in the sector where the whole matter or a part of the matter was put in practice or it's a court in the sector where the agreement has to be implemented.
 - (h)** If it's a case related to alimony, it shall be a court in the sector where the plaintiff or the defendant is residing.
 - (i)** If there is no one particular address of the defendant and if the case cannot be submitted in accordance with this Article, it shall be the court in the sector where the

plaintiff resides.

(j) In criminal cases it shall be the court in the sector where the victim resides.

(k) It shall be a court in the sector where the witnesses related to a case reside.

Overlapping of the Jurisdiction of Two Courts

70. In a case where there is an overlap of the jurisdiction prescribed for a particular court in accordance with this Act and the regional jurisdiction provided for the courts in accordance with Article 69 of this Act, the court which shall adjudicate the matter is the court which has the particular jurisdiction over such matters.

CHAPTER 7

GENERAL PROCEDURES

Trials Open to the Public

71. (a) The trials carried out in courts shall be carried out open to the public.

(b) In relation to one of the following reasons and in a manner which does not contravene democratic values, the judges presiding over the case has the discretion to conduct a closed trial or consider a part of the trial as closed from the public.

1. To uphold the social values and conduct or to maintain law and order or for the purpose of safe guarding national security.

2. In protecting the rights of the child in relation to the case submitted and to protect the interest of a party who has suffered as a consequence of a crime committed by another party.

3. If opening up of the trial to the public would hinder carrying out a free and fair trial

(c) For a reason stated in Section (b) of this Article if the court has not decided otherwise, all the decisions and

court rulings shall be announced in an arena open to the public. And the court orders and rulings related to an open trial shall be made accessible to all interested parties.

(d) The trial proceedings shall be controlled and the regulations and order of the court proceedings shall be upheld by the Judge presiding over the case.

Court Summon

72. In accordance with a regulation formulated under this Act the court has the power to summon parties to the court in relation to a case submitted to the court, and pose questions to those parties and request to submit any document needed by the court. Action to be taken by the court against a party who has been summoned by the court and who failed to be present in the court without a valid reason shall be provided for in the regulation formulated under this Act.

**Out of Court Settlements
Prior to the Court Trial**

73. (a) Prior to holding the court trial in civil cases submitted to the lower courts, if a litigant to the case requests, the litigants to the case can be summoned and an appeasement proceeding can be held and the court shall work to find a peaceful out of court settlement in accordance with the regulation formulated by the Judicial Council under this Act.

(b) Even though Section (a) of this Article states thus, summary judgment cases, and cases submitted to establish the sentence, and cases requesting for a court order for injunction and in cases where an appeasement has not been provided by a law, a request shall not be made for conciliation.

Levying Court Fees

74. The courts have the discretion to levy a fee for the services it provides. If a fee determined by the court has not been paid, no document related to the case shall be accepted for submission or released.

**Dropping the Appeal by the
Party who made the Appeal**

75. (a) If the party, who had requested for the appeal, drops the appeal or relinquish from exercising their rights, the case for appeal shall be repealed.

(b) If the party, who had requested for the appeal, drops the appeal, the case shall be repealed and the relevant

parties shall be informed of it.

Contempt of Court

- 76.** During the court proceedings if a party leaves the court without the consent of the court, or if a person conducts themselves in the court in a manner which contravenes the order of the court, or if a party disobeys the orders of a court, in taking into consideration the graveness of the matter the Judge has the discretion to issue an instant sentence as follows.
- (a)** Levy a fine which does not exceed 10,000 (ten thousand) Rufiyaa.
 - (b)** Imprisonment of not more than 15 (fifteen) days or house arrest of not more than 1 (one) month.

Compliance with the rulings of the Court

- 77.** In carrying out the ruling of a court if it has not be delayed by that court or a court where the case was appealed, the ruling of every court is binding towards, the executive, parliament, the judiciary, persons in independent positions, state institutions, persons fulfilling state positions, the security service sector composing of the police and defense force and all other members of the public.

General Assembly of the Courts

- 78.** There shall be a general assembly of Judges in the Supreme Court, High Court and Superior Courts. The responsibilities of the general assembly of Judges of the courts are as follows.
- (a)** Hold discussions and decide on issues related to improving the services provided by that court.
 - (b)** If there are specific sectors allocated to that court, organize and assign the matters to the relevant sectors.
 - (c)** Prior to formulation of the budget of the court, decide on the areas that need to be included in the budget.
 - (d)** Determine the areas for training of the court staff.
 - (e)** Organize the work that will be carried out during the court recess.
 - (f)** Organize for carrying out any task assigned to the court by a law or a supreme court ruling.
 - (g)** In addition to the aforementioned tasks, carryout any other internal affairs of the court.
 - (h)** Establish a central register for all cases pending in

every court, organize and establish a centralized system for providing administrative assistance needed to expedite the cases of the court.

Conducting the General Assembly of the Court

79. In every court the general assembly shall include all Judges of the court. If it is the general assembly of the Supreme Court it shall be presided over by the Chief Justice. If it's the general assembly of the High Court it shall be presided over by the Chief Judge of the High Court. If it is the general assembly of a Superior Court, it shall be presided over by the Senior Judge of that court. A meeting of the general assembly can be held if more than half the judges in the assembly are present.

Decisions of the General Assembly

80. (a) Decisions of the general assembly shall be passed with the majority votes from the judges present.
(b) All decision of the general assembly shall be recorded verbatim in a register dedicated for that purpose. And all judges of that court present at the general panel shall sign it.

CHAPTER 8

JUDICIAL COUNCIL

Judicial Council

81. With the enactment of this Act a council is constituted to work towards aligning the main policies and guidelines on the trial process of all courts, formulate the regulations which have to be formulated by the courts under the Constitution and this Act on similar principles, pave way for up keeping similar standards in all courts under similar guidelines, formulate the regulations and guidelines under the laws on trial procedures, provide consultation on the trial process and the administration of the courts. This council shall be named the "Judicial Council."

Responsibilities of the Judicial Council

82. The responsibilities of the Judicial Council include the following.
(a) Standardizing the trail procedures of the courts, submitting ideas on ways of speeding up administration of

the courts and providing the necessary consultation.

(b) In accordance with the Constitution and the laws, formulate the regulations on court procedures and the general administration of the courts.

(c) Carry out the studies needed to determine the strategic plan for the Maldives judiciary, provide consultation to the Chief Justice in formulating the strategic plan.

(d) Review the forms used for submitting cases to the courts and other case related forms and documents and provide consultation to the courts in bringing changes to these.

(e) Determine the general rules on how cases shall be accepted to the courts.

(f) Determine the guidelines on organizing and administering the scheduling of cases.

(g) Review the formats used for writing the reports of the court decisions, organize for the changes to be brought, and provide consultation to the courts on the changes that needs to be brought to the regulations.

(h) Highlight the changes that need to be brought to regulations and guidelines on trial processes and provide consultation to the courts.

(i) Determine the steps to be taken by the courts in relation to the complaints submitted regarding delays of cases.

(j) Establish the regulations on Judges relinquishment related to various reasons and guideline for arranging parties to oversee such issues.

(k) Carry out the other responsibilities assigned to the Judicial Council by this Act and other laws.

(l) Determine the guidelines to follow in a case where a panel consisting of more than one Judge of a superior court has to determine the Chief Judge.

Composition of the Judicial Council

83. **(a)** The Judicial Council shall comprise of the following members.

1. Chief Justice

2. A Judge of the Supreme Court selected by the other Judges of that court, other than the Chief Justice.
3. Chief Judges of the High Court.
4. Senior Judge of the Civil Court.
5. Senior Judge of the Criminal Court.
6. Senior Judge of the Family Court.
7. Senior Judge of the Juvenile Court.
8. One magistrate from the north region and one magistrate from the south region of the Maldives.

(b) The two magistrates stated in Section (a) (8) of this Article as members of the Judicial Council shall be appointed to the council in a manner agreed by the Chief Justice and the Chief Judge of the High Court. And once every two years the magistrates who work as council members shall be changed.

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| Chair of the Judicial Council | 84. The Chief Justice shall be the chair of the Judicial Council. If the Chief Justice cannot be present for a Judicial Council meeting, the chair of the council shall be the Supreme Court Judge who is in the council. |
| Secretariat of the Judicial Council | 85. The secretariat of the Judicial Council shall be looked after by the Registrar of the Supreme Court. |
| Meetings of the Judicial Council | 86. A meeting of the Judicial Council shall be held minimum once every 3 (three) months. |
| Quorum of the Judicial Council | 87. A meeting of the Judicial Council shall be held with more than half its members present. |
| Passing a Decision by the Judicial Council | 88. A decision of the Judicial Council can be passed by the majority of members present in the meeting and taking part in the vote. |

Regulation of the Judicial Council

89. Within 45 (forty five) days from the date of the enactment of this law, the council shall pass its administrative regulation and publicize it.

CHAPTER 9

DEPARTMENT OF JUDICIAL ADMINISTRATION

Department of Judicial Administration

90.

- a)** An office by the name of Department of Judicial Administration shall be created upon the enactment of this Act.
- b)** Once the office stated in Section (a) of this Article is created, the Department of Judicial Administration which was functioning prior to the enactment of this Act shall be abolished, and the staff, functions, financial and civil responsibilities and rights transferred from that moment to the Department of Judicial Administration created under this Act.

Responsibilities of the Department of Judicial Administration

91. The responsibilities of the Department of Judicial Administration are as follows.

- a)** Provide administrative assistance in implementing the programs and procedures required by the courts.
- b)** Provide the administrative, financial and technical assistance required by the Magistrate Courts.
- c)** Provide administrative assistance requested by the Supreme Court, the High Court and the Superior Courts.
- d)** Obtain the resources required by the courts from government offices.
- e)** Prepare the consolidated budget of the Judiciary in consultation with the courts.
- f)** Establish and maintain an internal audit system to monitor whether the financial dealings of the courts comply with Act Number 3/2006 (Financial Act of the State).
- g)** Prepare an annual report of the Judiciary at the end

of every Gregorian year, and submit the report to the Chief Justice, the People's Majlis, and the Judicial Service Commission before the end of the month of February the following year.

- h)** Plan and conduct training programs and refresher programs required by the Judiciary as decided by the Judicial Council.
- i)** In consultation with the Judicial Council, conduct seminars, conferences, and meetings in order to raise the educational standards and technical skills of the Judges.
- j)** If cases are being backlogged in the courts due to a shortage of Magistrates in the area, in a manner set forth by the Judicial Council, make administrative arrangements to dispatch judicial teams to these islands.
- k)** In accordance with the principles set by the Judicial Council, manage all the affairs related to the employment of the administrative staff of the courts of the Judiciary of the Maldives.
- l)** Maintain comprehensive records of the rulings of the courts and establish a system to make the rulings accessible to the public.
- m)** If a court makes any of the following requests, in accordance with the guidelines set forth by the Judicial Council, provide the assistance requested by the court.
 - 1.** Employing a person to a post at the court.
 - 2.** Give promotion to an employee of the court.
 - 3.** Dismiss an employee of the court.
- n)** In accordance with the established regulations, send the finances required by the Magistrate Courts for their operating costs, maintain records of this and audit the financial accounts of the courts.
- o)** Protect and preserve old documents of the Judiciary, and release these documents under the rules laid down for the purpose.
- p)** Facilitate for the acquisition of buildings required by the Judiciary; decide on construction,

renovation and maintenance.

- q) Establish a system to facilitate for the easier dispatching of the laws and regulations being enacted, amendments being brought to these laws and regulations, letters and circulars and the like to the courts.
- r) Gather statistical records of the courts, preserve and publish them.
- s) Facilitate for the procurement of all the materials required by the courts as requested by the courts and arrange a system to maintain inventory of these.
- t) Extend the assistance required by the Judicial Service Commission to undertake its duties.

Chief Judicial Administrator 92.

- a) The Department of Judicial Administration will be run by the Chief Judicial Administrator under the supervision of the Chief Justice.
- b) The Chief Judicial Administrator will be appointed by the Chief Justice in consultation with the Judicial Council.
- c) The Chief Judicial Administrator will be appointed for a 5 (five) year term. On completion of the term, he/she may be re-appointed for another term. A person appointed to the post of the Chief Judicial Administrator is required to have done higher studies in the field of management and administration and should have experience in the judicial sector.
- d) The Chief Judicial Administrator must be answerable to the Judicial Council in accordance with the principles set forth by the council.
- e) The Chief Administrator may be dismissed from office in consultation with the Judicial Council, if the Chief Justice wishes to do so.

Administrative staff of the courts

- 93.** With the exception of Registrars of courts, the Department of Judicial Administration will manage all the employee related affairs of the staff of the Department of Judicial Administration and the courts in accordance with this Act,

including the hiring, promotions and dismissal of staff.

Regulation related to the administrative staff

94. The Department of Judicial Administration must formulate and publicize the regulation related to the employees of the judiciary within 90 (ninety) days from the date of enactment of this law.

CHAPTER 10

MISCELLANEOUS

Security matters of the courts

95. Security forces of the state must oversee the security matters of the courts.

Formulating regulations

96. a) Every court has the discretion to formulate general regulations and issue orders within the court's jurisdiction.
b) Creating procedures within the court regulations is a responsibility of the Judicial Council.
c) Unless otherwise stated in this Act, all regulations pertaining to this Act will be formulated by the Judicial Council.
d) All regulations formulated under this Act must be compiled into a book, published and made available to the public once a year, by the Department of Judicial Administration.

Enactment of the law

97. This law will come into effect when its passed, ratified and from the date it is published in the Government Gazette.

Abolishment of law

98. Article 21 (e) of Act Number 10/2008 (Judicial Service Commission Act) shall be abolished on enactment of this Act.

Definitions

99. In this Act, unless the context otherwise clearly expresses, the following words and phrases shall have the following meanings.
- a) "Parties of interest in a case" means any person who may be directly affected by a verdict, ruling

or decision of a court and any person who has the discretion to file a case to the courts as per this Act and the regulations created under this Act.

- b) “He/she” “that person” “plaintiff” “defendant” although these words have been denoted in the singular tense they embody plural tense and legal personalities.
- c) “Matters” refer to applications made to a court under this Act and the regulations formulated under this Act, seeking a court adjudication.
- d) “Constitutional matters” mean, proceedings where the determination of the meaning of an Article of the Constitution or any part thereof is required, or proceedings requiring a determination whether a law or any part thereof, or a regulation or any part thereof, or an order issued by a State authority, or an act committed or a decision taken by an official of the authority contravenes the Constitution.
- e) “Constitution” means the Constitution of the Republic of Maldives.
- f) “Tribunal” is taken in the same context as defined in the Constitution of the Republic of Maldives.
- g) “Jurisdiction” means area and matters over which the courts have power to exercise influence.

SCHEDULE 1

JURISDICTION of CIVIL COURT

The Civil Court among the superior courts has the jurisdiction to adjudicate over all the civil cases with the exception of family matters. Cases adjudicated by the Civil Court encompass the following.

1. Property, houses and inheritance.
2. Among matters relating to property inheritance and inheritance those that are received by the treasury.
3. Bequest
4. Bestowment
5. Joint Ownership or joint tenancy.
6. Compensation.

7. Matters relating to houses and the division of property and houses owned by two or more people.
8. Eviction of persons from homes.
9. Inalienable estate
10. **“Laaajessun”**
11. Issues related to lost and found items.
12. Declaring Bankruptcy.
13. Matters regarding disputes or breaches of agreements between the government, non-government parties, and private parties.
14. Matters regarding businesses.
15. Matters regarding interest.
16. Matters regarding desertion
17. Matters relating to debt.
18. Cases related to obtaining money from fines imposed by courts.
19. Matters regarding companies that get dissolved under the Company Act.
20. Matters regarding the determination of payments related to goods and services or applications regarding the failure of payment so determined.
21. Matters submitted seeking compensation for civil losses incurred by various persons.
22. Matters submitted seeking compensation following a court ruling which orders the release of a person who has been subjected to house arrest without the legal authority or in breach of law, or under Article 58 of the Constitution, for arrest or detention.
23. Amongst matters submitted requiring a summary judgment, those matters stated in this Schedule which may be expedited.
24. Matters relating to agreements between the government, non-government parties and private parties and the registration of mortgage property.
25. Matters regarding the registration of power of attorney and other documents.
26. Ratification of all documents with the exception of those that are to be ratified by another Government authority.
27. Other matters that are adjudicated in the Civil Court, not specified in this Schedule.

SCHEDULE 2

JURISDICTION OF THE CRIMINAL COURT

With the exception of juvenile delinquencies committed by children as defined in the Constitution the Criminal Court among the superior courts has the jurisdiction to adjudicate on all matters relating to criminal offences that have not been exempted by another law. Following are the functions of the Criminal Court and cases adjudicated by the court.

1. Cases related to death.
2. Cases related to fornication.
3. Cases related to conceiving and giving birth out of wedlock.
4. Cases related to libel and slander.
5. Cases related to homosexuality.
6. Cases related to sexual misconduct.
7. Cases related to the consumption of alcohol.
8. Cases related to the violation of a tenet of Islam and blasphemous acts and speeches.
9. Cases related to theft.
10. Cases related to violence.
11. Cases related to acts of public nuisance.
12. Cases related to fraud and treachery.
13. Cases related to deception.
14. Cases related to embezzlement.
15. Cases related to mugging.
16. Cases related to negligence of money and property.
17. Cases related to narcotics.
18. Cases related to obtaining money from fines imposed by a court.
19. Cases submitted seeking an order to release from detention claiming the detention was unlawful and without legal authority.
20. Cases related to members of the same sex who have reached puberty engaging in sexual misdemeanor.
21. Cases related to the consumption of alcohol or liquids with alcohol content.
22. Cases related to the consumption of food during the day in the month of Ramazan.
23. Cases related to unlawful entry into houses and climbing aboard vehicles and vessels.
24. Cases related to unlawful fishing from lagoons.
25. Cases related to the extraction of sand, stones and corals from prohibited areas.
26. Cases related to flouting the regulation and leaving the premises while under house arrest.
27. Cases related to the breach of regulations on detention, by those who have been incarcerated or banished.
28. Cases related to bringing pornographic materials to the Maldives, possession of pornographic materials, and viewing of sexually explicit content.
29. Cases related to driving motor vehicles without a license, and not informing cases of accidents.
30. Cases related to attempted suicide.
31. Cases submitted, along with the charges brought against, seeking compensation for any of the offences adjudicated by the Criminal Court.
32. Issues of determining lineage submitted along with the criminal cases being adjudicated by the Criminal Court.
33. Other matters that are adjudicated in the Criminal Court, not specified in this Schedule.

SCHEDULES 3

JURISDICTION OF THE FAMILY COURT

The Family Court, amongst the superior courts has the jurisdiction to adjudicate matters which are handled by the sector related to family affairs. In this respect, the functions of the Family Court and matters adjudicated by the court are as follows.

1. Issues regarding the establishment of death.
2. Issues regarding the comparison of the wife to a person who is unmarriageable by relation
3. Issues regarding **faskhukurun** and separation in a marriage.
4. Issues regarding marital disputes and infidelity.
5. Issues regarding the determination of paternity.
6. Issues regarding the establishment of guardianship.
7. Issues regarding the establishment of parentage.
8. Issues relating to oath of condemnation.
9. Issues relating to the entrustment of raising one's own child by another person.
10. Issues relating to **eelaa**.
11. Criminal cases not allocated to any of the three sections of the Family Court.
12. Performing and registering of marriage and other related matters.
13. Registering of marriages performed outside the Maldives.
14. Registering divorces.
15. Issues regarding disputes about divorce.
16. Issues regarding child custody.
17. Issues regarding alimony and issues submitted alleging the husband of not giving alimony or financial support to the wife.
18. Amongst matters submitted requesting a summary judgment, those matters stated in this Schedule which allow a summary judgment.

SCHEDULE 4

JURISDICTION OF THE JUVENILE COURT

In addition to the matters that are stipulated by another law as being within the jurisdiction of the Juvenile Court, juvenile delinquencies committed by children as defined by the Constitution, and matters submitted requesting the extension of the period of detention of those children who have been detained for various offenses, are within the jurisdiction of the Juvenile Court which is amongst the superior courts.

SCHEDULE 5

JURISDICTION OF THE MAGISTRATE COURT

- 1.** Adjudication of the following category of matters is within the jurisdiction of the Magistrate Courts.
 - a)** All the criminal, civil and family matters conducted by the judicial sector in which the court belongs, with the exception of those that have not been exempted in this Schedule or in another Article of this Act or by another statute.
 - b)** Among the criminal charges brought against children in the judicial sector in which the court belongs, those that have not been exempted in this Schedule or in another Article of this Act or by another statute.
 - c)** Matters submitted under Article 43 (c) of the Constitution.
 - d)** Matters submitted under Article 65 of the Constitution.
 - e)** Matters seeking a ruling to release from detention, claiming the detention as unlawful or without legal authority.
 - f)** Matters submitted seeking compensation following a ruling by the relevant court, to release a person who has been unlawfully detained or detained without legal authority and under Article 58 of the Constitution for unlawful arrest or detention.
 - g)** Matters submitted requesting for release on bail.
 - h)** Matters that are required to be expedited by the Magistrate Courts under the regulation on summary judgment.
 - i)** Registration of contracts, power of attorney, agreements on mortgages and wills.
- 2.** Of the civil, criminal and family matters specified under (1) of this Schedule, the following matters shall not be adjudicated by the Magistrate Courts.
 - a)** Cases related to murder.
 - b)** Issues specified in the Narcotics Act.
 - c)** Among offences of theft, embezzlement, deception, fraud and treachery and mugging, those that involve an amount of Rf. 100,000 (one hundred thousand) and above or assets of the same value.
 - d)** Matters regarding the counterfeiting of notes and coins and the contraband of counterfeit money into Maldives.
 - e)** Cases related to terrorism.
 - f)** Charges brought under any of the Articles of Chapter 1 of the Penal Code under the title “Sedition and treason against the state”.
 - g)** Cases of rape.
 - h)** Cases which involve an amount of Rf. 5000,000 (five million) and above or assets of the same value.
- 3.** Although specified in any other manner in another Article of this Act the Magistrate Court of an island shall be the first instance court for the following category of cases related to that island.
 - a)** Cases related to land, buildings, houses and immovable goods of the island.

b) Cases related to the inheritance of an inhabitant of the island.
