

Supreme Court of The Maldives

Malé

Republic of Maldives



Ahmed Siddiq & Ibrahim Hussain v. People's Majlis (State)

- **Case Number:** 2012/SC-C/36
- **Applicant:** Ahmed Siddiq, Aisadharuge/G.Dh Fiyori, Ibrahim Hussain, Dhaftharu Number 3569
- **Respondent:** People's Majlis (State)
- **Nature of the Case:** Constitutional Matter
- **Date of Decision:** 14 March 2013
- **Bench:** Chief Justice Ahmed Faiz Hussain, Justice Abdhullah Saeed, Justice Adhulla Areef, Justice Ali Hameed Mohamed, Justice Adam Mohamed Abdhulla, Justice Dr. Ahmed Abhdulla Didi, Justice Ahmed Muthasim Adnan

- **Case Summary:**

This case was adjudicated on the application to establish that the amendments brought to certain sections of the Rules of the People's Majlis on 03 December 2012 which allowed for secret on some matters decided by the People's Majlis and its committees, were in contravention to Article 85 of the Constitution of the Maldives; to set a constitutional majority/limit to determine the total membership of the People's Majlis when impeaching

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the President or the Vice President and to prescribe a constitutional standards to determine members' qualifications with respect to the Constitutional limit.

- **Summary of Highlighted Issues:**

- 1) Although an application was put forth to decide on the participation of a member of Parliament Member in the decision making process of the People's Majlis who had either lost a membership qualification or are suspected to have committed an offense prohibited by the Islamic Shari'a or the law, and to establish a standard to determine whether such members would be included or not in the total membership of the People's Majlis, , these matters presented by the applicant will not be reviewed as part of this case, as cases related to the members are being processed at various stages of the judicial system
- 2) A Constitutional provision / principle cannot be changed by a mere law or regulation. It is the constitutionally accepted principle that a such a provision may be amended or changed by another constitutional provision.
- 3) According to Article 85 (b) of the Constitution states in which closed proceedings of the People's Majlis and its committees may be held, it fulfills two conditions which are in

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the interests of national security or public order and even under these two circumstances for a closed proceeding of the People’s Majlis or its committee to be held a motion has to be passed by the majority of members present in that sitting.

- 4) As a general rule, in assemblies where people’s elected representatives decide on matters, members are required to vote in open proceedings, although in certain exceptional circumstances secret votes have been established in practice, and that in parliaments of constitutional systems which does not allow for such votes, a secret vote shall be taken within the boundaries of the Constitution.

- 5) The amendment brought to the Rules of Procedures of the People’s Majlis restricts without any constitutional or legal basis, Article 85 (a) of the Constitution which as a general rule provides for the proceedings of the People’s Majlis and its committees to be open to the public.

- **Judgment:**

The amendment brought to Section 167 (a) of the Rules of Procedures of the People’s Majlis on 03 December 2012 and the addition of subsection (d) to Section 173 of the Rules of Procedures of the People’s Majlis and the addition of subsection (f) to Section

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177 of the Rules of Procedures of the People's Majlis are found to be in contravention to the Constitution of the Maldives and thus nullified unanimously by the 6 Justices of the Supreme Court of the 7 Justices who reviewed the case.

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