

Supreme Court of The Maldives

Malé

Republic of Maldives



Opinion Given to the People's Majlis by the Supreme Court of the Maldives under Article 95 of the Constitution of the Maldives

- **Supreme Court of the Maldives – 28/ SC-AD/2010**
- **Date of Decision:** 10 March 2011
- **Case Summary :**

This case was reviewed when it was referred to the Supreme Court of the Maldives after a resolution under Article 95 of the Constitution was passed at the 15th sitting of the 3rd session of the People's Majlis held on 22nd November 2010, seeking opinion on the procedures to be followed when a summon is sent to an official of the Government, State institutions or Security Services to appear before the Majlis or a committee therein, as both the Chief of Defense Force of the Maldives National Defense Force, Major General Moosa Ali Jaleel and the Commissioner of Police of the Maldives Police Service Ahmed Faseeh had refused to appear before the "Security Services Committee of the People's Majlis" constituted under Article 241 of the Constitution of when a summon was sent to them by the Secretariat of the People's Majlis.

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- **Highlighted Issues:**

1. Although security services are enforcement agencies, Article 239 (b) of the Constitution which states that the security services are subject to the authority of the People's Majlis makes it evident that the People's Majlis and the Security Services Committee constituted therein, have the authority to monitor whether the Maldives Security Services are operating in accordance with the Constitution and the laws and to make inquiries about their work.
2. The People's Majlis may call members of the Cabinet or any Government official to attend proceedings of the People's Majlis and to respond truthfully to questions put to them relating to the performance of their duties and responsibilities, in a manner s decided by the People's Majlis.
3. It is a constitutional authority vested in the People's Majlis and the committees of the People's Majlis to call officials to attend their proceedings and the People's Majlis and the Security Services Committee of the People's Majlis may exercise this power over any person holding a position of the Maldives National Defense Force or the Maldives Police Service.

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Decision:

It is decided that officials working in the Government, the National Security Services State institutions and individuals are bound by the Constitution of the Maldives to appear on request to the proceedings of the People’s Majlis and its committees and respond to questions.

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