

# The Maldivian Civil Service Act

## (Draft Translation)

- Introduction and title 1
- (a) This Act is to establish a Maldivian Civil Service as an independent service whereby defining the legal status, objectives, responsibilities and powers of that service.
  - (b) This Act shall be cited as the “*Maldivian Civil Service Act*”.

## Chapter 1

### The Maldivian Civil Service

- Composition of the Maldivian Civil Service 2
- The Maldivian Civil Service is composed of the Responsible Officers of the main offices of the government and the employees of the Civil Service.
- Positions excluded from the Maldivian Civil Service 3
- The following positions are excluded from the Maldivian Civil Service
- (a) Those being appointed and dismissed by the president as per section 42 (a) of the Constitution of the Republic of Maldives.
  - (b) Deputy Ministers.
  - (c) Executive Secretary to the President.
  - (d) The Maldivian Army.
  - (e) Employees of the state enterprises.
  - (f) Positions excluded from the Civil Service by any other Law.
- Prerequisites of the Maldivian Civil Service 4
- The Maldivian Civil Service is a service provided to the Maldivian People by the State and the following prerequisites must be included in the Maldivian Civil

Service.

- (a) The capacity to implement the policies and programs of the government.
- (c) The capacity to provide information required by the government at the time of requirement.
- (d) The capacity to provide a comprehensive service to the Maldivian people fairly and impartially.
- (e) To value opinions, consultations and the co-operation by the employees on matters regarding the workplace.
- (f) Establishing a career based system whereby the rights of the employees being protected and the desires of them being prioritised and establishing systems that promotes equality to achieve a productive outcome from the work.
- (g) Establishing a transparent system that provides a fair review of decisions made regarding employees based on a guideline that is determined.
- (h) Establishing a reasonable appeal system whereby the employees may appeal against the decisions that are unacceptable to them.
- (i) Establishing a transparent system that provides reasonable and equal opportunity to all members of the community to apply to the positions of the Maldivian Civil Service.

Managing the Maldivian 5  
Civil Service

The Maldivian Civil Service shall be managed as follows:-

- (a) Apolitically and impartially by performing its functions in a professional manner with integrity; and
- (b) Establishing a work place free from discrimination among the employees; and
- (c) Has the highest ethical standards; and

- (d) As a service that is fully accountable to the Government and to the Peoples Majlis; and
- (e) A person may be employed in the Maldivian Civil Service as prescribed below based on merit and experience.
  - (1) whilst employing a person in the Maldivian Civil Service, priority shall be given to those with highest academic results.
  - (2) where the academic results of the applicants are the same, priority shall be given to the person with experience from the relevant field and based on the quality of the work.

Person who determines the salary of the Maldivian Civil Service 6

As per section 43 of this Act, the salary and other benefits of the employees of the Maldivian Civil Service shall be determined by the Civil Service Commission.

Person who determines the salary of those exempted from the Maldivian Civil Service 7

- (a) As per section 3 of this Act, the President shall determine the salary and other benefits of those who are exempted from the Maldivian Civil Service.
- (b) Where a Law prescribes a person to determine the salary of another, that person shall determine the salary as per that law.

## Chapter 2

### Civil Service Commission

Civil Service Commission and its legal status 8

As per this Act, a “Civil Service Commission” shall be established as an independent legal entity, with a separate seal, possessing power to sue and suit against and to make undertakings in its capacity.

Power of the Civil Service Commission 9

- The Commission possesses the following powers in undertaking its responsibilities.
- (a) The Civil Service Commission or an employee of the Commission approved by the Civil Service Commission possess the following powers to investigate whether this

Act, the Regulation and the Code of Conduct of the Maldivian Civil Service stipulated in subsection 18 (f) has been implemented and to investigate accusations against the breaches of this Act, the Regulation and Code of Conduct of the Maldivian Civil Service.

(1) to summon employees of the Maldivian Civil Service and others to obtain evidence.

(2) to obtain documents and information from those stipulated in 1.

(3) for the purpose of an investigation, to enter premises without producing a notice as per section 61.

(b) The Civil Service Commission possesses the power to take actions against the breaches of this Act, the Regulation and the Code of Conduct of the Maldivian Civil Service under a regulation formulated by the Civil Service Commission.

(c) Of the work assigned to the Civil Service Commission as per section 18 of this Act, the Civil Service Commission has the discretion to assign work it determines to offices stipulated in section 61.

(d) The Civil Service Commission has the discretion to publish various researches it carries out and to conduct seminars, workshops, other programs to enhance awareness on Civil Service.

(e) The Civil Service Commission has the discretion to disclose what should, generally be disclosed regarding Civil Service and to publish statements thereof.

(f) The Civil Service Commission has the discretion to execute everything to implement the responsibilities of the Civil Service Commission.

Composition of the Commission 10

The Civil Service Commission shall consist of 5 members.

Tenure of the members of the Commission 11

(a) The tenure of a member of the Commission is 5 (Five) years effective from the date of appointment.

Prerequisites of the members of the Commission	12	(b) Members may be re-appointed for a further 5-year term except for those who are dismissed as per section 15.
		The members of the Commission shall fulfill the following prerequisites;
		(a) Must be a citizen of the Maldives.
		(b) Must be a Muslim.
		(c) Must be of sound mind.
		(d) Must have attained 30 years of age.
		(e) Must not have during the past 5 years been convicted of an offence for which a <i>hadd</i> is prescribed in Islam and that of a criminal offence.
		(f) Must not be a person holding an elected position under the Constitution or any Law of the Republic of Maldives.
		(g) Must not be engaged in any other employment.
		(h) Must have served in the government or with a private party for a period of minimum 10 years in the management field upon completion of first degree.
Appointment of members to the Commission	13	(a) Members of the Commission shall be appointed by the President on the recommendation of the People's Majlis as per subsection (b).
		(b) As per subsection (a), advice of the People's Majlis shall be sought as follows;
		(1) the President shall propose the matter to the People's Majlis in writing, when a member needs to be appointed to the Commission.
		(2) the proposal shall include the names and the Curriculum Vitae of nominees and they should not be less than the number of members to be appointed.

- (3) Upon receipt of the proposal to the People’s Majlis, an Ad hoc Committee consisting of 7(seven) Members shall be formed to review the proposal and to make recommendations to the People’s Majlis.
- (4) upon meeting and consultation with the nominees and upon evaluation of the particulars, the Ad hoc Committee shall submit a report consisting of their recommendations to the People’s Majlis.
- (5) the People’s Majlis shall make their decision based on the report of the Ad hoc Committee.
- (6) the Speaker of the People’s Majlis shall inform the President in writing the decision of the People’s Majlis.

(c) The members to be appointed to the Commission shall be capable of undertaking the duties and responsibilities of the Commission, and shall fulfil the prerequisites stipulated in section 12.

(d) The candidates to be appointed as members of the Commission, proposed by the President for the opinion of the People’s Majlis, shall be among the President’s nominees and respondents from the general public. The President shall emphasis the candidates to be representative of divers professions.

Oath of the members of 14  
the Commission

(a) The members of the Commission shall assume office upon taking, before the President, the oath as follows:

“I, ...(name of person)..., do swear in the name of Almighty Allah that I shall obey the religion of Islam, that I shall protect the Constitution of the Republic of Maldives and the fundamental rights of the Maldivian citizens, that I shall discharge the responsibilities and duties as a Member of the Civil Service Commission of the Maldives independently, fairly and justly, impartially and faithfully.”

(b) Upon taking the oath aforementioned in subsection 14 (b), before the President, a member be assumed as a member of the Commission.

- Dismissal of members of the Commission 15
- (a) The President may dismiss members of the Commission and inform them of their dismissal in writing, upon submitting the matter to the People’s Majlis thereby seeking a simple majority of the People’s Majlis, as stated in this Act, taking into account the following circumstances.
- (1) Being declared bankrupt as per Shari’ah.
  - (2) Being unable to perform the duties and responsibilities of the Commission as a member; or being confronted with a situation whereby conflicts arise between undertaking the responsibilities of the Commission as a member and self-interest or personal gain.
  - (3) Where it is deemed a member has caused disrepute by being convicted of an offence.
  - (4) Being negligent and reckless in performing responsibilities of the Commission as a member.
  - (5) Breaching the Oath.
- (b) Notwithstanding subsection (a), when a matter on the dismissal of a member of the Commission is submitted to the People’s Majlis, the President may on the advice of the People’s Majlis temporarily suspend the member, should the act concerning the matter be deemed rectifiable, instead of dismissing the member from post.
- Vacancy of Post 16
- The post of a member shall be deemed vacant in the following circumstances.
- (1) End of tenure.
  - (2) Resignation.
  - (3) Being dismissed as a member of the Commission as per section 15.
  - (4) Standing to be elected to a political position under the Constitution or any Law.

President and the Vice- 17  
President of the  
Commission

- (5) Death.
- (6) Failure to fulfill any prerequisites stipulated in this Act.
- (a) A President and a Vice-President of the Commission shall be appointed from among the members of the Commission.
- (b) The President and the Vice-President of the Commission shall be appointed by the President following the advice of the People's Majlis.
- (c) As per subsection (b), advice of the People's Majlis shall be sought as follows;
  - (1) The President shall propose the matter to the People's Majlis in writing, when a President or Vice-President needs to be appointed to the Commission.
  - (2) The proposal shall include the names of the nominees for the posts of President or Vice-President of the Commission.
  - (3) Upon receipt of the proposal to the People's Majlis, an Ad hoc Committee consisting of 7 (Seven) Members shall be formed to review the proposal and make recommendations to the People's Majlis.
  - (4) The Ad hoc Committee shall submit a report consisting of their recommendations to the People's Majlis.
  - (5) The People's Majlis shall make their decision based on the report of the Ad hoc Committee.
  - (6) The Speaker of the People's Majlis shall inform the President in writing the decision of the People's Majlis.
- (d) The post of President or Vice- President shall be deemed vacant where a person in a post thereof, resigns or is dismissed.

Responsibilities of the 18  
Commission

The main responsibilities of the Commission are:-

- (a) Except those excluded from Civil Service as per section 3, to appoint, dismiss, determine the salaries and benefits and to execute everything to implement thereof to serve the people on behalf of the State of the Maldives as per the Constitution, the Laws of the Maldives, policies of the Government.
- (b) To prepare the employees of the Maldivian Civil Service competent in serving the government which is lawful and the People's Majlis fairly, apolitically by respecting the Laws and regulations.
- (c) To protect the rights of the employees of the Maldivian Civil Service and to establish a fair work place.
- (d) To formulate the responsibilities, rights, powers and duties of the employees of the Maldivian Civil Service.
- (e) To assess whether government offices value the prerequisites of the Maldivian Civil Service.
- (f) To formulate the Regulation and the Code of Conduct of the Maldivian Civil Service.
- (g) To monitor whether the systems established at the main offices of the government to enforce the Regulation, the Code of Conduct of the Maldivian Civil Service as per subsection 18(f) and the prerequisites of the Maldivian Civil Service are reasonable.
- (h) To take actions upon evaluation of the complaints lodged to the commission as per section 31.
- (i) To submit reports on matters regarding the Maldivian Civil Service to the People's Majlis as per sections 24 and 25.
- (j) To implement this Act, the Regulation and the Code of Conduct of the Maldivian Civil Service.
- (k) To investigate and take actions on complaints lodged regarding the breach of this Act and the Code of Conduct by the Senior Officers of the main government offices and the employees of the Maldivian Civil Service.

		(l)	To shape the Maldivian Civil Service as a career based service or a service which has opportunities in the field.
		(m)	To create leadership role among the employees of the Maldivian Civil Service, to train and to attempt to make them able for the work.
		(n)	Where the government needs the advice and instructions regarding the Maldivian Civil Service, to provide it.
		(o)	To formulate guidelines to create and repeal <b>positions</b> of the Maldivian Civil Service, and to execute them as per the guidelines.
Submission of report	19		Upon completion of the investigations the Commission shall submit reports stipulated in subsections 18 (h) and (k) to the following persons:-
		(a)	To the President where a minister heads the office being investigated.
		(b)	To the minister responsible for the office where a responsible officer heads the office being investigated or to the President where there is no ministry responsible for the office.
Salary and the benefits of the members of the Commission	20		The People’s Majlis shall determine the salary and benefits of the members of the Civil Service Commission.
Appointment of employees to the Commission	21		As per a regulation formulated by the Civil Service Commission to administer and assist the Civil Service Commission the Civil service Commission shall appoint employees, transfer them from one employment to another and dismiss them.
Salary and other benefits of the employees of the Commission	22		As per the instruction of the Ministry of the Finance and Treasury, the Civil Service Commission shall determine the salary and the benefits of the employees of the Commission.
Experts and Consultants	23	(a)	Where the Commission needs assistance on a specific area, the Commission has the discretion to acquire the assistance under a contract.

		(b)	The assistance stipulated in subsection (a), shall be acquired upon making an arrangement for the payment upon consultation with Ministry of Finance and Treasury.
Annual Report	24	(a)	The President of the Civil Service Commission shall submit a report on the activities of the Commission to the President and People’s Majlis within two months of each financial year.
		(b)	The report stipulated in subsection (a) shall contain activities of the Civil Service Commission including efforts to improve the work and potential changes.
		(c)	To prepare the report stipulated in subsection (a), the responsible officers of the offices must provide the relevant information required by the Commission as per the Maldivian Civil Service Regulation.
Special reports	25		The Commission has the discretion to submit reports to the People’s Majlis, where urgency arises to submit a report prior to the date of an annual report regarding an activity of the Commission.

## Chapter 3

# The Standards of the services of the Maldivian Civil Service

The role of the employees of the Maldivian Civil Service	26		The role of the employees of the Maldivian Civil Service is to formulate the policies of the government and assisting in implementation of the policies and programs of the government in power fairly and justly, impartially and apolitically.
Guidelines to serve	27		The employees of the Maldivian Civil Service shall serve the government as stipulated below.

- (a) To be accountable to the senior most representative of the Maldivian Civil Service, the senior most officers and immediate superiors at the office where the employee works.
- (b) In the course of the employment, to respect the Constitution, the Laws of the Republic of Maldives and the International Conventions and Agreements to which Maldives is a party.
- (c) In executing the duties, to observe professional standards where one is formulated.

Guidelines to disclose 28  
information

While executing the duties, the employees of the Maldivian Civil Service shall disclose information as follows:

- (a) When a circumstance arise to disclose information to disclose genuine information as per the Laws and Regulations.
- (b) As per subsection (a), without hesitation to discharge information required to persons taking decisions.
- (c) As per subsection (a), not to acquire a personal gain by discharging or by not discharging information to different persons.
- (d) No employee of the Civil Service shall appropriate information intentionally to any person.
- (e) No present or past employee of the Civil Service shall disclose information that person received on his or her official capacity except as per the guidelines to disclose them.

Secrecy

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- (a) No employee of the Civil Service shall disclose any document determined as confidential by the government and those received as confidential to the government.
- (b) No employee of the Maldivian Civil Service shall disclose any document considered “classified” communicated among the government institutions and those received as “classified” to the government.

		(c)	Notwithstanding subsections (a) and (b), confidential documents stipulated in this section may be disclosed under an Act.
Reporting breaches	30	(a)	Where an employee of the Maldivian Civil Service has been breaching or is accused of breaching the Laws and Regulations, it shall be brought to the notice of the responsible officer of that office.
		(b)	Subsection (a) does not block the breaches of the Laws being reported to the concerned authorities.
Reporting the breaches to the Commission	31		As per section 30, where the an employee is dissatisfied with the outcome of the complaint made to the responsible officer of the office, the employee has the discretion to forward the complaint to the Civil Service Commission in writing.
Implementation of Commission's decisions	32		As per section 31, the decisions of the Civil Service Commission regarding the complaints it received shall be implemented by the employees as stipulated below:
		(a)	To continue with functions of the employment where the decision of the Civil Service Commission is acceptable to the employee.
		(b)	To submit the complaint to an Employment Tribunal where the decision of the Civil Service Commission is unacceptable to the employee.
Implementation of the Code of Conduct by the employees of the Civil Service	33		Employees working in the Maldivian Civil Service shall act as per the Code of Conduct for the employees.
Breach of this Act, Regulation and Code of Conduct of the Civil Service	34	(a)	The Commission may take an action as per the Maldivian Civil Service Regulation against employees of the Maldivian Civil Service who breached this Act, Regulation and the Code of Conduct of the Civil Service as stipulated below.
		(1)	Advising

- (2) Reprimanding
- (3) Re-assignment of duties
- (4) Fine
- (5) Reduction in classification
- (6) Dismissal

(b) An action against an employee of the Civil Service for the breach of this Act, Regulation and the Code of Conduct of the Civil Service shall be taken upon determination of the extent of the breach under the Maldivian Civil Service Regulation.

Protection for 35  
whistleblowers

No institution shall disclose any information regarding the employee who reported a breach or an alleged breach of this Act, Regulation and Code of Conduct of the Maldivian Civil Service to the Responsible Officer of that institution or to the Civil Service Commission. A person who reports the breach shall not be victimized, or discriminated by a person who is aware of it.

Misuse of position 36

Misuse of position to realize a personal gain shall not be the objective of a person who appoints and involves in the affairs of employees under this Act and the Maldivian Civil Service Regulation.

## Chapter 4

# Employees of the Maldivian Civil Service

Appointment and 37  
dismissal of employees

The Civil Service Commission has all the power to appoint, dismiss employees of the Maldivian Civil Service and to transfer them from one employment to another.

- Prerequisites for an appointment 38
- (a) Whether a person is already serving the Civil Service or not to appoint a person to a position of the Maldivian Civil Service, merit shall be a prerequisite and the person must be apolitical.
  - (b) Where merit is the prerequisite to employ a person shall be determined as stipulated below.
    - (1) The person employed must have fulfilled the conditions of employment.
    - (2) The appointment of the person must be based on academic qualification, skill and experience
- Promotions 39
- The following shall be considered while awarding promotions to employees of the Maldivian Civil Service.
- (a) Whether the employee can perform his duties reasonably.
  - (b) The academic qualification and experience of the employee.
  - (c) The contribution of the employee to realize the objectives of the office.
  - (d) Quality and quantity of duties performed.
- Categories of Employment 40
- (a) The employees of the Civil Service shall fall within one of the following categories stipulated below:
    - (1) Categories 1: Permanent Employees
    - (2) Categories 2: Temporary Employees
  - (b) Engagement of persons as per the category stipulated in subsection (a) (2) is to fulfill the immediate needs of the government, for a determined period or to accomplish a determined work.
  - (c) The Maldivian Civil Service Regulation shall prescribe the circumstances to employ persons as per subsection (a) (1) and (2) and the probation period, the manner to be treated during that period and ways to increase the period.

- Conditions of engagement 41
- (a) Persons fulfilling the following conditions can be appointed to the Maldivian Civil Service:
- (1) Must be a Maldivian.
  - (2) Must be a literate
  - (3) Must not be a person above the retirement age as stipulated in this Act when applying for a position.
  - (4) Must not have during the past 5 years been convicted of an offence for which a *hadd* is prescribed in Islam or an offence of theft or fraud or misappropriation or treason.
  - (5) Must not be a member of an organization out-lawed by a Court.
  - (6) The Responsible Officer of the office in which a person is to work must not be the mother, father, son, daughter, sibling, wife, husband.
  - (7) Must not be a person holding an elected position under the Constitution of the Republic of Maldives.
- (b) Where the Commission learns prior to the appointment, that a person cannot perform the duties satisfactorily, it has the discretion not to engage the person upon assessing the following:
- (1) Whether the person is physically fit to perform the duties.
  - (2) Whether the person befits the national security and disciplinary standards
- (c) Where an appropriate Maldivian is not available for a position of the Maldivian Civil Service, a non- Maldivian can be engaged in the Civil Service as prescribed in the Maldivian Civil Service Regulation.
- Classification of employees 42
- (a) The classification of the employees shall be determined by the Commission.

- (b) Classification of an employee cannot be reduced without the consent of the employee, except in the following cases:
- (1) As an sanction under section 34.
  - (2) On the ground that an employee lacks an essential qualification for performing duties at the higher classification.
  - (3) On the ground of non-performance, or unsatisfactory performance, of duties at the higher classification.
  - (4) On the ground that the employee is unable to perform duties at the higher classification because of physical or mental incapacity.
  - (5) In any other circumstance prescribed by the laws and regulations of the Maldives.
- Salary and other benefits      43      (a) The Commission shall determine the salary and benefits of the employees of the Maldivian Civil Service following consultations with Minister of Finance and Treasury.
- (b) The salaries and benefits of the employees must be published.
- (c) Upon consultation with Minister of Finance and Treasury, the Commission has the discretion to alter the salary and benefits paid under subsection (a) for a determined period regarding an extraordinary condition.
- (d) The decisions made under subsection (c) shall be revised in every three months. Where the cause of the alteration is over, the benefits prior to the alteration must be enforced.
- Assignment of duties      44      The Responsible Officer or an employee assigned by him shall determine the duties and responsibilities of other employees in writing.
- Voluntary moves between offices      45      Subject to the Civil Service Regulation, where an employee seeks to move from one office to another the employee may do so, if the Responsible Officer of original office does not object to the move and the other needs the service of the

employee.

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| Suspension | 46 | <p>(a) With or without salary, the Commission has the sole power to suspend an employee from the Office.</p> <p>(b) The suspension stipulated in subsection (a) shall be enforced as per the Civil Service Regulation.</p>   |
| Dismissal  | 47 | <p>(a) Subject to the this Act and the Maldivian Civil Service Regulation, the employees of the Maldives Civil Service can be dismissed by the Commission.</p> <p>(b) Where an employee is to be dismissed as per subsection (a), the reason(s) for the dismissal shall be notified in writing.</p> <p>(c) The following are the grounds to dismiss permanent employees of the Maldivian Civil Service.</p> <ol style="list-style-type: none"><li>(1) Realization of a ground prescribed in subsection 42 (b) (4) and (5).</li><li>(2) Failure to complete a training course.</li><li>(3) Proven to the Maldivian Civil Service Commission that this Act, the Regulation and the Code of Conduct of the Maldivian Civil Service has been breached.</li><li>(4) Proven in an investigation conducted by the Civil Service Commission that the employment was awarded to the employee in breach of this Act, the Regulation and the Code of Conduct of the Maldivian Civil Service.</li><li>(5) Resignation.</li><li>(6) Death.</li><li>(7) Realization of a ground prescribed in subsection 51 (b) or by any other Law.</li></ol> <p>(d) The Civil Service Regulation shall contain guidelines and reasons to dismiss employees stipulated in category 2 of section 40.</p> |

Submission of Documents	48	Where an employee of the Maldivian Civil Service is dismissed or transferred to another employment, the documents under his custody due to the position he held must be submitted to the Responsible Officer or to a person assigned by him.
Retirement	49	<p>The retiring ages of the employees of the Maldivian Civil Service are stipulated below.</p> <p>(a) As stipulated in subsection 50 (b), the Commission has the discretion to retire employees upon reaching 55 years.</p> <p>(b) The employees shall be retired upon reaching 65 years.</p>
Retirement benefits	50	<p>(a) Where an employee reaches 55 years, the Commission may encourage the employee to resign whereby Commission may grant an amount of money where the employee resigns within a fixed date.</p> <p>(b) The employees who voluntarily resigns upon reaching 55 years as per subsection 49 (a) and employees retired by the Commission according to its discretion must receive the retirement benefit.</p> <p>(c) The employees retired under subsection 49 (b) must receive the retirement benefit.</p>
Resignation to contest in elections	51	<p>(a) Employees of the Maldivian Civil Service intending to contest in general elections prescribed in the Constitution of the Republic of Maldives shall resign 6 months prior to the date of the election.</p> <p>(b) Contesting an election stipulated in subsection (a) without resignation shall be dismissed.</p>
Right of return for election candidates	52	A person who resigned from the Maldivian Civil Service in order to contest in a general election prescribed in the Constitution of the Republic of Maldives as per subsection 51 (a), entitles to be engaged in the Maldivian Civil Service where the person failed to be elected or quits from the election.

Participating in politics 53 No employee of the Maldivian Civil Service shall participate in any political activity.

## Chapter 5

### Permanent Secretaries

- Creation and abolishing of the position of permanent secretaries 54
- (a) The position of Permanent Secretary shall be created in each office prescribed in subsection 61 (a), and a person shall be appointed to that position.
  - (b) Where a government ministry is abolished the position of Permanent Secretary is abolished.
- Duties of the Permanent Secretaries 55
- (a) The duty of a Permanent Secretary is to manage the ministry he works under the Minister and to advice and assist the minister on policies of the ministry.
  - (b) The Permanent Secretary shall assist the Minister on issues where the minister is accountable to the People's Majlis.
  - (c) The Permanent Secretary shall manage all affairs of the employees of the Maldivian Civil Service where he works.
- Appointment of Permanent Secretaries 56
- (a) The Civil Service Commission shall appoint persons to the position of the Permanent Secretary.
  - (b) The tenure of the Permanent Secretaries is 5 years.
  - (c) Except the Permanent Secretaries dismissed as per Section 57, any other Permanent Secretary may be appointed for another 5 year term. Furthermore, the Permanent Secretaries appointed thereof may be appointed in every 5 years.
- Dismissal of Permanent Secretaries 57
- (a) The Commission can dismiss the Permanent Secretaries as per the Laws and Regulations.
  - (b) Where a Permanent Secretary is being dismissed as per subsection (a), the reason(s) for the dismissal shall be notified in writing to that employee.

- (c) The grounds to dismiss Permanent Secretaries are as follows:-
- (1) Failure to complete a training course.
  - (2) Proven to the Maldivian Civil Service Commission that this Act, the Regulation and the Code of Conduct of the Maldivian Civil Service has been breached.
  - (3) Proven in an investigation conducted by the Civil Service Commission that the employment was awarded to the employee in breach of this Act, the Regulation and the Code of Conduct of the Maldivian Civil Service.
  - (4) Death.
  - (5) Realization of a ground stipulated in subsection 51 (b).
- (d) Notwithstanding to this section, the Commission has the discretion to dismiss Permanent Secretaries, upon realization of a ground stipulated in any other Law of the Maldives.
- (e) Prior to the dismissal of a Permanent Secretary, the intention and the reason(s) for the dismissal shall be notified in writing to the Minister of the ministry where he works.

Acting Secretaries      Permanent Secretaries

The Commission has the discretion to appoint acting Permanent Secretaries as stipulated below:-

- (a) The position of the Permanent Secretary is vacant.
- (b) An occurrence that hinders the performance of the duties.

Annual Report

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- (a) Following each Gregorian calendar year, the Permanent Secretary shall prepare and submit a report on the activities of the ministry to the Minister for the submission of it to the People's Majlis.
- (b) This report shall be prepared as per the regulations of the People's Majlis.

# Chapter 6

## Civil Service Advisory Committee

- Civil Service Advisory Committee 60
- (a) There shall be a Civil Service Advisory Committee established under this Act to advise the government on matters relating to management of the Maldivian Civil Service
  - (b) This Committee shall be composed of the following persons:-
    - (1) Permanent Secretaries of the ministries
    - (2) President of the Civil Service Commission
    - (3) Members of the Civil Service Commission
  - (c) This Committee shall be chaired by the President of the Civil Service Commission or a member among the Commission determined by the President.

# Chapter 7

## Government Offices

- Government Offices 61
- For the purposes of this Act, the following are the main government offices:-
- (a) The Office of the President, the Ministries and the Attorney General's Office.
  - (b) Offices established by the President which are administered separately.
- Administration of other offices of the government 62
- The administration of offices which are not considered main offices of the government shall be under a relevant main office.

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| Appointment and responsibility of the responsible officers | 63 | <p>(a) For the purpose of this Act, each main office of the government must have a Responsible Officer to implement the relevant responsibilities under this Act.</p> <p>(b) Where the main office is a ministry, the Responsible Officer is the Permanent Secretary. Except for the ministries, the Responsible Officers of other offices are those appointed to the positions thereof by the Commission.</p> <p>(c) The responsibilities of the Responsible Officers appointed under this section shall be stipulated in the Civil Service Regulation.</p>   |
| Creation of government offices and other activities        | 64 | <p>(a) The President has the discretion to execute the following by publishing it in the Gazette of the government of the Maldives</p> <ol style="list-style-type: none"> <li>(1) To create and abolish government ministries, departments, offices and other government agencies.</li> <li>(2) To determine the mandate of the agencies stipulated in subsection (a).</li> <li>(3) To determine the Minister responsible for the ministries stipulated in subsection (a).</li> <li>(4) To appoint persons to the positions of Senior Most Officer of the agencies stipulated in subsection (a).</li> </ol> <p>(b) For the purpose of this Act, the offices stipulated in subsection (a) (1) are composed of the Senior Most Officer of the respected office and the employees of the Civil Service who assist him.</p> <p>(c) Where the person appointed under subsection (b) is excluded from subsections (3) (a), (b) and (c), the position thereof is a position of the Maldivian Civil Service.</p> |
| The duties of the Senior Officers                          | 65 | <p>(a) The person who is responsible for the management of a government office with the advice and instruction of a Minister appointed by the President to manage the office is the Senior Officer of that office.</p>   |

- (b) The Senior Officer shall assist the respective Minister where the People's Majlis requires information regarding the management of the respective government office.

## Chapter 8

### Administrative arrangements

- Employment in the Atolls 66 The Responsible Officer of the office where an employee works has the discretion to transfer the employee to another island based on his work or to implement a government policy.
- Administrative adjustments 67 (a) The Commission may execute one of the following stipulated below where the Minister or the Responsible Officer proposes to the Commission for an administrative change in which they believe might bring a positive change in the management of a government office.
- (1) To transfer an employee of the Maldivian Civil Service from one office to another by the Commission in writing.
  - (2) As per this Act and the Civil Service Regulation to appoint an employee of an office who is not employed in the Maldivian Civil Service as an employee of the Civil Service.
  - (3) As per this Act and the Civil Service Regulation to appoint anyone the Commission sees appropriate, as an employee of the Maldivian Civil Service.

## Chapter 9

### Miscellaneous

- Collection of Proven Debt 68 Where a debt is proven against an employee of the Maldivian Civil Service by a Court and where the Court orders to reimburse the debt by paying full or part of the salary to the Court, the employee shall receive the salary

upon deduction of the amount ordered by the Court.

Disclosing personal information of the employee 69

Personal information of the employees of the Maldivian Civil Service shall be disclosed as per the Laws and Regulations formulated for that purpose.

Employing for a benefit 70

No position of the Maldivian Civil Service shall be awarded to a person to provide a benefit and no employment shall be arranged in a way that attending the work of the Maldivian Civil Service is not required.

Persons to serve under law no: 29/76 71

Upon implementation of this Act, persons stipulated in Law no: 29/76 (Students of the government schools, government assisted private schools and persons trained under government assistance to serve the government Act) to serve in the government, may serve in the Maldivian Civil Service where their service is required.

## Chapter 10

### Implementation of this Act

Composition of the Commission and submission of the names of members, President and Vice- President. 72

(a) Within 180 (one hundred and eighty) days of ratification of this Act, the Civil Service Commission shall be formed and the members, President and the Vice-President of the Commission shall be appointed as per this Act.

(b) To implement subsection (a):-

(1) Within 45 (forty five) days of ratification of this Act, the President shall propose to the People's Majlis names to be included in the Commission.

(2) The President shall propose names to be appointed to the positions of the President and the Vice-President of the Commission within 15 days of informing in writing to the President by the People's Majlis that the names prescribed in number 1 has been accepted.

(3) The People's Majlis shall within 30 (thirty) days of submission of the name(s) as per numbers (1), (2) and

		(4) by the President make a decision and inform to the President.
		(4) Where the People’s Majlis rejects a name proposed by the President as per this section, the President shall propose new name(s) to the People’s Majlis within 15 days of informing the rejection to the President.
Implementation of this Act	73	<p>(a) This Act shall be implement within 12 months of ratification of this Act,</p> <p>(b) All positions of the Maldivian Civil Service shall be created and their classification shall be determined within 6 months of implementation of this Act.</p> <p>(c) Upon implementation of this Act, the relationship between the employees and the government prior to the implementation of this Act, but who would not be employees of the Civil Service shall end by a notice sent to them in writing by the Commission.</p> <p>(d) Employees deemed as employees of the Maldivian Civil Service under this Act, shall be appointed as employees of the Maldivian Civil Service within 6 months of implementation of this Act.</p>
Revise of this Act	74	As per subsection 73 (a), not more than 90 days following 1 year after implementation all sections of this Act, the Civil Service Commission shall submit to the People’s Majlis a report stipulating the implications of implementing this Act and the amendments required upon a research of this Act.
Submission of regulations formulated under this Act	75	The Regulation and the Code of Conduct of the Maldivian Civil Service shall be formulated and submitted to the People’s Majlis within 12 months of ratification of this Act.
Repealing of certain sections of the Laws	76	<p>Upon implementation of this Act:-</p> <p>(a) Section 1 of the Law no: 13/80 (Law to determine the salary of all employees of the government) is repealed.</p> <p>“Except the salary of the President, salaries of all employees of the government are determined by the President”</p>

- (b) Section 3 of the Law no: 1/68 t (Official Matter: chapter 1) is repealed.

“The President shall appoint persons to the positions of the State and re-assign them from one position to another. Except the positions among the following managed by the President, persons in charge for other positions shall be appointed by a writ of the President.

Except the positions among the following managed directly by the President, others can be dismissed by a notice sent by the President in writing.

(a) Vice-President

(b) Chief Justice

(c) Speaker of the People’s Majlis

(d) Ministers and the Attorney General

(e) Atoll Chiefs

(f) Ambassadors representing the State and secretaries equivalent thereof.

Interpretation

77

Unless the context otherwise requires in this Act;

**Temporary Employees** means persons engaged to fulfill the immediate needs of the government, for a determined period or to accomplish a determined work.

**Government Office** means offices, positions and agencies established under a Law or established by a decree for government’s requirement.

**Government** means the government stipulated in the Constitution of the Republic of Maldives.

**Commission** means the Maldivian Civil Service Commission.

**Responsible Officer** means the officer of a main office of the government appointed to implement this Act.

**State enterprise** means the following:-

- (a) Companies of the State and its subsidiary companies: and
- (b) State controlled private companies and its subsidiary companies: and
- (c) State controlled public companies and its subsidiary companies: and
- (d) State controlled foreign companies and its subsidiary companies: and
- (e) Partnerships, profit shared associations or their subsidiaries where the state holds more than 50% share: and
- (f) Others with or without a separate legal entity, which are established under a Law or decree with the intention to acquire profit to the State.

**Majlis** means the People's Majlis.

**Probation** means the trial period during which it is considered whether the employee has the ability to meet the expectations of the employment.

**Political activities** means the following activities:-

- (a) lobbying to garner support for any political person or participating an activity thereof.
- (b) organizing or participating any political activity against any political person.
- (c) participating to garner support to or against a candidate competing in an election under the Constitution and the Laws of the Republic of Maldives.
- (d) standing to be elected to a political position under the Constitution or the Laws of the Maldives or seeking to be a candidate.

**Political influence** means to do or omit doing anything for the interest of the following persons:-

- (a) any person stipulated in section (3).
- (b) any person in an elected position under the Constitution of the Republic of Maldives.
- (c) a political party or association

**Documents** means any document under the custody of an employee of the Maldivian Civil Service under section 48.

**Employees of the Civil Service** means Permanent Secretaries, Responsible Officers, employees who works under them and the employees of the Maldivian High Commissions and Missions abroad.

**Main Office** means offices under section 61.

**Code of Conduct** means values and standards expected to be upheld by the employees of the Maldivian Civil Service