

# MALDIVES PENAL CODE

## A TRANSLATION

### **Translator's Note**

This is a reasonably accurate translation of the Maldives Penal Code originally found in the Maldivian Language, Dhivehi. Every effort has been made to maintain the style and format of the Dhivehi original. The reader may expect certain inconvenient defects in this Translation which may be attributable to corresponding defects in text, format and style of the Dhivehi original. However, where it is absolutely essential or justifiable for the purposes of this Translation, certain departures from the Dhivehi text and style will be made without compromising the substance or spirit of the relevant Dhivehi provision.

# PENAL CODE

**Act Number 1/81**  
*27/1/1381 H.*

Enacting Provision

Whereas it is seen imperative by the State of the Maldives and the People's Majlis<sup>1</sup> to have a Penal Code for the purposes of establishing and maintaining public tranquility, public order and justice within the jurisdiction to which the Constitution of the Maldives applies, it is hereby enacted as follows by the People's Majlis on 27<sup>th</sup> *Muharram 1381 H*<sup>2</sup>, directing the State to abide by this Law and to enforce it within the jurisdiction of the Maldives from 5<sup>th</sup> *Safar 1381 H*<sup>3</sup>.

## CHAPTER 1

### General Explanations

- Title
1. This Law shall be cited as the "Penal Code of the Maldives". This Law shall have effect in respect of the State of the Maldives, its territorial jurisdiction and every living being, tree, land, sea and every other living creature within that jurisdiction.
- Applicability
2. Except as may be provided in *Shari'ah*<sup>4</sup> or in any other Law for the time being in force, punishments prescribed in this Law shall be applicable within the jurisdiction specified in Section 1.

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<sup>1</sup> This is a reference to the Maldives Legislature. [Translator's Own Note]

<sup>2</sup> This date is according to the Islamic Calendar that commences from Prophet Muhammad's migration from Mecca to Medina and the corresponding Gregorian Calendar reference is not provided in the section. [Translator's Own Note]

<sup>3</sup> Refer to Note 2

<sup>4</sup> Reference is made to the Islamic Law

- Committing Offences Outside the Maldives
3. Every person on whom Maldives Law is applicable, whether he was outside the territory of the Maldives or within the jurisdiction specified in Section 1 at the time of contravening the law, shall be punished as if such offence was committed within the Maldives. Further, his trial shall be conducted in the Maldives.
- Persons exempt from the application of this Law
4. Persons to whom the State has agreed to grant immunity under a foreign treaty; foreign dignitaries of the State; and ambassadors of foreign countries resident in the Maldives shall be exempt from the application of this Law. Representatives of various foreign institutions whom the State has granted immunity in that respect shall further be exempt from the application of this Law.
- Foreign Nationals who Commit an Offence under this Law
5. Where a foreign national arrives in the Maldives after committing an offence overseas and where the Government of the country in which such person is domiciled has not requested for his extradition, the Maldivian State shall have the competence on allegation of that offence, to arrest or detain him or deport him from the Maldives or to do everything that is possible to expel him from the Maldives where it is expedient for the purposes of preserving the interests of the Maldivian people or a section thereof.
- Offender under 10 Years of Age
6. Where a person under 10 years of age is found guilty under this Law, he shall not be subjected to the full punishment prescribed for the relevant offence in this Law. And it is more desired that his act be not regarded in every possible measure as an offence.

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| Offender under 16<br>Years of Age  | 7. Except in respect of offences relating to the religion of Islam or homicide, the Judge shall have the discretion to mitigate the punishment in respect of every other offence committed by a person under 16 years of age who is found guilty under this Law.   |
| Document   | 8. The word “Document” in this Law shall mean to include any matter expressed or described upon any substance by means of letters, figures or marks and is intended to be used or which may be used as evidence of that matter.<br><br>Note: It is immaterial by what means or upon what substance the letters, figures or marks are formed. And items not intended for use as evidence are included within this definition if such item may be likely to be used as evidence. . |
| Offence<br>Constituting of<br>Several Acts   | 9. Where there is an intention or an attempt to commit an offence and where such offence is completed or attempted to be completed by one act or several acts, all such acts shall be constituted as one offence.  |
| Several Persons<br>Committing an act<br>to cause Hurt or<br>which is likely to<br>cause Hurt | 10. Where an offence is committed by more than one person with the intention to cause hurt to a person or where it is known that such act is likely to cause hurt to a person, each of them shall be guilty of that offence.   |
| Offence<br>Constituting<br>Several Acts by<br>Several Persons                                | 11. Where an offence is committed by several acts committed by several persons, each of them who committed that act or a part of it with the intention to commit that act shall be guilty of that offence. However where several persons are involved, in the commission of the act in different degrees, the Judge shall have the discretion to vary their punishment based upon the extent of their involvement.   |

Abetment in an offence

12. “Abetment” in an offence occurs when there is:
- a. Advising or instigating in any manner to commit an offence or referring directly or indirectly to any such act;
  - b. Conspiring to commit an offence and committing an act for the purpose of taking part in the commission of an offence;
  - c. Aiding in any manner in the commission of an offence.

Aiding in the Commission of an Offence

13. A person shall be guilty in respect of “aiding” in the commission of an offence where he takes part in the conspiracy to commit that offence or where having knowledge of the design to commit that offence facilitates or does an act that facilitates its commission.

Commission of an Offence in the presence of Person who Aids or Abets

14. Where an offence is committed in the presence of an offender mentioned in section 12 and section 13 and does not commit an act that constitutes that offence or does not commit an act that facilitates escape of the offender, he shall be guilty under section 12 and section 13. And where he commits an act that constitutes that offence or an act that facilitates escape of the offenders, he shall be deemed to have committed that offence himself.
15. Except where a *Hadd*<sup>5</sup> punishment is prescribed in Islamic Shari’ah, every offence mentioned in this Act shall be punishable with the punishment provided in this Law.

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<sup>5</sup> *Hadd* or *Hudud* refers to offences created by the Holy Qur’an and for which punishment is prescribed in the Holy Qur’an itself or in the Tradition of the Prophet. There are seven such offences in Islamic Shari’ah.

(Section 17 is repealed by Law Number 18/76.<sup>6</sup>)

16. In calculating fractions of terms of punishment, imprisonment for life or exile for life shall be considered as imprisonment or exile for 25 years. No punishment given under this Law for a single offence shall exceed 25 years.
18. Where “rigorous punishment” is ordered under this Law the Judge shall have the discretion to direct “solitary confinement” for a part of the term of that punishment. That direction shall be subject to the following proportions:
  - a. Where the period of rigorous punishment is 3 months, solitary confinement shall be 1 month;
  - b. Where rigorous punishment is for a period between 3 months and 1 year, solitary confinement shall be for 2 months;
  - c. Where rigorous punishment is for a period between 1 year and 2 years, solitary confinement shall be for 3 months.
19. Periods of solitary confinement as specified in sections 18 (a), (b), and (c) are maximum periods prescribed for such confinement.
20. Nothing is an offence which is done by a person in good faith believing that he is bound by law to do it.
21. Where special circumstances intervene, it shall be within the competence of the People’s Majlis to enact temporary penal legislation contrary to this Law. Temporary legislation refers to enactments which continue in effect for an uninterrupted period of one year. Such legislation may be renewed as provided in this section.

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<sup>6</sup> This is according to Gregorian Calendar

(Section 22 is repealed by Law Number 30/71.<sup>7</sup>)

23. Nothing is an offence which is done by accident or misfortune and without any criminal intention or knowledge in the doing of a lawful act in a lawful manner by lawful means and with proper care and caution.
24. Nothing is an offence which is done by a person who at the time of doing it is by reason of being in a certain state of mind, is incapable of knowing the nature of the act or that it may be contrary to law. This provision shall not be applicable to a person who creates that state of mind on his own volition or with his consent or by doing an act with knowledge that it will or may be likely to cause that state of mind.
25. An act committed under sudden impulse in defence of “one’s own self” shall not be an offence except where that act results in the death of a person.  
Note: “One’s own self” shall mean the life of one’s own, that of his parents, his children, and that of dependents and relatives whose legal guardianship is attributed to him by religion.
26. Whoever abets the commission of an offence punishable with death, imprisonment for life or exile for life under this Law shall be punished with imprisonment or exile between 5 years and 12 years or shall be subject to a fine between Mrf. 3,000.00 and Mrf. 10,000.00. Where the act of abetment results in grievous hurt being caused to to a person, his term of punishment can be extended up to a period of 18 years or the fine may be increased up to an amount of Mrf. 15,000.00.

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<sup>7</sup> Do

27. Whoever conspires to commit an offence punishable with death, imprisonment for life, exile for life or rigorous imprisonment not exceeding a period of 4 years under this Law but has not committed any act in pursuance of that conspiracy shall be found guilty only in respect of its abetment.
28. In this Law :
- a. “State” shall mean the Cabinet existing in accordance with the Constitution, People’s Majlis and collectively all agencies that are entrusted with the administration of those entities. This definition shall also include all property belonging to the State.
  - b. “Government” shall mean the agency entrusted in accordance with the Constitution with the function of administering the affairs of the Maldives.
  - c. “President” shall mean the person who is elected as permitted by the Constitution of the Maldives to the highest office of governance. In enforcing this Law it shall also include a reference to his spouse, children and property.
  - d. “Him” or “Person” where it occurs shall include in its definition women, men and young or adult human beings. Where a term denotes a singular meaning it shall also include its plural form. Where a term denotes a plural meaning it shall also include its singular form. This definition shall also refer to clubs, companies, organizations and similar associations.



- e. “Judge” shall mean the person ultimately responsible to determine or pronounce the punishment in respect of an offence for the purposes of administering justice in accordance with law.
- f. “Moveable Property” shall mean every form of property except those that are attached to or fastened to the land.
- g. “Hurt” shall mean any injury or loss caused in contravention of the law to a person’s body, his mind, his person, his reputation, his name or his property.
- h. “Local Law” shall mean laws that are applicable in respect of a single atoll, an island or a region.
- i. “Life” shall mean unless provided to the contrary the source of life bestowed by God upon various living beings.
- j. “Animals” shall refer to all living beings except humans.
- k. “Conveyance” shall mean any thing that conveys or is made for the transportation by sea, land or air, of human beings or property.
- l. “Unlawful assistance” or “Unreasonable assistance” shall mean any assistance that is provided to an offender or someone accused of having committed an offence that prevents or resists his arrest. This term includes providing shelter, food, drink, money, weapons or any form of help that facilitates his movement from one place to the other.

- m. “Counterfeit” shall mean causing or participating in act to cause one thing to resemble another intending by means of that resemblance to practice deception or knowing it to be likely that deception will thereby be practiced.

Note: It is not essential to counterfeiting that the resemblance should be exact. When a person causes one thing to resemble another and the resemblance is such that a person might be deceived thereby it shall be presumed until the contrary is proved that the person so causing the one thing to resemble the other did intend by means of that resemblance to practice deception or knew it to be likely that deception would thereby be practiced.

- n. “Offence” shall mean the commission or omission of an act for which there is a punishment provided by Law.
- o. “Jail” shall mean a facility where offenders are confined as punishment in respect of offenses prescribed by Law or *Shari’ah*.
- p. “Confinement” shall mean confinement in a jail in such manner that it restrains one’s freedom as punishment for an offence prescribed by Law or *Shari’ah*.
- q. “Rigorous imprisonment” shall mean confinement of the offender in a manner that increases the hardship of the jail term based upon the nature of the offence committed by him by subjecting the offender to special arrangements in the jail.

- r. “House detention” shall mean confinement of a person in a residence or a dwelling as punishment which restricts his movement outside that residence or dwelling.
- s. “Exile” shall mean confinement of a person to an inhabited island other than the island in which he is domiciled for a certain period of time while restricting his movement to any other inhabited place and his personal freedom or part thereof.
- t. “Fine” shall mean what is acquired from a person within a certain period as a punishment and in proportion to the offence .
- u. “Grievous hurt” shall mean permanent injury or loss caused in contravention of *Shari’ah* or Law to a person’s body, one of his organs or senses or his property or a permanent disability to carry out his occupation.
- v. “Punishment” shall mean penalty prescribed in law for offences determined by law.

### **Acts against the State and Disharmony**

- 29. Whoever attempts to commit or participates in or facilitates the commission of an act against the State shall be punished with imprisonment for life or exile for life or imprisonment or exile for a period between 10 years and 15 years.
- 30. Whoever conspires to unlawfully use weapons (that could cause grievous hurt to the body of a person) to remove the President from office or to overthrow the Government shall

be punished with imprisonment for life or exile for life and the Judge shall have the discretion to direct a fraction of the term to include rigorous imprisonment.

31. Whoever unlawfully makes weapons (of war) to remove the President from office or to commit an act against the State shall be punished with exile for life or imprisonment for life with rigorous imprisonment for a period not exceeding 5 years.
32. Whoever conceals the existence of a design to commit an unlawful act against the President or the State shall be punished with imprisonment or exile for a period between 5 years and 10 years or subjected to a fine between Mrf. 5,000.00 and Mrf. 10,000.00.
33. All forms of rebellion or insurrections shall be included within the provisions of section 29, 30, 31 and 32.
34. Whoever conspires to cause injury to the life of the President in contravention of Law or *Shari'ah* shall be punished with imprisonment or exile between a period between 5 years and 12 years. Whoever abets in that offence shall also be subjected to the same punishment.
35. Whoever conceals the existence of a design to cause injury to the life of the president in contravention of Law or *Shari'ah* or who assists in such conspiracy shall be punished with imprisonment or exile or house detention for a period between 4 years and 8 years.
36. Whoever causes hurt to the life of the President in contravention of Law or *Shari'ah* shall be death.
37. Whoever while within or outside the Maldives commits an act that can cause detriment to the Government of the

Maldives, its independence or sovereignty or cause a part of the Maldives in terms of territory or population to be divested from the jurisdiction of the Government of the Maldives shall be death.

Whoever abets in this offence shall also be subjected to the same punishment.

However the person who facilitates the commission of this offence or conceals the design to commit this offence shall be punished with imprisonment or exile for a period between 10 years and 15 years.

38. a. It shall be an offence for a Maldivian or a foreign national within the territory of the Maldives to excite by written or oral representation, any enmity contempt, or disharmony amongst any section of the Maldives population towards the Government established by Law in the Maldives. It shall also be an offence to cause, any enmity contempt, or disharmony by such oral or written representations even between different sections of the Maldives population.
- b. Whoever commits an offence prescribed in subsection (a) of this section shall be punished with imprisonment or exile for a period between 1 year and 5 years. A person who abets or aids the commission of this offence shall also be subjected to the same punishment. A person who has concealed the design to commit this offence shall be punished with imprisonment or exile for a period not exceeding 2 years.

- c. Comments spoken or written in newspapers or magazines registered according to Law and in accordance with reality and expressing dissatisfaction towards the acts or omissions of the Government or a civil servant in the due discharge of his duties with a view to obtain their alteration shall not constitute an offence prescribed in this section.
- d. Enmity contempt or disharmony as provided in this section shall be deemed to have been excited only where a person by having committed an act as provided above causes disobedience by a person or a group of persons to a lawful directive of the Government or attempts to disobey such directive or causes or attempts to cause loss to property or buildings belonging to the Government or a person or a group of persons or where people assemble in opposition to the Government or attempts to assemble in such manner or there is encouragement in any form to commit any such act.

39. Whoever by reason of his negligence allows the escape of an offender mentioned in this chapter and kept in his custody shall be punished with imprisonment or exile for a period between 4 years and 8 years. Whoever takes part in it or facilitates it or conceals the design to commit that offence shall be punished with imprisonment or exile for a period not exceeding 6 years.

40. Whoever conspires except in the form of causing harm or injury to prevent or refrain the due discharge of duties or exercise of power or discretion attributed to a person appointed to an office by an Instrument of Appointment from the President in the cause of discharging the functions of

Government established by Law by Constitution shall be punished with imprisonment or exile for a period between 6 months and 8 years. Whoever abets the commission of that offence shall also be subjected to the same punishment. However who aids the commission of that offence or conceals the design to commit that act shall be punished with imprisonment or exile for a period between 1 month and 6 years.

41. a. Whoever is convicted of conspiracy to commit an offence prescribed in sections 29, 30, or 31 of this Law free from any collusion with others shall be punished with imprisonment or exile for a period between 8 years and 15 years. Where a person is convicted of conspiracy to commit such an offence in collusion with a group of persons shall be punished with imprisonment or exile for a period between 10 years and 17 years.
- b. In this Chapter “solitary confinement” shall mean confinement of a person in such manner where he has no access to any other human being except prison officials and has no connection with the outside world in any form or means.
- c. In this Chapter “concealment” of design to commit an offence shall mean the failure to give immediate notice of the act to the Ministry of Defense and National Security, a Police Station, an Atoll Office or Island Office.

In accordance with Article 69 of the Constitution, the provisions of this Law shall come into effect from 21<sup>st</sup> April 1975.

*2 September 2004*



# **PENAL CODE**

## **(Chapter 2)**

# **PENAL CODE**

## **(Chapter 3)**

**PENAL CODE**  
**(Chapter 4)**

**Law Number 10/68**

*19/3/1388 H.*

*15/06/1968 G.*

**CHAPTER 4**

**Offences Relating to Coins and Notes**

“Coin” or  
“Stamped  
monetary coin”

90. a. Coin or stamped monetary coin shall be metal used as money, which is stamped and issued under government authority to be used as money.

Note: 1. Shell is neither a coin nor a stamped monetary coin.

2. Unstamped metal beat (in any form or used for any purpose) is not a coin or a stamped monetary coin.

3. Medals of various forms or things used as various forms of medals are not coins or stamped monetary coins. They are not intended to be used as money.

- b. Notes are those printed on paper determined by the government in the form and manner determined by the government and to be used as money under the authority of the government.

Counterfeiting  
coin or note

91. It is an offence to knowingly counterfeit or knowingly perform any part of the process of counterfeiting stamped monetary coin or notes. Person guilty of this offence shall be punishment with imprisonment of either description for 10 years or exiled for 10 years or imposed a fine upon it.

Explanation:

A person who intends to practice deception or deceit or

knowing it to be likely the deception or deceit will there by be practiced, or causes a genuine coin to appear like a different coin will also be considered as counterfeiting.

Note:

In this chapter imprisonment of either description refers to rigorous imprisonment or simple imprisonment.

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| Manufacturing, selling or using instruments to counterfeit coin or notes                   | 92. | It is an offence for any person to make, mend or form any part of the process of making or mending or buy, sell or dispose of anything used for the purposes of counterfeiting coin or notes for the purposes of being used or knowing or having reason to believe that it is intended to be used for the purposes of counterfeiting coin. Person guilty of this offence shall be punished with exile or imprisonment not exceeding 3 years or shall be imposed a fine upon it.                              |
| Possession of instrument or material for purpose of using for counterfeiting coin or notes | 93. | Whoever keeps in his possession any instrument or material for the purpose of using the same for counterfeiting coin or notes or knowing or having reason to believe that the same is intended to be used for that purpose is an offender. He shall be punished with exile or imprisonment not exceeding 3 years or he shall be imposed a fine.  |
| Delivery of coin possessed with knowledge that it is counterfeit                           | 94. | It is an offence for any person having any counterfeit coin which at the time when he became possessed of it knew it to be counterfeit to deliver it in any form to any other person or to act in such manner where any other person may accept it as genuine coin or note. The offender who commits this offence shall be subjected to punishment of imprisonment of either description for a period not exceeding 3 years or subjected to exile for a period not exceeding 3 years or subjected to a fine. |

Delivery of coin or note which when first possessed the deliverer did not know to be counterfeit.

95. It is an offence for any person to deliver to another, counterfeit coin or note in any form or to act in such manner where another person may accept that coin or note has genuine but which the deliverer did not know to be counterfeit at the time when he took it into his possession but came to know it to be counterfeit subsequently. Person guilty of this offence shall be subjected to exile or imprisonment not exceeding 2 years or a fine.

Possession of counterfeit coin or notes knowing it to be counterfeit

96. Possession of counterfeit coin or note knowing it to be counterfeit and to be used fraudulently or in circumstances that it may be likely to be used as fraudulently shall be an offence. Person guilty of this offence shall be subjected to imprisonment of either description for a period not exceeding 5 years or exile not exceeding 5 years or a fine.

### **Offences relating to Government stamps or seal**

effacing or altering Government's seal or stamp or any related document to cause loss to Government

97. It is an offence for a person to fraudulently or with intent to cause loss to the Government remove or efface from any substance bearing any stamp issued by the Government for the purposes of revenue, any writing or document for which such stamp has been used or removes from any writing or document a stamp which has been used for such writing or document. Person guilty of this offence shall be subjected to exile or imprisonment not exceeding 3 years or a fine.

Using Government stamp known to have been used before

98. It is an offence to fraudulently or with intent to cause loss to the Government use for any purpose a stamp issued by the Government for the purpose of revenue which he knows to have been used before. A person guilty of this offence shall be subjected to exile or imprisonment not exceeding 2 years or a fine.

- Erasure of mark denoting stamp has been used 99. It is an offence to fraudulently or with intent to cause loss to the Government erase or remove from a stamp issued by government for the purpose of revenue any mark put or impressed upon such stamp for the purpose of denoting that the same has been used or knowingly has in possession or sells or disposes any such stamp from which such mark has been erased, removed or sell or dispose of any such stamp which he knows to have been used. A person guilty of this offence shall be subjected to exile or imprisonment not exceeding 2 years or a fine.
- “Stamp” 100. The word “Stamp” as mentioned in the proceeding three sections shall refer to stamp drawn, colored and printed according to Government directions or regulations and reissued and sold by agency having authority of that Government. “Seal of the Government” or “seal” shall refer to Government Post to any mark or seal used in relation to Government Post or revenue as provided before.

**Offences affecting public health, safety convenience and customary living practices**

- Spread of disease through malignant act 101. It is an offence for a person to malignantly act which he knows or has reasons to believe, causes infection of any disease dangerous to the public health of the society where such an act may be likely to cause such loss. The person who commits this offence shall be subjected to imprisonment of either description not exceeding 2 years or exile not exceeding 2 years or a fine.
- Disobedient to quarantine rules 102. It is an offence for any person to disobey any rule made by the Government agency in relation to quarantine enforced for the purposes of regulating the prevention of any disease or control of any prevailing disease from a vessel or a person or a group of persons from that vessel having any inter relations with

persons on shore. A person guilty of this offence shall be subjected to a punishment of exile or imprisonment or house detention not exceeding 6 months or a fine not exceeding Mrf. 300.00.

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| Adulteration of food or drink intended for sale | 103. | It is an offence to adulterate any food or drink any article of food or drink knowing that it will be sold or knowing that it would be likely to be sold and with the intention to reduce the benefit of such food or drink or knowing it would be hazardous to consumes such article of food or drink. Similarly it shall be an offence to adulterate articles of food or drink for the purposes of profit in business. A person guilty of this offence shall be punished with exile or imprisonment for a period not exceeding 6 months or a fine. |
| Sale of noxious food or drink                   | 104. | It an offence to sell or to give or to prepare for such an act any article of food or drink likely to cause hazard to health. A person guilty of this offence shall be subjected to exile or imprisonment not exceeding 6 months or a fine.  |
| Adulteration of drugs                           | 105. | It is an offence for a person to adulterate any drug or medical preparation in such a manner as to lessen the efficacy or change the operation of such drug or medical preparation or to make it noxious knowing that it is likely to be sold or used for medicinal purposes. A person guilty of this offence shall be subjected to imprisonment of either description not exceeding 1 year or exiled or house detention not exceeding 1 year.   |
| Sale of adulterated or expired drugs            | 106. | It is an offence to sell or to prepare for sale or to give for use or consumption or in a manner likely to be used or consumed any adulterated drug as mentioned in Section 105 or any drug that could cause a hazard to health due to age of that drug. A person guilty of this offence shall be punished with exile or imprisonment or house detention not exceeding 1 year or a fine.   |



Sale of a drug as a different drug 107. It is an offence to sell, to give or to keep for sale any form of drug or medical preparation as a different drug or medical preparation. A person guilty of this offence shall be subjected to exile or imprisonment not exceeding 1 year or a fine.

Section 108 is repealed by  
Law number 9/95

Negligent use or driving of vehicles and vessels 109. It is an offence to use or drive or ride vehicles or vessels in a manner that could endanger human life or cause injury to the body of a person or is likely to cause injury to any other person. A person guilty of this offence shall be punished with imprisonment of either description not exceeding 6 months or exile not exceeding 6 months or a fine.

Exhibition of false light or mark that could mislead navigators 110. It shall be an offence to use any false light, mark or buoy with the intention to mislead or in circumstances likely for a sea going vessel to be misled. Person guilty of this offence shall be punished with imprisonment of either description not exceeding 3 years or exile not exceeding 3 years or a fine.

Overloading vessels with people or property 111. Where a vessel is so overloaded either with people or goods in a manner that could endanger the life of a person, the person who overloaded the vessel with men or goods or who ordered such overloading shall be guilty of an offence. Person guilty of this offence shall be punished with imprisonment of either description not exceeding 1 year or exile not exceeding 1 year or a fine.

Danger or obstruction in public way or line of navigation 112. Whoever carries or conveys or keeps in his possession any property in such manner that it could cause danger, obstruction or injury to a person on a road, land or in a general line of navigation then the person who carried it, conveyed it or kept it in possession shall be guilty of an offence. Person guilty of

this offence shall be punished with imprisonment of either description not exceeding 6 months or exile or house detention not exceeding 6 months or a fine.

Negligent conduct with respect to poisonous substance 113. It is an offence while keeping in possession or using or dealing with any poisonous substance that could endanger the life of one's own or another and commit any act in a manner likely to cause danger to any other person. A person guilty of this offence shall be subjected to imprisonment of either description not exceeding 1 year or exile not exceeding 1 year or a fine.

Negligent conduct with respect to combustible matter. 114. It is an offence while using, keeping in possession or dealing with fire or combustible matter, any act so negligent to cause danger to the life of a person or any form of injury or loss to another. A person guilty of this offence shall be subjected to exile or imprisonment not exceeding 1 year or a fine.

Note: where there is failure to abide by preventing regulations in respect of such matter, such failure shall also be included with in the purview of this section

Negligent conduct with respect to explosive substance. 115. It is an offence while using, keeping in possession or dealing with explosive substance, any act so negligent to cause danger to the life of a person or any form of injury or loss to another. A person guilty of this offence shall be subjected to imprisonment of either description not exceeding 1 year or exile or house detention not exceeding 1 year or a fine.

- Note:
1. "Explosives" shall mean such explosives or substance that could explode which are generally prohibited from general use.
  2. Where there is failure to abide by specified laws or regulations in respect of such explosives such failure also shall fall within the purview of this section.

- Negligent conduct with respect to machinery, engines and the like
116. It shall be an offence to do any act which while dealing with keeping or using machinery, engines and the like is so negligent or is in violation of relevant law or regulation and causes danger to the life of a person or any loss or injury to such person. A person guilty of this offence shall be subjected with exile or imprisonment for a period not exceeding 1 year or house detention not exceeding 3 months or a fine not exceeding Mrf. 100.00.
- Negligent conduct with respect to felling trees, pulling down buildings and felling walls.
117. Persons involved in felling of trees, pulling down of buildings or built walls shall be guilty of an offence where by reason of their negligence or violation of the relevant laws or regulations in relation to them or failure to take protective measures in relation to those involve in it and those who will be affected by it or any danger is caused to a life of a person or any loss or injury is caused to a person or property. A person or persons guilty of this offence shall be subjected to exile or imprisonment or house detention not exceeding 1 year or a fine.
- Negligent conduct with respect to animals
118. A person keeping or maintaining animals will be guilty of an offence if while keeping them or maintaining them acts negligently or in violation of the relevant laws and regulations and by reason of that causes danger to the life of a person or if any of his animals causes any loss or injury to any other person. A person guilty of this offence shall be subjected to exile or imprisonment not exceeding 1 year or a fine.

### **Offences relating to elections**

- Candidate
119. For the purposes of this chapter
- a. “Candidate” is a person who has took for election as provided in the elections law or regulations. A person will be guilty as a “Candidate” within the meaning of this Law or as provided in this law, if his name is

registered as a person who has stood for election as provided in the relevant law or regulations.

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| Electoral right  |     | b. | Electoral right shall mean the right of a person to stand or not to stand for election as a candidate or to vote or not to vote in an election as may be provided by law and regulations.   |
| Bribery in respect of electoral right                            | 120 | a. | It is an offence to induce the inclination of the exercise of an electoral right for the benefit of a certain party or to offer anything as a gesture of gratitude or gratification or reward for having exercised the electoral right in a certain manner.   |
| Accepting a bribe in respect of an electoral right               |     | b. | It is an offence for a person to accept anything given as provided in Sub-section a.  |
|  |     | c. | Offences provided in Sub-section a. and Sub-section b. shall be considered as offering and accepting of bribe.  |
| Promises to people in respect of elections                       |     | d. | Where a candidate declares the service he would perform for the benefit of the general public or the burden he would suffer for the benefit of the general public, shall not be regarded as offering bribes. However, where there is a promise to fulfill a private right or to do any good for the benefit of a certain person or a group of persons (where it is not intended for the general good of the people) it may be considered as an offence. |
| Participating in or assisting in or causing the giving of bribes |     | e. | It is an offence to procure the giving or accepting of bribes provided in Sub-section a. and Sub-section b., procuring in this regard includes advising to do a certain act or to deliver a document inducing the performance of such an act or giving of any such  |

document or to assist in or participate in giving, delivery or obtaining of anything mentioned in Sub-section a.

Other aspects of the offence of bribery

- f. A person is guilty of the offence of bribery where he agrees to give, agrees to accept or assist in such agreement or obtaining such bribery as mentioned in Sub-section a.

Eating and drinking within the meaning of bribery

- g. It is included within the meaning of “thing” as mentioned in Sub-section a. articles of food or drink or providing articles of food or drink.

Where a person is guilty of an offence of bribery as mentioned in this Section, he shall be subject to punishment of exile or imprisonment not exceeding 1 year or house detention not exceeding 6 months or a fine.

“Undue influence”

- 121. A person shall be guilty for having caused undue influence in an election if such person where he interferes with the electoral right of another person in an unlawful manner or belittles the dignity and respect of that right by reason of which that person is restricted or obstructed from the free exercise of his right in that election. Interference as mentioned here shall also include the following:

“Threat”

- a. Threatens a person possessing an electoral right or any person in whom he has an interest with injury.
- b. Where a person possessing an electoral right or a person in whom he has an interest is proven to have been threatened or during such threatening, making any expression to the effect that he may be an object of divine displeasure or spiritual censure.

Deception in

- c. It is an offence for a person to personate another in an

elections election and in that assumed character to give votes or having voted once at such election, giving a vote more than once or to assist in any form or manner or circumstance in the commission of any of these acts.

Penalty for undue influence 122. A person guilty of having caused undue influence in an election or has attempted to cause undue influence in an election shall be subjected to a fine.

123. Where a candidate has committed an offence mentioned in Sections 120 and 121 he may be barred from standing for elections for the subsequent 5 years apart from being given the punishment prescribed in this Law.

Elections as in this Law 124. Elections specified in this Law shall include elections held to elect member to the People's Majlis and referendum held under the directive of the state or according to regulations promulgated therefore to obtain views of the people

### **Offences relating to fabricated statements**

Expression of fabricated or unproven statements 125. Where a person expresses a fabricated statement or a statement whose origin cannot be proven, he shall be punished with house detention for a period between 1 month and 6 months or fine between Mrf. 25.00 and Mrf. 200.00. (This does not include submitting a report to Government authorities)

### **Offence of Assault**

Assault 126. Two or more persons not in a manner that could be construed as an unlawful assembly, but one touches the other in anger or animosity or fights in that regard it shall be assault. A person or persons who have committed such an act shall be fined with Mrf. 200.00 or exile or imprisonment or house detention for a period not exceeding 6 months.

Taking part in an assault with a sharp object 127. Where a person commits assault being armed with a sharp object that could cause death or anything which if used as a weapon of offence can be used to cause death, he shall be fined with an amount not exceeding Mrf. 500.00 or exiled or imprisoned or confined to house detention for a period between 3 months to 1 year.

Grievous hurt caused by assault 128. Where by reason of assault grievous hurt is caused to the body of a person, person guilty of this act shall be fined between Mrf. 100.00 and Mrf. 5,000.00 or exiled or imprisoned for a period between 6 months and 5 years.

Where the injured person claims for compensation from the offender, the issue of compensation shall be settled by Court.

Permanent privation of an organ 129. Where by reason of an assault, an organ for which blood money is awarded in Islamic Law suffers permanent disability or is dismembered or is permanently destroyed or impaired the offender shall be subjected in addition to the payment of blood money in *Shari'ah* to exile or imprisonment between 5 years and 10 years.

130. Whereby reason of assault an organ which is (not included within Section 129) is destroyed, dislocated or dismembered, the person guilty of that offence shall be punished with exile or imprisonment between 1 year and 5 years.

Where the injured person claims for compensation from the offender, the issue of compensation shall be settled by Court

### **Offences of theft, misappropriation, criminal breach of trust, cheating and extortion**

131. a. Where punishment is determined in respect of the offences of theft, misappropriation, criminal breach of

trust, cheating and extortion, the person found guilty for the first time in respect of such an offence shall be punished with imprisonment or exile between 6 months and 1 year. Where the person is found guilty any of such offence for the second time he shall be exiled or imprisoned for 2 years. And where the person is convicted for a third time of any of such offence he shall be exiled or imprisoned for 3 years. Where the person is found guilty of any such offence for the fourth time he shall be exiled or imprisoned for 4 years. And for any subsequent conviction 1 year shall be added to the term of imprisonment or exile. Further provisions found in Sections 132, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147 and 148 shall also be applicable.

- b. Offence of theft committed in dire need of hunger in small amounts, persons responsible for such offence shall be punished with house detention for a period not exceeding 6 months or subjected to a fine not exceeding Mrf. 100.00.

- 132. Where the amount or the value of the property involved in theft, misappropriation, and criminal breach of trust, cheating or extortion is between Mrf. 10,000.00 for each Mrf. 1000.00 above that Mrf. 10,000.00 one month shall be added to the term of exile or imprisonment.

Section 133 is  
repealed by Law  
number 4/87

- 134. a. Where a person under the age of 16 years is found guilty of an offence of theft, misappropriation, and criminal breach of trust or extortion, his punishment shall be house detention for a period not exceeding 1 year.
- b. Even though this may be the general rule where



circumstances do not leave any other option such offender maybe exiled. (That includes the gravity of the offence committed or the frequency of the commission of offences of the nature by that person). Exile in this circumstances maybe allowed only where his acts have been examined and the manner in which the offence committed has been taken into account and an opinion has been formed that unreasonable circumstances would arise from his house detention.

- c. Where child offenders serving house detention commit a similar offence during the period of house detention and where the offender is exiled the term of exile shall be the amount remaining after the amount served in house detention has been deducted.
- d. Subjecting child offenders to exile shall be decided in accordance with the relevant regulations promulgated for the purpose.

135. In determining the amount of commission of the offence of theft ( matters pending or decided by the Court at the time of this Act coming into force) shall be regarded as the first instance of commission and in respect of misappropriation, criminal breach of trust and extortion the same principal shall be applicable. In respect of cheating the frequency of the offence shall be determined by taking the issue pending before the Court or decided by the Court at the time the 4<sup>th</sup> Amendment of this Law comes to force as the first instance.

Committing theft or extortion acting in an assembly of persons

136. While committing the offence of theft or extortion the offenders act in an assembly of more than one person, each of the offenders who have taken part in that assembly in the commission of the offence or where the offence was committed in association with a group be known for

committing offences of theft or extortion, each of them shall be subjected to an additional punishment of exile or imprisonment between 6 months and 3 years in addition to punishments applicable under Sections 131 and 132.

Theft by breaking into a dwelling house or breaking a thing 137. Whoever commits the offence of theft by breaking into a dwelling house or by destroying a thing without show of threat to any person or group of persons shall be subjected to additional punishment of exile or imprisonment between 1 year and 5 years in addition to imposing the punishments applicable under Sections 131 and 132.

Theft and extortion in dwelling houses 138. Whoever commits the act of theft or extortion by entering into dwelling houses or storage facilities, hotels, shops or vessels shall be subjected to additional punishment of exile or imprisonment between 6 months and 2 years in addition to imposing punishments applicable under Sections 131 and 132.

Carrying of weapons in committing theft or extortion 139. Whoever commits the offence of theft or extortion being armed with a sharp object or anything which if used as a weapon of offence could cause hurt to a person or by show of force of such thing shall be subjected to additional punishment of exile or imprisonment between 2 years and 7 years in addition to imposing punishments applicable under Sections 131 and 132.

Note: Being in possession of sharp objects or items that could be considered as weapons while committing the offence in a manner that could be seen by others shall amount to show of force.

140. Whoever is established to have carried in the commission of an offence of theft or extortion or any part of the process in the

commission of those offences any sharp object or weapon without the show of force shall be subjected to additional punishment between 1 year and 3 years of exile or imprisonment in addition to imposing punishment upon Sections 131 and 132.

141. Whoever uses anything which can be considered as a weapon of offence against a person in the commission of the offence of theft or extortion or whoever takes part in such act shall be subjected to additional punishment of exile or imprisonment between 5 years and 10 years in addition to imposing punishment applicable under Sections 131 and 132. Where any loss or injury is cause to a person or to property belonging to a person by reason of any act provided, punishment prescribed in this section maybe extended up to 15 years.

142. Punishments given under Sections 139, 140 and 141 shall be increased in respect of those offenders who commit the offence of theft or extortion by carrying arms within the time frame of 06:00 pm and 06:00 am.

Theft , extortion,  
cheating or criminal  
breach of trust  
involving  
government property

143. Whoever commits cheating in respect of government property or theft or extortion or criminal breach of trust or deceit in respect of government property shall be subjected to additional punishment between 2 years and 5 years of exile or imprisonment in addition to imposing punishments applicable under Sections 131 and 132.

144. Property in the possession of a person who commits theft, criminal breach of trust, cheating or extortion in respect of government property shall be forfeited where it is established that such person has built dwellings or obtained other property or created other property from money or property obtained

through such theft, criminal breach of trust, cheating or extortion or where such reasons exist that the person has created his property through property or money obtained from the acts of theft, criminal breach of trust, cheating or extortion or where he is unable to provide the property that was the subject matter of the offences of theft, criminal breach of trust, cheating or extortion. Properties seized in this respect shall be sold and all its proceeds shall be utilized to regain the property that was the subject of theft, criminal breach of trust, cheating or extortion. Not regaining property but gaining the value of the property.

145. Where offence of theft was committed in respect of government property by breaking into a building or to a locked place or breaking or destroying a locked thing, additional punishment shall be imposed upon such person under Section 137 in addition to imposing punishments applicable under Sections 143 and 144.

Criminal breach of trust by person entrusted with custody of property

146. Where criminal breach of trust is committed by a person upon whom is entrusted with the responsibility of taking custody of that property or maintaining the place with in which such property was situated additional punishment of exile or imprisonment for 1 year shall be imposed upon such person in addition to subjecting him to punishment under sections 131, 132, 134, 136, 137, 138, 139, 140, 141, 142, 143, 144 and 145.

Compensation against loss suffered by person or property in the commission of theft of extortion

147. Where any loss is caused to a person or property or place in the commission of the offences of theft or extortion, compensation shall be payable from the offender or his property against such loss in respect of the offender in addition to the offender suffering applicable punishment for those offences.

Evaluation or valuation of property subject to theft, misappropriation, criminal breach of trust, cheating or extortion

148. Where the value of the property that was subject matter of theft, misappropriation, criminal breach of trust, cheating or extortion is to be determined. Such determination shall be based upon the current value of that property, where the current value may not be ascertainable then the most recent value ascertainable shall be applicable. Where foreign currency is the subject of evaluation such evaluation shall be based upon the currency of that country. Where Maldivian Rufiyaa is payable such money shall be paid at the prevailing rate of the Maldives Monetary Authority or where the person to whom compensation is payable accepts payment may be made as at the value at the time of the commission of the offence or on the day of the verdict or at the rate prevailing on the date of the offence or the verdict.

149.

- a.
- b.
- c.
- d.

### **Offence of defamation**

Defamation

150. Defamation is the act of causing harm or loss to a person's respect, dignity or honor. It will be considered as defamation if any of such acts was committed by words spoken or written or by visible representation.

Words spoken or written touching on public interest

151. Words spoken or writings published or drawings made through visible representation or signs or visible representations containing true accounts of commissions or omissions acts or omissions made by a person entrusted with a function touching upon public interest and in the due discharge of his public functions shall not amount to defamation.

- How found guilty      152. A person shall be deemed to have committed the offence of defamation if such person does any act provided in section 150 of this law.
- Persons taking part in the offence of defamation      153. Where an offence of defamation is established in addition to the person who caused that defamation the following categories of persons shall also be deemed to have taken part in the commission of that offence.
- a. Words spoken or written or signs or visible representations made in defaming a person knowing such item to be defamatory of that person whoever assists in the spreading of such words or signs or visible representations.
  - b. Where defamatory words or visible signs or representations were published in a news paper or in a magazine or by that news paper or magazine the editor of that news paper or magazine.
  - c. Where the act of defamation was carried out by using means other than those provided in Sub-section b. who ever assists in the process knowing the purpose the intention of that act was defamation.
- How offences is inexcusable      154. Where in the publication of a document or signs or visible representation use of an acronym shall not excuse the person who caused that defamation from liability.
155. Every time any writing is published against defaming causing harm to a person's name, his correct integrity, dignity, the person defamed has a fresh right of action. The person who writes or publishes defamatory material or the person who writes or spreads defamatory material saying that he was publishing the essay or a true account of what he have read

from another document or writing shall not be an excuse to prevent liability under this law.

#### Exemptions

156. It shall not be defamation to make a statement as provided in Section 150 of this Act or Law to a proceeding before the Court or investigation conducted by competent Government authority in the form of a statement or evidence or witness.
157. It shall not be defamation to publish material as provided in Section 150 in the publication of a report of judicial proceeding already conducted.
158. It is not defamation to comment upon the character of a person in a drama, film or book published for public viewing provided that such comments do not go beyond the character played by such person.
159. It is not defamation in a person having over another any authority either conferred by law or any relationship recognized by law to pass in good faith, any censure on the conduct of that other, in matters in which such lawful authority relates.

#### Example:

- Where an official passes a comment of approbation against conduct of a staff subordinate to him is not defamation.
- It is not defamation for a teacher to express comments of approbation against a student's conduct with the intention to with a view to its alteration.
- It is not defamation for a father to pass comments of approbation against his child.

160. It is not defamation to prefer in good faith an accusation against a person to any of those who have lawful authority over that person with respect to subject matter of accusation.

Example:

- Where an untrue comment is passed about a servant by another to the head of the place of work where the servant is shall not amount to defamation
- Untrue comments about the conduct of a person narrated to the child's or person's mother, father, legal guardian, lawful guardian or a relative in good faith shall not amount to his defamation.

161. It is not defamation to convey caution in good faith to one person against the other provided that such caution is intended for the good of the person to whom it is conveyed and provided the person who conveys it has authority recognized in *Shari'ah* or Law over the person to whom the caution is conveyed.

Example:

- Conveys to one's spouse, one's wife or to child that a certain person is not a good person and to be cautious about his conduct shall not be defamation in respect of that person.

Sending a document or thing containing defamatory material to a person

162. Where any document or thing containing defamatory material is sent to a person who is not the appropriate addressee in a manner that it could be seen by others or heard by others. The person sending such material shall take liability in respect of all its consequences.

Penalty for the offence of defamation

163. Penalty in respect of the offence of defamation under this law shall be exile or house detention not exceeding 1 year or fine not exceeding Mrf. 3000.00. Person taking part in the



commission of this offence shall like wise be subjected to the same punishment.

- Compensation to the person defamed
164. a. Where the offence of defamation is established in addition to the person who caused that defamation being punished under Section 163, person defamed shall be entitled to compensation. This compensation shall be ordered by court taking into account the gravity of the offence committed and for an amount between Mrf. 100.00 and Mrf. 5000.00.
- b. The court may order further compensation where it is seen or where it is seen likely that due to the offence of defamation the person defamed has suffered any loss or has lost any opportunity of business or has been obstructed or has suffered financial loss.
- Offering apology to the person defamed
165. The court may order the person who caused the offence of defamation to offer his apology to the person defamed in addition to imposing the punishments applicable under this Law and depending upon the magnitude of the harm committed.
166. Proceeding against offence of defamation may be instituted against corporate personalities such as news papers, magazines clubs, companies and other corporate personalities. And they may themselves institute such proceedings.

This Law shall come into effect from 1 July 1968.

### CHAPTER 3

#### False Evidence, false oath and offences against *Shari'ah* and Law

False Evidence

62. A person is said to give false evidence when:
- In any investigation or any matter carried out under the authority of *Shari'ah* or Law or by a person authorized to carry out such investigation or matter under the *Shari'ah* or Law to make an untrue declaration upon any such subject or to make a declaration hoping that it is or ought to be true or making a declaration not knowing or not confirming the true or untrue nature of that subject matter. Any document, thing, gesture, writing, deletion or any other thing done which in an investigation or matter conducted under the authority of the Law or by a person authorized by such *Shari'ah* or Law used or is likely to be used in any such proceeding and any person involved in such investigation or matter, any responsible official or judge makes a false opinion about the matter, or forms an erroneous understanding or opinion or decides the matter based on such erroneous opinion, and if such act could be reasonably construed to be likely under those circumstances giving of such declaration shall also be considered as giving false evidence. And where a person signs a document as a witness while there is an untrue statement in that document and signs the document as a true document and depending upon how such document maybe used subsequently the person who signs that document can be considered to have given false evidence. This shall be determined by the judge.

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|---|---|
| Penalty for giving false evidence   | 63. Whoever gives false evidence shall be punished with imprisonment not exceeding 1 year or subjected to fine not exceeding Mrf. 1,000.00 or exile or house detention not exceeding 2 years.   |
| Where a conviction of a capital offence is made based upon false evidence and where such sentence is executed | 64. Where based upon false evidence an innocent person is convicted of capital offence and such sentence is executed under the Law for the time being in force or under the <i>Shari'ah</i> , and it is subsequently established that the evidence given was given intentionally and falsely, the person giving that evidence shall be subjected to the most severe punishment under Islamic Law for that offence.<br><br>However if such evidence is established to be false prior to the execution of that sentence on capital offence, the person giving false evidence shall be subjected to exile or imprisonment between 1 year and 4 years or to a fine between Mrf. 500.00 and Mrf. 4,000.00. |
| If the sentence is not executed   |   |
| Where a person is exiled or imprisoned for a period exceeding 7 years based upon false evidence               | 65. Where a person is convicted upon false evidence and a sentence has been awarded for a period exceeding 7 years for exile or imprisonment and where it is established subsequently that the evidence given was given intentionally and falsely to procure such punishment the person giving such false evidence shall be subjected to a period of punishment equivalent to the period served already by the person falsely convicted and 2 years which ever maybe greater between these two periods.   |

- Submission of untrue certificates in judicial proceedings
66. Where a person is bound by *Shari'ah* or Law to state the truth or where before a person authorized under the *Shari'ah* or Law an untrue certificate or document is intentionally submitted upon any relevant subject that shall amount to giving false evidence, such offender shall be subjected to exile or imprisonment for a period not exceeding 2 years or a fine not exceeding Mrf. 1,000.00.
- False information is false evidence
67. Where an untrue document or certificate is submitted as evidence knowing it to be false or not genuine that shall also amount to false evidence.
- And submission of a certificate or a document while it has a material point which is not genuine or untrue shall also amount to submission of false evidence. And that shall be the same where such a document is submitted without ascertaining its true nature.
- False oath
68. False oath for the purposes of this Law shall mean where the claimant is bound to give an oath in circumstances where he does not have any evidence to prove the claim instituted by him or where an oath is given by the defendant in accordance with the principals of *Shari'ah*, where such oath is made before a judge in the name of god and on untrue premise.
- Penalty for giving false Oath
69. Whoever makes a false oath shall be subjected to a punishment of imprisonment not exceeding 1 year or a fine not exceeding Mrf. 1,000.00 or exile not exceeding 2 years.

- Concealment of evidence in relation to a capital offence
70. Where whoever in a proceedings of a capital offence conceals any evidence of the commission of the offence or does any act that prevents any person searching for such evidence to fail in his endeavor or makes a statement with the intention to conceal or to deceive such evidence shall be subjected to a punishment of exile or imprisonment between a period of 2 years and 4 years or to a fine between Mrf. 300.00 and Mrf. 4,000.00.
- Concealing evidence relating to offence for which punishment is a period of imprisonment or jail exceeding 10 years
71. Whoever conceals or does any act to prevent such evidence from being produced in relation to an offence for which the punishment prescribed is life imprisonment or life exile or exile or imprisonment for a period exceeding 10 years shall be subjected to exile or imprisonment for a period not exceeding 3 years or to a fine between Mrf. 200.00 and Mrf. 2,000.00
72. This section is repealed by Law no. 1/66 Maldives penal Code Chapter 3, 8<sup>th</sup>. Amending Act. on 20-9-2001.
- Concealment or destruction of document required for justice
73. Whoever conceals, destroys, puts fire on or loses a document that is required before Judicial proceedings or before a responsible official authorized by Law for the purposes of administering justice and where it is done in defense of the offender or offenders shall be subjected to a punishment of exile or imprisonment not exceeding 2 years or a fine not exceeding Mrf. 500.00.
- Transfer of one's own property knowing it can be forfeited by court or knowing such
74. Whoever conceals any property or any document relating to that property or destroys it or transfers its ownership to another person knowing that such property maybe forfeited or such forfeiture is likely during proceedings before a court or a competent legal authority, he shall be

- forfeiture maybe  
likely
- subjected to exile or imprisonment not exceeding 2 years or a fine not exceeding Mrf. 500.00 or subjected to fine and imprisonment or fine and exile.
- Making false charge 75. Whoever institutes a claim against another person with the intention to cause inconvenience, loss or injury to that person without lawful ground shall be subjected to a fine not exceeding Mrf. 200.00.
- Harboring offenders 76. Harboring or concealing an offender for the purposes of screening him from legal punishment is an offence. In this regard:
- a. Whoever harbors or conceals an offender who has committed an offence punishable with death shall be subjected to a punishment of exile or imprisonment between 2 years and 4 years or a fine not exceeding Mrf. 2,000.00.
  - b. Whoever harbors or conceals an offender who has committed an offence punishable with exile or imprisonment exceeding 10 years shall be subjected to a punishment of exile or imprisonment between 1 year and 3 years or a fine not exceeding Mrf. 1,000.00.
  - c. Whoever harbors or conceals an offender who has committed an offence punishable with jail or exile for a period between 1 year and 10 years shall be subjected to a punishment of exile or imprisonment not exceeding 1 year or a fine not exceeding Mrf. 500.00.

- d. A person who harbors or conceals his own father, mother, son or daughter, child, wife or husband shall not be guilty as provided in this Section.
- Taking reward for screening an offender 77. a. A person who harbors or conceals an offender as provided in Section 76 a. and there after accepts or agrees to accept or attempts to obtain any reward, gift or money or bribe in relation to such act shall be subjected in addition to the punishments provided in that Section to a punishment of exile or imprisonment not exceeding 1 year.
- b. Whoever accepts to give or whoever gives or insists upon giving to the other any gratification specified in Section a. shall be subjected to a punishment of exile or imprisonment not exceeding 1 year in respect of various punishments specified for various categories of assistance as provided in Section 76.
- Harboring offender who has escaped from custody 78. He shall be punished who conceals an offender who is convicted and serving a custodial sentence and escapes from such custody with a contrary to Law or a regulation or does not give notice of such person to the competent authority charged with his apprehension or fails to exert himself to give notice of such person to the relevant government authority.
- Harboring or concealing offender sentenced to death a. Where the offender who has escaped from custody is subjected to a punishment of death, a person who provides any assistance as provided above

shall be subjected to a punishment of exile or imprisonment between 2 years and 5 years.

Concealing or harboring offender imprisoned for 10 or more years

b. Where the offender who has escaped from custody is subjected to a punishment that exceeds punishment of exile or imprisonment that exceeds a period of 10 years the person who provided the assistance as provided above shall be subjected to exile or imprisonment between 1 year and 3 years.

Concealing or harboring offender imprisoned or exiled between 1 to 10 years

c. Where the offender who has escaped from custody is subjected to a punishment of exile or imprisonment between 1 year and 10 years, the person who has provided any assistance as provided above shall be subjected to a punishment of exile or imprisonment not exceeding 1 year.

79. It shall be an offence for a person to falsely personate another before a person or persons authorized by *Shari'ah* or Law and in such assumed character to make any statement or admission or to conduct or cause to conduct any act considered to be valid under *Shari'ah* or Law does or cause to do any act in any suite or criminal prosecution or part thereof.

A person guilty of such offence shall be subjected to an exile or imprisonment not exceeding 3 years or house detention not exceeding 1 year or a fine not exceeding Mrf. 500.00.



- Public servant committing unlawful act to mitigate person's punishment
80. Every public servant who commits an unlawful act for the purposes of saving a person from punishment or to mitigate the sentence awarded in respect of an offence committed by that person, he shall be subjected to exile or imprisonment not exceeding 2 years or a fine not exceeding Mrf. 1,000.00.
- Where any steps taken by public servants contrary to Law are suitable to facilitate prevention of punishment of an offender or mitigation of his punishment, such steps taken by public servants shall fall within the purview of this section. Any intentional alteration made by a public servant to a document of *Shari'ah* or Law is also included within this Section.
- Public servant using authority to arrest or detain innocent persons
81. It shall be an offence for any public servant by reason of the authority of office he is in to detain to arrest or detain in a manner contrary to Law innocent persons. Person guilty of this offence shall be subjected to exile or imprisonment for a period not exceeding 3 years or a fine not exceeding Mrf. 2,000.00
- Persons under detentions in confinement escaping or absconding due to negligence of public servant
82. It is an offence for a public servant who is legally bound to apprehend or to keep him in confinement by reason of *Shari'ah* or Law or where he is legally bound to keep persons in confinements who such person not to be apprehended due to his negligence or to escape or abscond from custody due to his negligence
- a. Where the person who absconded or escaped from custody or to be apprehended, is a person that needs to be apprehended under a charge for homicide or suffers a sentence of death or is

convicted of capital punishment, the negligent servant shall be subjected to exile or imprisonment not exceeding 5 years or to a fine not exceeding Mrf. 3,000.00.

- b. Where that person is convicted of an offence for which the sentence is exile or imprisonment exceeding 10 years or is suffering such a sentence or is required to be apprehended for an offence for which that punishment is applicable, the negligent servant shall be subjected to exile or imprisonment not exceeding 3 years or to a fine not exceeding Mrf. 2,000.00.
- c. Where that person is convicted of an offence for which the sentence is exile or imprisonment not exceeding 10 years or is suffering such a sentence or is required to be apprehended for an offence for which that punishment is applicable, the negligence servant shall be subjected to exile or imprisonment not exceeding 1 year or to a fine not exceeding Mrf. 1,000.00.
- d. Offenders convicted in their absential are also included within this section.

Obstruction to arrest      83.  
or detain offender

- a. Whoever resists to the lawful apprehension of himself or another person or persons for any offence of which he is accused shall be subjected to a punishment of exile or imprisonment not exceeding 1 year or fine not exceeding Mrf. 1,000.00.

- b. Whoever obstructs, arrest or detention of a person who is serving a sentence of exile or imprisonment for a period exceeding 10 years or charged with or accused of an offence for which such punishment is applicable shall be subjected to exile or imprisonment not exceeding 4 years or fine not exceeding Mrf. 1,500.00.
- c. Where the obstruction is towards one's own arrest or detention, he shall also suffer the punishment for obstruction of detention or arrest in addition to suffering a punishment for the offence with which he is charged.

Return of an offender exiled for life in contravention of Law.

84. Where an offender while being exiled for life returns prior to him being directed to return in accordance with *Shari'ah* or Law shall be subjected to a punishment of rigorous imprisonment for 1 year and on having served that punishment, shall be subjected to exile for completion of his previous sentence.

Interruption of lawful judicial or legal proceedings

- 85. a. Whoever commits an act that is likely to interrupt or cause inconvenience to judicial or legal proceedings lawfully being conducted (except committing assault on the judge, person in his office or his officer) and does that act in contravention of Law and with intention or after having given a warning shall be subjected to a fine not exceeding Mrf. 500.00.
- b. Where any act specified in Sub-section a. was committed intentionally involving assault on the judge, his officer or staff, the offender shall be

subjected to exile or imprisonment not exceeding 1 year or a fine not exceeding Mrf. 1,000.00.

- c. Where any acts specified in Sub-section a. was committed intentionally involving assault on the judge, or judges the offender shall be subjected to exile or imprisonment not exceeding 2 years or a fine not exceeding Mrf. 1,500.00
- d. Where an act specified in Sub-section a., b. and c. were committed being armed with a sword, a gun, sharp object or any other thing which if used as a weapon of offence can be likely to cause death of a person, then the offence mentioned in each of those Sub-sections shall be multiplied by three times and so shall be multiplied the punishment given in respect thereof.

Obstructing public  
servant in discharge  
of his functions

- 86.
- a. Whoever intentionally obstructs the due discharge of functions by a public servant except committing assault or injury to him shall be subjected to a punishment of exile or imprisonment or house detention not exceeding 6 months or fine not exceeding Mrf. 1,000.00.
  - b. Where the due discharge of public functions by a public servant was obstructed by committing assault or causing injury to him, his wife, his child, his mother, his father or to a relative or to his property or by threatening to cause such act, the offender shall be subjected to exile or imprisonment not exceeding 2 years or fine not

exceeding Mrf. 1,000.00.

Failure to assist  
public servant  
authorized by  
Shari'ah or Law

87. a. Whoever being bound by *Shari'ah* or Law to render or furnish assistance to any public servant in execution of his public duty or functions intentionally shall be subjected to punishment of exile or imprisonment not exceeding 6 months or fine not exceeding Mrf. 500.00
- b. Where such assistance was required in relation to administration of justice or to prevent or disperse an unlawful assembly or for the purposes of maintaining public order or in accordance with any order or directive of the state, the person who fail to offer such assistance shall be subjected to exile or imprisonment not exceeding 2 years or fine not exceeding Mrf. 1,000.00.

Disobedience to  
order authorized by  
*Shari'ah* or Law

88. a. It is an offence to disobey an order issued lawfully within the *Shari'ah* or Law, person guilty of this offence shall be subjected to a punishment of exile or imprisonment or house detention not exceeding 6 months or fine not exceeding Mrf. 150.00.
- b. Where such disobedience resulted in loss or injury to a person's body, property or a sense, the offender shall be subjected to exile or imprisonment not exceeding 1 year or fine not exceeding Mrf. 250.00.

- c. Where such disobedience is likely to cause death of a person, the offender shall be subjected to exile or imprisonment not exceeding 2 years or a fine not exceeding Mrf. 1,000.00.
- d. Where such disobedience resulted in the death of a person the offender shall be subjected to punishment described by Islamic Law.

“Injury” 89. “Injury” shall mean, loss suffered by a person in contravention of Law and caused to him, his body or to his property except in “grievous hurt”.

This Law shall come into effect from 1 January 1967.

## CHAPTER 2

### Public Tranquility and Public Order

Unlawful Assembly 46. An assembly of three or more persons is designated an “unlawful assembly” if the object of the persons composing that assembly is any of the following:

- 1- To overawe by criminal force or by showing that such criminal force is likely cause any form of inconvenience or threat to the Government, to the People’s Majlis or any public servant in the exercise of his lawful power or to the due discharge of his duties.
- 2- To obstruct, or resist the execution of any Law or legal process.
- 3- To cause any person or his property any form of damage, loss, mischief or hatred or commit assault, or criminal trespass or any similar offence against him.

In this subsection “person” shall mean life, body, and senses.

- 4- By means of criminal force or by showing that such criminal force is likely deprive one’s ownership in respect of a property, or obtain possession of any of his property, or deprive wholly or partly any person from the enjoyment of his civil rights or any similar rights enjoyed by him as a person.

- 5- By means of criminal force or by showing that such criminal force is likely compel any person to do what he is not legally bound to do or to prevent him from doing what he is legally entitled to do.
- 6- To create and practice fall-ins, learn how to use weapons or conduct any special training that is relevant only to persons engaged in national security without the permission of the Government.

Note: An assembly which was not unlawful when assembled may subsequently become an unlawful assembly.

Parties to an Unlawful Assembly

47. Where persons assemble with the intention to commit an offence or in a manner likely to commit an offence, and where a person has joined that assembly or participated in the commission of an offence and continues to participate in that assembly while the offence is carried on, and where that assembly remains an “unlawful assembly” such person shall be deemed to be a member of that unlawful assembly.

Penalty of a Party to an Unlawful Assembly

48. A person taking part in an unlawful assembly shall be punished with exile for a period not exceeding 1 year or imprisonment for a period not exceeding 6 months or house detention for a period not exceeding 1 year or a fine not in excess of Mrf. 100/- or both fine and house detention.

Participating in an Unlawful Assembly armed with a Deadly Weapon

49. Whoever takes part in an unlawful assembly, being armed with any deadly weapon or with anything which when used as a weapon is likely to cause death, shall be punished with imprisonment for a period between 6 months and 3 years or exile for a period between 1 year and 6 years or house



detention between 8 months and 18 months.

- Use of Force in an Unlawful Assembly 50. Where persons taking part in an unlawful assembly or a section of that assembly or a person of that assembly uses force or violence (in prosecution of the object of the assembly which made it unlawful), such person or persons shall be guilty of the offence of rioting and shall be subjected to imprisonment for a period between 1 year and 4 years or exile between 2 years and 8 years or fine not in excess of Mrf. 4,000/-.
- Show of Force in an Unlawful Assembly with a Deadly Weapon 51. Whoever is armed when committing an offence mentioned in section 50, with a deadly weapon or anything which when used as a weapon of offence is likely to cause death shall be punished with imprisonment for a period not exceeding 5 years or a fine not in excess of Mrf. 5,000/-.
- Parties to an Unlawful Assembly How Found Guilty 52. Where an offence is committed by any member of an unlawful assembly and that offence has a relationship with the basis that made the assembly unlawful, every person who at the time of commission of that offence is a member of that assembly shall be guilty of that offence.
- Further Action after an Unlawful Assembly is ordered to Disperse 53. Whoever continues or joins an unlawful assembly after it is commanded by a competent authority to disperse, shall be punished with imprisonment for a period not exceeding 4 years or exile not exceeding 8 years or a fine not exceeding Mrf. 1,000/-.
- Obstructing a Person Endeavoring to Disperse an Unlawful Assembly 54. Whoever threatens or obstructs any person authorized by law while attempting to prevent or resist persons from committing an act mentioned in section 50, shall be punished with imprisonment for a period between 1 year and 4 years

or exile between 2 years and 8 years. However, where criminal assault or hurt is caused to such person, the offender shall be subjected to imprisonment for a period between 3 years and 8 years.

Persons Responsible for Places where Unlawful Assemblies are held 55. Whoever being a person responsible for a place where the unlawful assembly is taking place fails to do anything to prevent that assembly or ignores the occurrence of that assembly or fails to give due notice of it to competent authorities shall be liable for the offence of taking part in an unlawful assembly.

Persons Assisting an Unlawful Assembly 56. Whoever hires people for an unlawful assembly, provides food and shelter, or provides protection or encouragement for it or assists in conspiring it, shall be deemed to be a member of such unlawful assembly. And whoever manufactures, purchases, or safe keeps any weapons for that assembly or for the purposes of that assembly shall be punished with imprisonment for a period between 1 year and 5 years.

Unlawful Assembly for the Benefit of a Particular Person 57. Where an unlawful assembly takes place on behalf of a person or to the benefit of a person, or where there is a relationship between the cause of the unlawful assembly and himself and has thereby derived benefit from that assembly or has accepted any benefit from that assembly, he shall be guilty of an offence.

However he shall be guilty of that offence only if it was known to him that such unlawful assembly was likely to take place, or that an act may be committed as a result of that unlawful assembly and or has reason to believe that such unlawful assembly was likely to take place or such act was

likely to be committed and fails to do anything lawfully within his means to resist such assembly from taking place or to prevent the acts of that assembly from being committed. A person who is guilty of an offence as provided in this section shall be subjected to the same punishment given to the person who is considered to be most guilty in respect of that assembly.

Committing an Act in a Public Place that would Disturb the peace 58. Where two or more persons engage in a fight in a piece of land or a street, or in a house or a parcel of land designated for dwelling, or in a vessel or in a public place, they shall be deemed to have disturbed the public peace. Punishment in respect of that offence shall be imprisonment for a period not exceeding 6 months or exile for a period of 1 year or a fine not in excess of Mrf. 500/- or house detention for a period not exceeding 3 months and the fine.

Loss Caused by Unlawful Assembly to Public Property 59. Where loss is caused by an unlawful assembly to public property or building or anything belonging to the State, the punishment in respect of that act shall be compensation or compensation together with imprisonment for a period not exceeding 2 years or exile not exceeding 4 years.

Causing Nuisance To a Neighbor 60. Whoever causes nuisance to a a neighbor or neighbors, or causes nuisance to a person or persons nearby in a public place or thing shall be punished with a fine not exceeding Mrf. 200/- or house detention not exceeding 30 days or imprisonment not exceeding 10 days.

Note: "Nuisance" shall mean any inconvenience caused by the act of a person to another apart from bodily injury or hurt to his person or to his property.

Causing Mischief not mentioned in this Act

61. Whoever does an act not provided in this Act but of disobedience to the directive of the Government or a competent authority of the Government issued for the purposes of establishing or continuing public security shall be punished with imprisonment for a period not exceeding 8 months or a fine not in excess of Mrf. 100/- or house detention not exceeding 3 months.

This Act shall come into effect from the day it receives Royal Assent. The provisions of this Act shall come into effect in accordance with Article 69 of the Constitution from 21 April 1975.