

Transparency Maldives calls on Members of Parliament to reject the proposed unconstitutional amendment to Article 262 of the Constitution.

2 October 2023 - Article 4 of the Constitution of the Republic of Maldives stipulates that the power of the State of the Maldives is derived from and remains with the people. Article 262 (b) of the Constitution further stipulates that amendments proposed to Chapter II of the Constitution (The Maldivian Charter of Rights and Freedoms, Article 79(a) (Term of Majlis), Article 107 (Term of Office) and Article 108 (Presidential Election) should only be given assent by the President after a public referendum approves the proposed amendment.

The member of Parliament for North Maafahnu, Imthiyaz Fahmy has proposed a bill on 2 October 2023 to amend the Article 262 of the Constitution, proposing that if a public referendum regarding a matter has already been taken, subsequent amendments to the constitution regarding the matter, even when they fall under 262(b), would not require public consent through a referendum again.

The proposed bill takes away the veto power given to the public in giving consent to certain changes to the Constitution before they are given assent by the President. The constitutionally enshrined veto power of the public prevents elected representatives of the day from making arbitrary decisions in changing key Chapters and Articles of the Constitution. Any amendment to Article 262 to limit the powers of the people, by the People's Majlis is unconstitutional!

We call on members of the Parliament to reject the proposed amendment which will allow elected representatives to use referendums to limit public consultation over important areas as enshrined under Article 262, including the Maldivian Charter of Rights and Freedoms.

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