

Prevention and prohibition of corruption Act 2000

Act No: 2/2000

2-6-1421

31-8-2000

Preamble and title:

1. (a) This Act is to prevent the offer and acceptance of bribery, the prevention and prohibition of attainment of undue advantage or the facilitation of attainment of undue advantage through use of influence from position, and the prevention of such.

(b) This Act shall be cited as, "Prevention and prohibition of corruption Act"

The offence of offering and accepting bribery in relation to a task undertaken by the government

2. (a) In relation to a task or interaction undertaken, or to be undertaken by the Government or a government agency, it is an offence for an employee of government or government venture, on his own, using someone or through someone to accept bribery, to request for bribery, to agree to accept, to bribe, agree to bribe or propose to offer bribery to a similar employee, in order to lessen the burden, to ease, to benefit, to give any advantage whatsoever, to inconvenience or to make burdensome or to inflict any harm whatsoever on a specific party or to motivate or reward someone for the carrying out of such.

(b) A person who commits an offence stated in subsection (a) above shall be punishable with imprisonment, or banishment or house arrest not exceeding 7 years.

The offence of offering and accepting bribery by members of the People's Majlis

3. (a) It is an offence for a member of the People's Majlis or a person elected to be a member of the People's Majlis or a person appointed to the People's Majlis on his own or through an agent to accept bribery, to request for bribery, to agree to accept, or to propose to offer bribery, or to agree to bribe, or to offer bribery in any form to motivate someone, to reward, in order to act or omit to act in the capacity as a member of the People's Majlis.

(b) A person who commits an offence stated in subsection (a) above shall be punishable with imprisonment, or banishment or house arrest not exceeding 7 years.

The offence of offering and accepting bribery in the judicial sector

4. (a) It is an offence for a High Court judge, or judge or a magistrate, or any other person assigned responsibility to pass judgement in performing or omitting to perform a responsibility of his post, to accept bribery, to request for bribery, to agree to accept or to bribe, agree to bribe or propose to offer bribery by himself, using someone or through someone in order to lessen the burden, to ease, to benefit, to give any advantage whatsoever, to inconvenience or to make burdensome or to inflict any harm

whatsoever on a specific party or to use position to motivate someone to commit such or to reward for the carrying out of such.

(b) A person who commits an offence stated in subsection (a) above shall be punishable with imprisonment, or banishment or house arrest not exceeding 10 years.

The offence of offering and accepting bribery in relation to a task undertaken by a member of the public

5. (a) With regard to task or interaction undertaken, or to be undertaken by a member of the public or Government, or a government venture, it is an offence for a person on his own or through an agent to accept bribery, to request for bribery, to agree to accept bribery, to bribe, agree to bribe or propose to offer bribery in order to lessen the burden, to ease, to benefit, to give any advantage whatsoever, to inconvenience, to make burdensome or to inflict any harm whatsoever on a specific party or to motivate or reward someone for the carrying out of such.

(b) A person who commits an offence stated in subsection (a) above shall be punishable with imprisonment, or banishment or house arrest not exceeding 5 years.

The offence of offering bribery to a person without powers to fulfil the purpose for which bribery was offered

6. (a) It is an offence to accept bribery, to request for bribery, agree to receive, to bribe, agree to give bribery, or propose to offer bribery either to motivate someone or as a reward for the carrying out of an offence stated in sections 2,3,4, and 5 of this Act even if the person who accepted bribery, or requested for bribery, or agreed to accept bribery does not or could not have sufficient powers or discretion to fulfil the purpose for which bribery had been offered.

(b) A person who commits an offence stated in subsection (a) above shall be punishable with imprisonment, or banishment or house arrest not exceeding 3 years.

Committing or attempting to commit a bribery offence through a person or a group

7. (a) Where bribery stated in sections 2,3,4, and 5 of this Act is accepted, offered, agreed to be offered or accepted, attempted to be given or accepted, through a person or a group acting as an **intermediary**, and where such an intermediary knew that it was bribery, or where there were reasonable grounds to believe that it was bribery, the intermediary involved in giving or accepting bribery or doing such shall be culpable.

(b) A person who commits an offence stated in subsection (a) above shall be punishable with imprisonment, or banishment or house arrest not **exceeding** 5 years.

Bribing to exert influence

8. (a) It is an offence for a person on his own or on behalf of another person to accept bribery, to request for bribery, to agree to accept in order to make a person mentioned in sections 2,3,4,5 to lessen the burden, to ease, to benefit, to give any

advantage whatsoever, to inconvenience, or to make burdensome or to inflict any harm whatsoever on a specific party, or to bribe, agree to bribe, or propose to offer bribery to induce or to reward for the carrying out of such.

(b) A person who commits an offence stated in subsection (a) above shall be punishable with imprisonment, or banishment or house arrest not exceeding 5 years.

Informing about attempting to offer bribery and the offer of bribery

9. (a) Where it is known that a person mentioned in this Act accepted bribery or tried to accept bribery or such a person offered bribery or tried to offer bribery, or where there are reasonable grounds to believe that bribery had been accepted or is to be accepted, or offered, or is to be offered, details including information about the person or persons who committed or tried to commit the act should be informed without delay, in Male' to the Ministry of Defence and National Security in the islands to Atoll or Island Offices. Delay in informing without acceptable reason is an offence.

(b) A person who commits an offence stated in subsection (a) above shall be punishable with imprisonment, or banishment or house arrest not exceeding 2 years.

Where purpose of the bribe is not served

10. The offence of bribery stated in sections 2,3,4, and 5 of this Act shall be complete even where the purpose of the bribe had not been served from the person who accepted, requested to receive, agreed to receive the bribe

Establishing that it is not bribery

11. Property and money belonging to a person accused of committing the offence of bribery stated in this Act shall be declared to have been obtained through bribery, where it is established during the trial proceedings that the person had accepted bribery and where the person fails to establish that money and property in excess of known income was not obtained through bribery.

The offence of obtaining undue advantage by government employees

12. (a) It is an offence for an employee of Government or a Government venture to use position or influence from position, to gain or confer an undue advantage pertaining to a task or connected to a task being carried out by the agency or place of his employment.

(b) A person who commits an offence stated in subsection (a) above shall be punishable with imprisonment, banishment or house arrest not exceeding 3 years.

The offence of acting in a manner which precludes an advantage to the public or the State where a benefit exists.

13. (a) It is an offence for any government employee to act in a manner that precludes the public or state from attaining advantage of anything the public or state could have benefited from, or to act in a manner that diminishes the benefits that could have been attained, or diverts the benefits or a part of the benefits to the employee or the employee's wife or husband.

(b) A person who commits an offence stated in subsection (a) above shall be punishable with imprisonment, banishment or house arrest not exceeding 5 years.

The offence of assigning work, procuring for the government and using government property for personal gain

14. (a) It is an offence for anyone to use any government property in contravention of government regulations to get an income or for personal **gain**. It is also an offence for a government employee to compel another government employee to work or undertake a task during official **working** hours of the employee, in contravention of government regulations to get an income or for personal **gain**.

(b) It is an offence for any government employee to procure, rent, receive or obtain, in contravention of government regulations, for the employee's place of work or for a place which the employee is responsible for administering, personal property or property belonging to a person the employee is in partnership with, or an enterprise which confers benefits to the employee or an enterprise in which the employee holds share in.

(c) It is an offence for any government employee to allot work required for the employee's place of work or for a place which the employee is responsible for administering, in contravention of government regulations, to an entity owned by the employee or which confers benefits to the employee or where the employee holds share in.

(d) A person who commits an offence stated in subsections (a)(b)(c) above shall be punishable with imprisonment, banishment or house arrest not exceeding 3 years, and any benefits attained through commission of such offence together with any damage sustained by the Government shall be obtained from the person.

Manner of business dealings by the Chief Justice, Speaker of the People's Majlis, Ministers of the State and Employees of the Government

15. (a) It is an offence for the Chief Justice, the Speaker of the People's Majlis, a member of the cabinet, a Minister of the State, or a person of similar status, the Auditor General, Commissioner of Elections, a Judge of the High Court of Maldives, an Atoll Chief, wives or husband's of such persons and from employees of government those decided by the president, their wives and husbands to run or manage any type of business in conjunction with foreigners.

(b) It is an offence for a government employee or wife or husband of a **government** employee who holds responsibilities to deal with a foreigner or who holds responsibilities to deal with tasks undertaken by a foreigner in connection with the government, to engage in any type of business with such a foreigner, where the foreigner has either requested something from the government or is to undertake tasks in partnership or jointly with the government

(c) A person who commits an offence stated in subsection (a) or (b) above or acts in contravention with this section shall be punishable with imprisonment, or banishment or house arrest not exceeding 3 years.

Gift by a person who requests something from the government

16. (a) It is an offence for a government employee, or wife or husband of government employee to compel or request, any person who has requested something from the government, or who wishes to undertake **government** work or to work in partnership or in a joint venture with the government, to do **their** own personal work.

(b) Where a government employee, or wife or husband of government employee receives a gift from a person wishing to undertake government work or to work in partnership or in a joint venture with the government and who had undertaken or who is to undertake tasks or who has requested something from the government, the gift shall be delivered to a person decided by the president or to the President's Office without delay.

(c) Information about a proposal to offer a gift to a government employee, or wife or husband of government employee, by anyone who is in partnership or in a joint venture with the government and who had undertaken or who is to undertake tasks or who has requested something from the government, shall be conveyed to a person decided by the president or to the Presidents Office without delay.

(d) A person who commits an offence stated in subsection (a) above shall be subjected to imprisonment, or banishment or house arrest not exceeding 1year. And a person who contravenes subsections (b) and (c) of this section shall be subjected to the same.

Offence of hiding information and destroying evidence and documents

17. (a) It is an offence to wilfully hide information which the person knows about when requested for the purposes of investigation of a matter considered unlawful under this Act or for court proceedings, and to hide and destroy documents and other evidence required for investigation of a matter considered unlawful under this Act or which maybe required for court proceedings.

(b) A person who commits an offence stated in subsection (a) above shall be subjected to imprisonment, or banishment or house arrest not exceeding **2years**.

Protecting the informant

18. (a) Where a person who suspects that a crime stated in Act has been committed and provides such information requests for his identity to be withheld, no one shall be given any information whatsoever that may reveal the identity of the informant save for those persons who need to know such for purposes of investigation, prosecution, and conduct of trial proceedings. A person who had access to information about the informant shall be culpable where the information is disclosed to another person.

(b) Identity of a person need not be withheld as per subsection (a) above where information stated in subsection (a) above was given with the knowledge that the information is false or where the information was given while the informant had grounds to believe that the information differs from the real situation.

(c) A person who commits an offence stated in subsection (a) above shall be subjected to imprisonment, or banishment or house arrest not exceeding 1 year.

Participation of informant in commission of offence

19. Section 18 of this Act does not preclude the right to investigate or prosecute an informant who provides information about a person who had committed an offence stated in this Act or prohibited in this Act, where the informant himself had committed an act or where the informant is party to the commission of an act prohibited under this Act.

Offence of giving wrong information

20. (a) It is an offence to give information which a person knows to be untrue or misleading about the commission of an offence stated in this Act or an act prohibited under this Act to the concerned government agency or an authority investigating such.

(b) A person who commits an offence stated in subsection (a) above shall be subjected to imprisonment, or banishment or house arrest not exceeding 1 year.

Failure to appear for investigation

21. (a) It is an offence for a person accused of committing an offence under this Act or suspected of having committed an act prohibited under this Act not to present himself when summoned for the purpose of an investigation, or for any other person not to appear when summoned for the purpose of a witness statement required for investigation.

(b) A person who commits an offence stated in subsection (a) above shall be subjected to imprisonment, or banishment or house arrest not exceeding 1 year.

Obstructing responsibility

22. (a) It is an offence to obstruct the execution of responsibilities of any lawful authority in the enforcement of this Act.

(b) A person who commits an offence stated in subsection (a) above shall be subjected to imprisonment, or banishment or house arrest not exceeding 6 months.

Attempting to commit an offence

23. A person who attempted to commit an offence stated in this Act shall be culpable in the same manner as a person who committed such an offence. And the same penalty stipulated in this Act for a person who commits an offence mentioned in this Act shall be applied.

Property and money obtained through commission of an offence

24. (a) Property and money received through the commission of an offence stated in this Act and property obtained through such whether with the person, with someone else, and where ever it is, whether sold or given to a person shall be confiscated.

(b) Where there is suspicion that person has committed an offence stated in this Act or where a person is being prosecuted for such, pending the decision of court, the judge reserves the right to order money and property suspected to have been obtained through commission of the offence to be confiscated, taken away from the person and kept with a specific party or order the accused not to transact with such or to order to ensure that such does not leave the hands of the accused.

(c) Pending a court order stated in subsection (b) above, the government agency investigating the case of a person who is under suspicion for committing an offence stated in this Act shall have the right to confiscate or order the confiscation of property and money suspected to have been obtained through commission of an offence stated in this Act.

Checking bank account

25. Investigative agency of the Government has the authority to obtain through the Maldives Monetary Authority bank account details and details of transactions carried out through banks including money received, money transmitted through banks of persons under suspicion of having committed offences stated in this Act and also to obtain copies of documents which are required for investigation or to send the case to court.

Withholding bank account

26. If there is suspicion that money in a person's bank was obtained through the commission of an offence stated in this Act, the investigative agency of the Government or the court where the case had been submitted to, has the authority to bar transactions through the Maldives Monetary Authority and to order that money be withheld pending conclusion of investigation or trial proceedings.

Enforcement of this Act and making of regulations

27. Enforcement of this Act and regulations required to be made under this Act shall be made and enforced by the President or an agency or agencies appointed by the President.

Interpretation

28. Unless the context requires otherwise, in this Act

(a) 'Bribery' is referred to as money, goods and property, conveniences and other benefits, other than salary, wages, benefits, perks and conveniences offered by the employer commensurate to employment, offered or obtained in order to act or omit to act or to lessen the burden, to ease, to benefit, to give any advantage whatsoever, to inconvenience or to make burdensome or to inflict any harm whatsoever on a specific party or to motivate or reward someone to carry out such.

(b) 'Undue advantage' refers to anything other than bribery obtained through use of influence from position in addition to salary, wages, benefits, perks and conveniences commensurate with work offered by the employer.

(c) 'Pass judgement' refers to the verdict by the court in accordance with Shari'ah and the Laws.

(d) 'Business' refers to any **undertaking** or work done to receive or generate **financial** return or income. This excludes transaction carried out with personal property which cannot be classified as engaging in business.

Repealed Acts

29. Section 2 of Law no 4/68 (general laws), Law no 10/78 (Law on requesting things from those who request for things from the State or related to the State and those who undertake tasks in partnership or jointly with the government and, regarding things received from such persons), Law no 12/78 (Law on conducting business with a foreigner who has either requested something from the State or related to the State or who has undertaken tasks in partnership or jointly with the government), Law no 97/78 (Law on offences committed by government employees using position), Law no 98/78 (Law on government senior officials disobeying the laws and, acting in a manner that denies benefits to the public or the government where there is an **advantage**) shall be repealed upon this Act coming into force.
