

Political System of the Ancient Kingdom of Maldives

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Chapter 1

Early Settlers

*'I decided to undertake a journey to the Maldive islands (Dhibat-ul-mahal), about which I had heard a lot of tales. Ten days after embarking at Calicut we reached these islands, which are one of the wonders of the world, and number about two thousand in all. Each hundred or less of them form a circular cluster resembling a ring, this ring having one entrance like a gateway, and only through this entrance can ships reach the islands.'*¹ – Ibn Battuta

Many different groups of people from South India and Sri Lanka settled in the Maldives archipelago around 500 BC.² Most of the studies on the history of the Maldives and its people conclude that the first settlers in the archipelago were of the same (Aryan) stock as the Sinhalese who also settled in Sri Lanka around 500 BC.³ Some argue that the seafaring people from Gujarat settled in the Maldives during the Indus valley civilization; while other early settlers might have been from Southeast Asia.⁴ A notable scholar has also suggested that a

¹ H.A.R. Gibb, *The Travels of Ibn Battuta*, (New Delhi: Goodword Books, 2011), 241.

² H C.P Bell, *The Maldives Islands: Monograph on the History, Archeology and Epigraphy*, (Colombo: Ceylon Government Press, 1940), 16 -17.

³ Ibid; see also, Clarence Maloney, 'The Maldives: New Stresses in an Old Nation', *Asian Survey*, Vol. 16, No. 7, (University of California Press, Jul., 1976), 655, <http://www.jstor.org/stable/2643164> (Accessed: 27/11/2012 04:39); Xavier Romero-Frias, *The Maldive Islanders, A Study of the Popular Culture of an Ancient Ocean Kingdom*, (Barcelona: Nova Ethnographia Indica, 1999), 25-36; see also, Clarence Maloney, *People of the Maldive Islands*, (Madras: Orient Longman Ltd, 1980), 38; A. Gray, 'The Maldive Islands: With a Vocabulary Taken from François Pyrard de Laval 1602-1607', *Journal of Royal Asiatic Society of Great Britain & Ireland*, New Series, Vol.10, No.2 (Apr., 1878) pp. 173-209, (Cambridge University Press), <http://www.jstor.org/stable/25196795> , (Accessed: 27/10/2012 18:13).

⁴ Naseema Mohamed, 'Note on the Early History of the Maldives,' *Archipel*, Volume 70, 2005, 7-14, http://www.persee.fr/web/revues/home/prescript/article/arch_0044-8613_2005_num_70_1_3970; See also, Clarence Maloney, 'Where Did the Maldives People Come From?', International Institute for Asian Studies, <http://www.iias.nl/iiasn/iiasn5/insouasi/maloney.html> (Accessed: 20/01/2013 00:22).

people called the Redin might have settled in the Maldives as early as 1500 B.C,⁵ although this theory finds little support among other scholars.⁶

According to the Mahavamsa,⁷ the Great Chronicle of Ceylon, Prince Vijaya migrated to Sri Lanka around 500 BC with his compatriots, following their banishment from the Lala country in Bengal.⁸ One of the ships that sailed with Prince Vijaya went adrift and arrived at an island called Mahiladipa, the name used for the Maldives at the time. The group of people on the ship that arrived in the Maldives consisted mainly of the womenfolk who were travelling with the Prince.

According to Allama Ahmed Shihabuddin,⁹ the first inhabitants of the Maldives, the Dheyvis, came to the Maldives from Kalbanja,¹⁰ before Emperor Asoka's kingdom was established in India (273-232 BC).¹¹ Dheyvis did not have a king

⁵ Thor Heyerdahl, *The Maldives Mystery*, (Bethesda, Maryland: Adler & Adler Publishers, Inc., 1986), 305–307. Thor Heyerdahl's theory was based on his archeological findings in the Maldives, pointing to the existence of sun-worshippers in the Maldives who might have lived there before the Buddhist era. Thor Heyerdahl argues that the statues with elongated ears found in the Maldives, were Redin creations representing the chief deity of the Redins.

⁶ Xavier Romero-Frias, 'Thor Heyerdahl and the Maldives: A blessing or a curse?', http://www.maldivesroyalfamily.com/maldives_romero_heyerdahl.shtml (Accessed: 20/01/2013). In this article, Xavier Romero-Frias says that Thor Heyerdahl's 'wild speculations are completely misplaced' and wrong.

⁷ *The Mahavamsa* (The Great Chronicle of Ceylon), <http://mahavamsa.org/mahavamsa/original-version/06-coming-vijaya/> (Accessed: 13/01/2013 13:06).

⁸ Ibid.

⁹ Allama Ahmed Shihabuddin, *Kitab fi Athaari Meedoo el-Qadimiyyeh*, (1650 – 1687), written in Arabic and translated into Dhivehi by Dhoondayri Don Maniku son of Chief Justice Ibrahim Majduddin. This is the oldest existing work on Maldivian history written by a Maldivian. The first *Tharikh* chronicler, Hassan Tajuddin, studied under Fonadhoo Katheeb Sirajuddin, who was a student of Ahmed Shihabuddin.

¹⁰ As Ahmed Shihabuddin's original work was in Arabic, which was later translated to Divehi and then into English, it is likely that he was also referring to Kalinga, as mentioned in *Mahavamsa*, to be the origin of Prince Vijaya.

¹¹ Naseema Mohamed, 'Note on the Early History of the Maldives,' *Archipel*, Volume 70, 2005, 7-14, http://www.persee.fr/web/revues/home/prescript/article/arch_0044-8613_2005_num_70_1_3970; See also, Naseema Mohamed, *Essays on Early Maldives*, (Male, Maldives: National Centre for Linguistic and Historical Research, 2008).

but were led by a religious leader called the *Sawamia*: they worshipped different elements of nature such as the sun, moon and stars.¹² The *Sawamia* had absolute authority over temporal as well as religious matters and resolved all their disputes and conflicts.

According to Allama Ahmed Shihabuddin, Dheyvis settled in the southern part of the Maldives,¹³ and later some people from Serendib (Sri Lanka) migrated to Huvadhu Atoll. Soon thereafter, a kingdom was established and was called *Dheeva Maari*. The first king was the son of King Brahmaadittiya of Kalinga in India, who was displeased with his son and therefore had his son sent to *Dheeva Maari*.¹⁴ This prince, Sri Soorudasaruna Adeettiya, established the *Aadeetta* (Sun) Dynasty¹⁵ in *Dheeva Maari*. According to Allama Ahmed Shihabuddin, some tribes who came from India populated the northern atolls of the Maldives.¹⁶

During the third century AD, the Indian Emperor Asoka undertook a vigorous campaign to spread Buddhism and sent emissaries to many countries in Asia for that purpose. According to Allama Ahmed Shihabuddin, Buddhism penetrated to the Maldives about the same time through some Buddhists who came from a place called *Bairat* in India.¹⁷ At this time the Maldives was known as *Dheeva Mahal*. This would indicate that the conversion to Buddhism took place among

¹² Ibid.

¹³ According to Ahmed Shihabuddin, *Dheyvis* first settled in Isduva of Isduvammathi and they named gave the name *duva* to any island, where they started to live and found a settlement.

¹⁴ Read the story of the arrival of Prince Vijaya to Sri Lanka in *Mahavamsa*, together with the narration in *Kitab fi Athaari Meedoo el-Qadimiyyeh* relating to the prince who arrived in the Maldives from Kalinga.

¹⁵ According to Ahmed Shihabuddin, the history of the Kings of *Adeetta vansa* was inscribed on copperplates known as '*Maapanansa*'. When the cousin of King Mahaabarana Adeettiya (1121-1142 AD), Princess Kamanhaaru, was banished to Addu Meedhoo, she took these plates with her. An early 14th century scholar of Addu Meedhoo, Al Muhaddith Hassan stated that he was able to read the whole of the *Maapanansa* copperplates, and that after reading them, he had buried them in the ground. These copperplates have never been found.

¹⁶ Naseema Mohamed, 'Note on the Early History of the Maldives,' *Archipel*, Volume 70, 2005, 7-14, http://www.persee.fr/web/revues/home/prescript/article/arch_0044-8613_2005_num_70_1_3970 .

¹⁷ Ibid.

the *Dheyvis* at an early stage of Buddhism.¹⁸

It is impossible to make any general rules about the precise schools of Buddhism that flourished in the Maldives, as the various islands were inhabited by people who arrived from different parts of South Asia, and the various groups of people living in different parts of the country had little communication between them. H.C.P Bell asserted that the ancient Maldivians followed Theravada Buddhism, which was practised in Sri Lanka.¹⁹

In the 10th century, the Chola Empire became powerful in southern India, and the Maldives did not escape its influence. In the early 11th century, during the early years of the *Soma Vansa* (Lunar Dynasty),²⁰ two northern atolls of the Maldives came under the Chola Empire. The *Soma Vansa* ruler, King Mahaabarana Adeettiya (1121-1142 AD) ascended the throne after he defeated the Indians who had occupied the two atolls. King Mahaabarana Adeettiya was succeeded by his nephew Sri Sandaneyka Adeettiya (*Bavanaadheettha*), who converted the Maldives to Islam and was later known as *Dharumavantha Radun*.²¹

The seafaring people who settled in the islands continued with their tradition of travelling and traded with India, Ceylon, Bangladesh, South East Asia, Arabia and East Africa.²² Arab and Persian traders who travelled to South and East Asia stopped and briefly resided in the Maldives.²³

¹⁸ Ibid.

¹⁹ First archaeological study of the remains of early cultures on the Maldives began with the work of H.C.P. Bell.

²⁰ The last queen of the *Adeettiya* dynasty married a prince of the *Soma* dynasty and the formal titles of Maldivian kings until 1968 contained references to '*kula soma ira*' which meant, 'descended from the Moon and the Sun'; see also, Mohamed Ibrahim Luthfi, *Ibn Battuta in the Maldives*, 113-114.

²¹ Naseema Mohamed, 'Note on the Early History of the Maldives,' *Archipel*, Volume 70, 2005, 7-14, http://www.persee.fr/web/revues/home/prescript/article/arch_0044-8613_2005_num_70_1_3970.

²² Xavier Romero-Frias, *The Maldivian Islanders*, 11-14.

²³ See for example, H.A.R. Gibb, *The Travels of Ibn Battuta*, 241- 253.

Conversion to Islam

In the tenth century, Middle Eastern seafarers began to dominate the Indian Ocean trade routes and the Maldives provided an important link for these seafarers along these trade routes. The abundant supply of cowrie shells, a form of currency that was widely used throughout Asia and parts of the East Africa at that time, may have enhanced their interest in the Maldives.²⁴ Merchants from Yemen and the Persian Gulf followed the monsoons to the coast of Malabar and from there to the islands of Maldives, Sri Lanka, Java and Sumatra. During their travel to these Asian destinations, Middle Eastern merchants introduced Islam to the places they visited.²⁵

Despite its being one of the most significant developments in Maldivian history, historical evidence is extremely limited about the coming of Islam to the Maldives.²⁶ There is considerable debate amongst scholars about the reasons for the Buddhist king to have abandoned Buddhism and embraced Islam.²⁷ To fill this gap, many scholars turn to an illustrious local legend for an explanation of why King Sri Sandaneyka Adeettiya (Bavanaadheettha) converted.²⁸ It is clear from *The Book of Ancient Meedhoo History* that the people of the Maldives had started to embrace Islam before the king converted to Islam in 1153 AD, from learning about it through Arab Seafarers and the local people who travelled to Arabia. *The Book of Ancient Meedhoo History* also makes it clear that some Arab travellers had settled in the Maldives and married local women.

²⁴ H. C. P Bell, *The Maldives Islands: Monograph on the History, Archeology and Epigraphy*, (Colombo: Ceylon Government Press, 1940), 17.

²⁵ Ibid, 17; See also, Jamal Malik, *Islam in South Asia: A short history*, (The Netherlands: Martinus Nijhoff Publishers, 2008), 29-59.

²⁶ A. Gray, 'The Maldivian Islands: With a vocabulary taken from François Pyrard de Laval 1602 – 1607', *Journal of Royal Asiatic Society of Great Britain & Ireland*, New Series, Vol.10, No.2 (Apr., 1878) pp. 173-209, (Cambridge University Press), <http://www.jstor.org/stable/25196795>, (Accessed: 27/10/2012 18:13).

²⁷ Clarence Maloney, *The People of the Maldivian Islands*, 101.

²⁸ Xavier Romero-Frias, *The Maldivian Islanders*), 32-36.

Historical anecdotes in *The Book of Ancient Meedhoo History* abundantly depict the manner in which Islam took root in the Maldives. The book describes how the people of Meedhoo had abandoned Buddhism in favour of Islam in 1127, twenty-six years before the king of the Maldives converted to Islam.

‘Yoosuf Gadir and his family arrived in Meedhoo in October 1125. They stayed in the houses of Elhai Haaru Dhoraaboo and Kalhai Haaru. At that time, the island was Buddhist. Dhoraaboo, the headman of the house where the Gadir family was staying, had travelled to the countries of the world and knew the Arabic and Farsi languages. He had also become a Moslem, converted by Al-Hafiz Amir the son of Yasir Al-Namrizi of Nimrooz (in Persia), although he kept this a secret . . . Yoosuf's work led to the conversion of Chandu Haaru, the son of the island's (female) Buddhist priest, Kalhai Haaru. Chandu Haaru joined Yoosuf's campaign and decided to smash the statues in the temple during the month of Rajab. The people of the island were angry and complained, but Kalhai Haaru kept things under control because his son had led the attack.

The Kalhai Haaru family was originally from India. Kadu Kumar, a man from Patna in India, married a Meedhoo woman called Kaman Haaru, who was a high level member of the Buddhist religion . . . Two days after the statues were smashed in August 1127, Kalhai Haaru embraced Islam. Because Dhoraaboo interpreted the conversion arguments of Yoosuf Gadir, he was given the title of Abu-el-Lisan. The name he was using before referred to the name of town of the person who had originally converted him to Islam, Yoosuf Al-Namrizi... In 1144, the two Yoosufs set out for Malé and other places. During this journey Yoosuf el-Namrizi (Dhoraaboo) died, and Yoosuf Gadir returned to Meedhoo in July 1166. As the islands embraced Islam, Gan was the last island in Addu atoll to be converted (around 1300).²⁹

By the end of the 12th century, the entire population of the Maldives had been converted to Islam and Buddhist temples and stupas were abandoned and buried beneath the sand. However, despite the introduction of Islamic law, several pre-Islamic traditions remained in place as part of the everyday life of local Muslims.

²⁹ Translated into English from Dhivehi by Fareesha Abdulla and Michael O'Shea, http://www.maldivesroyalfamily.com/maldives_meedhoo_history.shtml

The well-known Moroccan traveller Ibn Battuta, who visited the Maldives in the middle of the 14th century, states that the inhabitants of all the islands of the Maldives were religious and upright Muslims, and all the islands had beautiful mosques.

'The inhabitants of these islands are upright and religious and are men of right beliefs and good intentions. Their diet is consistent with the Islamic law, and their prayers are accepted by the Almighty God. When one man meets another he says to the other, God is my lord, Muhammad my prophet and I am a poor ignoramus.'³⁰

³⁰ H.A.R. Gibb, *The Travels of Ibn Battuta*, (New Delhi: Goodword Books, 2011), 241.

Organization of the early State

Over the long period of their history, the Maldivians have developed a unique state system suitable to the islands' geographical formation and the distribution of the population. Cultural and religious unity has given the Maldivian people a strong sense of identity as a distinct nation. The organization of the ancient and medieval Maldivian state and its institutions were heavily influenced by both the traditions of the Buddhist kingdom that lasted for at least a thousand years and the laws and practices of the Muslim kingdom from the 12th century onwards. According to Clarence Maloney, the political system in the Maldives was an adaptation of that prevailing in Sri Lanka, 'modified by the unique geography.'³¹ According to Pyrard, the Maldivians were skilled in arms and they lived under a complete system of law and police.³²

The main functions of the ancient Maldivian state were defending the state against external aggression, collecting taxes and resolving disputes among the people. The king was the ultimate protector of the faith of his subjects, for which he depended on his clergy.³³ The chief cleric in the royal court was also responsible for resolving the disputes among the people. As a matter of tradition, the king had relied on the chief cleric for the legitimacy of his rule.³⁴ This could have been the reason why the chief justice, who was also the chief

³¹ Clarence Maloney, 'The Maldives: New Stresses in an Old Nation', *Asian Survey*, Vol. 16, No. 7, (University of California Press, Jul., 1976), 659, <http://www.jstor.org/stable/2643164> (Accessed: 27/11/2012 04:39); see also, François Pyrard de Laval, *The Voyage of Francois Pyrard of Laval to the East Indies, the Maldives, the Moluccas and Brazil*, (1611), translated into English in 1887 from the third French edition of 1619 by Albert Gray assisted by H.C.P. Bell, Vol. I, Chapters 14 & 15.

³² François Pyrard de Laval, (1611), Vol. I, Chapter 10.

³³ François Pyrard de Laval, (1611), Chapter 14.

³⁴ *Ibid.*

cleric, was such a powerful figure in the royal court.³⁵

The King

The position of the ancient Maldivian kings was inherited according to the customary order of succession among the members of the royal family. According to Pyrard, the power of the King was absolute throughout his whole realm, and he disposed of all things according to his pleasure.³⁶ The King was feared and dreaded, and everything depended upon him;³⁷ he was the dispenser of justice to ensure order and punish crime. When an appeal was made to him by any of his subjects, he gave orders for justice to be done by his judges, lords and officers.³⁸ All major decisions were taken by the King in consultation with the *Ameerun* (noble chiefs) and the ministers, known as *Furadhaana*.³⁹ However, the King had the power to veto the decisions and advice given by the councils.

Nobility and the Councils

After the King, the most powerful people in the kingdom were the *Kilege* or *Ameerun*, appointed by the King from among the members of the royal family to be his advisors.⁴⁰ These *Ameerun* and *Kilege*, (the noble chiefs of the state) were regarded as the owners of the kingdom.⁴¹ Although these noble chiefs had

³⁵ Ibid; see also, *Public Advertiser* (London, England), Friday, November 18, 1791, Issue 17900.

³⁶ Ibid.

³⁷ Ibid.

³⁸ François Pyrard de Laval, (1611), 14 &15.

³⁹ See also, *The Times*, (UK), Tuesday, May 25, 1920, 34.

⁴⁰ See for example, the chiefs of state appointed by King Mohamed Thakurufaanu, immediately upon assuming the Maldivian throne in 1573 AD, Hussain Salahuddin, *Boduthakurufaanu Vaahaka*, (Malé, Maldives: Novelty Press, 1998), 231; see also, Mohamed Ibrahim Luthfi, *Ibn Battuta in the Maldives*, 150.

⁴¹ King Mohamed Thakurufaanul Auzam (*Boduthakurufaanu*) upon assuming office after defeating the Portuguese in 1573, appointed his younger brother and companion Hassan Thakurufaanu as a 'Shareek' (a joint owner) of the kingdom and conferred on him the title *Rannabandeyri Kilegefaanu*, while Ali Haji, another member of his companions who waged war

a lot of power, they were not automatically put in government positions. At times the noble chiefs acted like a council and the Kings and Queens consulted with the noble chiefs before taking important decisions affecting the kingdom. The King himself, known as *Ras Kilege*, was a member of the Council of chiefs of state. The *Kilege* Council also included lady noble chiefs, such as the Queen, the mother or mother-in-law or a sister or sister-in-law of the king.⁴² One of them or all of them, as the case might be, was always included in the Council, which met when matters of great importance and urgency were to be discussed. Since these *Kilege* were the chiefs of state, each *Kilege* was traditionally allocated certain atolls or islands of the country from where he or she would directly draw tax (*vaaru*) or other income.⁴³

Grand Vizier

The most powerful official of the realm was the *Kilege* who was appointed by the king as his Grand Vizier.⁴⁴ Next to the King, and in his absence, he was the most powerful figure in the government of the state, and without his authority nothing was done.⁴⁵ If the King wished to do, observe, or execute anything, he was the first person to be deputed and receive his commands.⁴⁶

The Cabinet

The Ministers (*Furadhaana*) who were subordinate to the *Kilege*, were

against the Portuguese, was appointed as the Prime Minister with the title *Dhoshimeynaa Thakurufaanu*. This means that *Rannabandeyri Kilegefaanu* was the most powerful figure in the kingdom after the king, and the Prime Minister was a lesser figure who was responsible for the day-to-day administration of the affairs of the state, See, *Dhivehi Thaareekh*, (Malé, Maldives: Dhivehi Thaareekhaa Sagaafathah Khidhumaiy Kuraa *Majlis*, Office of the President, 1981),13-14.

⁴² Mohamed Ibrahim Luthfi, *Ibn Battuta in the Maldives*, 150.

⁴³ François Pyrard de Laval, (1611), Vol. I, Chapter 14 & 15; see also, H.A.R. Gibb, *The Travels of Ibn Battuta*, 245.

⁴⁴ Ibid.

⁴⁵ Mohamed Ibrahim Luthfi, *Ibn Battuta in the Maldives*, 64.

⁴⁶ Ibid.

responsible for the execution of the orders of the King.⁴⁷ The Ministers were also the most trusted advisors of the King. The central core of the council of Ministers was a small group made up of senior members of the royal family or the senior citizens of the community respected for their wisdom, character and loyalty to the King or the Queen.⁴⁸

The Ministers assisted the Kings and Queens to carry out important functions of the state⁴⁹ and they held office for as long as they enjoyed the royal pleasure. The number of Ministers and their functions varied from time to time, depending on the circumstance and needs and the power and influence of the people appointed to various posts by the King or Queen.⁵⁰

According to Ibn Batuta, the Council of Ministers comprised the following members.⁵¹

1. *Kilege* - Grand Vizier or King's Lieutenant.
2. *Fandayarkalou* - Chief Justice.
3. *Handeygiri* - Preacher.
4. *Famuladeri* - Chief of the Treasury.
5. *Mafaiy* – Receiver-General of Revenue.
6. *Faashana* - Minister of Police.
7. *Manayec* - Admiral.
8. *Deherd* - General of the Army.

⁴⁷ Ibid.

⁴⁸ Ibid.

⁴⁹ See *The Times*, (UK), Tuesday, May 25, 1920, 34.

⁵⁰ François Pyrard de Laval, (1611), Vol. I, Chapter 15.

⁵¹ Ibid.

Although Ibn Battuta includes the Chief Justice among the Cabinet of Ministers, his own writings and the writings of subsequent writers confirm that the office of the Chief Justice was an institution that was separate from the executive.⁵²

Pyrard lists the members of the cabinet as follows:⁵³

1. *Kilege* (Grand Vizier)
2. *Faruna*
3. *Handeygiri*.
4. *Velaanaa*.
5. *Dhoshimeyna*.
6. *Maafaiy* (Chancellor).
7. *Karani*.
8. *Mas bandeyri* (Intendant of Finance).
9. *Rannabanderi* (Treasurer).

Christopher (1834) lists the members of the Cabinet as follows:⁵⁴

1. *Dhoshimeyna* (Chief or General of the Army).
2. *Hakuraa*.
3. *Velaanaa*.
4. *Faamuludeyri*

⁵² Ibid.

⁵³ Ibid.

⁵⁴ Ibid.

5. *Maafaiy*.

6. *Daharaa*

According to Mr. Bell (1879), the king had appointed only three ministers:⁵⁵

1. *Handeygiri*, or *Bodu Bandeyri*, (Chief Treasurer of the realm).

2. *Daharaa*.

3. *Miru Baharu*

Among the *Furadhaana*, the most powerful Ministers after the Grand Vizier were the *Faashana* and the *Handeygiri*, who always worked from the King's palace and were always beside the King to give counsel to him on all occasions and in all matters.⁵⁶

Bodu Galu Lomafanu (dated 1356-57 AD) illustrates the manner in which the King or the Queen consulted with the *Furadhaana* (Ministers) before taking important decisions.⁵⁷

'Her Majesty, the abolisher of sorcery, chief of the nine gems, in the 16th year of Her reign when seated on the puissant lion-throne at Fura Malé the time-honoured, dwelling in happiness, heard the verbal statement made by Ras Kilage (styled) Kakai Mabarak, viz, 'I possess no Deed of Provision granted by royalty for *Walu Miskit* (on the land) of Hasan Dafiya, built in order to gain religious merit' 50 kingdoms and 20 kingdoms.

When this matter was submitted before the royal feet, Her Majesty (generously) listening to the statement accepted it favourably (with pleased countenance).

⁵⁵ Ibid.

⁵⁶ Ibid.

⁵⁷ H. C. P Bell, *The Maldives Islands: Monograph on the History, Archeology and Epigraphy*, (Colombo: Ceylon Government Press, 1940), 182-186.

Ali Handegiri Kilage, Her Majesty's spouse, the five chiefs (*Furadhaanas*) and the Council, being ordered to inquire into the statement carefully, the grant of the income to the Mosque built by *Kakai Mubarak* was agreed to, (for providing the following needs) – *cadjans* and oil for the use of the Mosque; for the feeding of the Malims and Mudims for the performance of the usual prayers and the five calls for prayer; for spreading mats and sweeping the Mosque.

. . . any man who rebels, causes disturbance and commits murder.

Every Muslim (whether king, queen, royal prince, Princess Fattama Devi, Chief Minister, or Council Officials) who is minded to allow this religious benefaction to continue undisturbed, will enter Heaven with the Prophet. Every Muslim (whether king, queen, royal prince, Princess Fattama Devi, Chief Minister, or Council Officials) who tries to harm, or destroy, this religious benefaction without allowing it to stand (as hitherto), will become an enemy to God and the Prophet, will commit sin (such as) setting fire to the Mosque at Mekka and Medina and will go to Hell with all Infidels.

(Her Majesty) the Great Ruler, Svasti Sri Tri Rada Abaranna Maha Rehendi Maha Radun bestowed this benefaction in order that she herself and the kings and queens who followed her may obtain merit before God. The deed of '*hinna*' thus reserved for the Mosque was given out verbally by the Sultana and was written down by Muhammad Famuladeri.

Fatai Kabala, daughter of Midu Famuladeri *vima fanfi vani ara firugu* and wife of Isa Uttama Fadiyaru, states that this *kilage* bought from the family and wife of Fadiyaru Diyanigilla, Island of Huvadummathi (Atoll), and made it *hinna* (as source of income) for the Mosque without giving the share belonging to Alageai.

At the time the *kilage*, sitting with the Council and five *Furadanas* who hold office, decided according to the *Shariat* (Muslim Law) that the property shall be divided into one-hundred and forty-four shares. Amina born to Isa Uttama Fadiyaru by Fatai Kabala, and the said *kabala*, to these two persons, one share, from the mother's side of this *Fadiyaru*, is allotted, namely 51 shares from 144 shares deducting two shares *himiti anavai baa(r)*.

The *Fadiyaru's* son Ali and the *Fadiyaru's* wife Amina Kaba two shares from me . . . two shares *vaniba* should be given to the *kilage*.

Kilage Fatirada examining the document (*fat balaigen*) as a *hinna* to this

Mosque (*atvidi anigilnavi de luni bayar vani*), Medege Muhammad Government official, *varingati fonidaniai* assigned the coconut trees of Kani Midu Island (Nilande' Atoll).'

Provinces

The Maldives islands were divided into thirteen atolls or provinces. A chief known as the *naib* led each of these provinces.⁵⁸ These *naibs*, or chiefs of provinces, were, according to Pyrard, priests or doctors of the law, who had jurisdiction over all matters of religion, education and the administration of justice. As each of these thirteen atolls or provinces consisted of many islands, a *katib* was appointed to each island as the religious superior of that island, who had under him the priests incumbent (*mudims*) of the mosques.⁵⁹ The *naib* gave orders to the *katibs* and *mudims* in his province.⁶⁰ These *naibs* were accountable to and received orders from the *Fandiyaaru*, who resided in Malé. The *Fandiyaru* was not only the ecclesiastical superior of the whole kingdom, but also the Chief Justice of the kingdom.⁶¹

All the islands were divided into separate wards, and each such ward had its headman, called the *muskulhi*, the alderman of the ward.⁶² The people of the ward would treat him with great honour and respect. The alderman could do nothing without the counsel and advice of the other elders and councillors of the ward. When there was a task to be executed, he would summon the elders to his house or other place, to consider the possible resolution of the matter.⁶³

⁵⁸ François Pyrard de Laval, *The Voyage of Francois Pyrard of Laval to the East Indies, the Maldives, the Moluccas and Brazil*, (1611), Chapter 14; see also, H.A.R. Gibb, *The Travels of Ibn Battuta*, (New Delhi: Goodword Books, 2011), 241.

⁵⁹ Ibid.

⁶⁰ Ibid.

⁶¹ Ibid; see also, H.A.R. Gibb, *The Travels of Ibn Battuta*, 245.

⁶² Ibid.

⁶³ Ibid.

Tax Collectors

In addition to the *naib*, in each province there was a man appointed and employed by the King to collect and levy his dues and revenues.⁶⁴ These people were called *vaaruveri* or *atolhu veri* and they were highly honoured and respected. According to HCP Bell (1887), these collectors of revenue were appointed to an atoll, or part of an atoll, by the King on the recommendation of the *Handeygiri*.⁶⁵ They did not necessarily reside in their districts: the majority resided in Malé, and employed subagents or *rashu verin*. The emoluments of the office were considerable, and these posts were frequently held by relations of the King, and by the Ministers themselves. The post could either be held for life or according to the sultan's pleasure, and upon the death of an *atolhu veri* his estate was held liable for any balance due to the treasury.

According to HCP Bell, the *Handeygiri* (preacher in Ibn Batuta's time, a lord privy councillor in Pyrrard's time and Chief Treasurer in Bell's time) was a high officer vested with the authority to enforce the payment of revenue when a complaint was made to him by the *atolhu veri*. According to Bell, the *Handeygiri* seems to have ranked above the other two Ministers, and possessed greater influence in the community.⁶⁶ A staff of accountants and clerks were also employed to assist him in the revenue duties at Malé.

According to HCP Bell (1887), although in Pyrrard's time the *naibs* were superior to the collectors of revenue (*varuverin* or *atolu verin*), later the latter became more powerful and *naibs* became the ecclesiastical and judicial chiefs of the atolls.

The Army

Often kings and queens relied on the loyalty of the armed forces to gain and

⁶⁴ François Pyrrard de Laval, (1611), Vol. I, Chapter 15.

⁶⁵ Island Chief.

⁶⁶ François Pyrrard de Laval, (1611), Vol. I, Chapter 10; see also, Mohamed Ibrahim Luthfi, *Ibn Battuta in the Maldives*, 152.

retain power;⁶⁷ hence the armed forces played an important role as an institution of state power.⁶⁸ According to Ibn Battuta, the Queen's army comprised of about a thousand men recruited from abroad, although a small number of natives were also included.⁶⁹ However, according to the *Dhivehi Thaareekh* chronicle, it was King Mohamed Thakurufaanu who established the first standing army of the Maldives in 1573 and they were named the *Hangubeykalun*.⁷⁰ Pyrard says that during his stay in the Maldives the King's army consisted of about six hundred soldiers commanded by the six *muskulhin* or elders – known as *bodubeykalun*.⁷¹ The security for the king was provided by a special group of forty people known as *kudhibeykalun* under the command of Maabandeyri Takurufanu.⁷²

Foreign interference

The Portuguese were the first Europeans to make an intrusion into the Maldivian archipelago.⁷³ The golden age of Portuguese exploration and conquest in Asia began with Vasco da Gama's voyage to India in 1497 and continued through the first half of the sixteenth century. The agreement made between the Portuguese and the Maldivian sovereign in 1507 was the first

⁶⁷ *Dhivehi Thaareekh*, (1981), 94-99.

⁶⁸ *Ibid*, 53-77.

⁶⁹ H.A.R. Gibb, *The Travels of Ibn Battuta*, 245; see also, Mohamed Ibrahim Luthfi, *Ibn Battuta in the Maldives*, 149.

⁷⁰ Hussain Salahuddin, *Boduthakurufaanu Vaahaka*, 234; *Dhivehi Thaareekh* (1981), 19-20.

⁷¹ François Pyrard de Laval, *The Voyage of Francois Pyrard of Laval to the East Indies, the Maldives, the Moluccas and Brazil*, (1611), Chapter 15; see also, *The Times*, (UK), Tuesday, May 25, 1920, 34.

⁷² *Ibid*.

⁷³ *General Evening Post* (London, England), November 7, 1786 - November 9, 1786, Issue 8261; Note, this may perhaps be the first article written in a European newspaper about the Maldives; See also, *London Recorder or Sunday Gazette* (London, England), Sunday, November 12, 1786; Issue 320.

known agreement signed between the Maldives and a foreign country.⁷⁴ Despite this agreement, Portugal made several unsuccessful attempts to occupy the Maldives before it succeeded in capturing the Maldives in 1558 with the help of a young Maldivian king who left the Maldives to join the Portuguese missionaries in Goa in India.⁷⁵ The Portuguese ruled the islands for 15 years before they were eventually driven away.⁷⁶ Portuguese expeditions attempted to invade the Maldives once more in 1624 and 1648.

After the end of the military adventures of the rulers of the Chola Empire in the northern atolls of the Maldives in the 11th century, the Maldives remained safe from the rulers of Southern India until the Malabars from South India began to foray into the Maldives from the beginning of the 17th century.⁷⁷ In 1609 the Malabars raided and killed the King of the Maldives, but they were repelled.⁷⁸ Forty years later, the Ali Rajah of Cannanore twice attacked the Maldives.⁷⁹ In 1650 the Maldivian king Ibrahim Iskandhar invaded the territory of the Rajah of Cannanore and took some of his chiefs hostage.⁸⁰ They were later released on payment of a nominal sum of money.⁸¹

By the mid-seventeenth century, the Dutch had driven the Portuguese away from Sri Lanka and had established firm control over Ceylon. Following the Dutch occupation of Ceylon, the Dutch governors in Ceylon had forged a close relationship with the King of the Maldives to secure a continuous supply of cowrie shells from the Maldives; in exchange, the Maldivian kings sought Dutch protection against attacks from South India.⁸² Although the Dutch exerted a

⁷⁴ *General Evening Post* (London, England), November 7, 1786 - November 9, 1786, Issue 8261.

⁷⁵ *Dhivehi Thaareekh* (1981), 1-3.

⁷⁶ *Ibid*; See also, *Public Advertiser* (London, England), Friday, November 18, 1791, Issue 17900.

⁷⁷ *Dhivehi Thaareekh* (1981), 20-36.

⁷⁸ *Ibid*.

⁷⁹ *Ibid*.

⁸⁰ *Ibid*.

⁸¹ *Ibid*.

⁸² *The Times*, (UK), Tuesday, May 25, 1920, p. 34.

certain degree of influence over the affairs of the Maldives, they did not involve themselves directly in local affairs.⁸³

The Malabars carried out another unsuccessful attempt to invade the Maldives in 1690. However, in 1752 they finally succeeded in capturing the Maldivian capital, Malé.⁸⁴ They took the King to Malabar and positioned a group of soldiers to administer the Maldives. The Maldivians defeated and drove out the Malabars four months later.⁸⁵ Soon after this incident, the Maldivian rulers also entered into a defence treaty with the French in Pondicherry to safeguard themselves against the attacks from South India. Pursuant to this agreement, French forces had also briefly been stationed in the Maldives.⁸⁶

By the end of the 18th century, Britain had strengthened its naval power in the Indian Ocean. After Britain had established its rule over Ceylon, the British rulers in Sri Lanka inherited the friendly relations that had existed until then between the Maldivian rulers and the Dutch governors in Ceylon.⁸⁷ The British interest was also boosted by the Maldives' strategic location in the Indian Ocean as an important link in the maritime routes used by the British.⁸⁸

The political rivalry among the powerful families in the latter part of the 19th century, and the disputes between the locals and the Borah merchants in the Maldives offered Britain an excellent opportunity to wield its power in the Maldives through its Governor General in Ceylon. This would lead to the controversial signing of a treaty between the Maldives and Britain in 1887.⁸⁹

⁸³ Ibid.

⁸⁴ *Dhivehi Thaareekh* (1981), 151-190.

⁸⁵ Ibid.

⁸⁶ Ibid, 184.

⁸⁷ *The Times*, (UK), Tuesday, May 25, 1920, p. 34.

⁸⁸ *Caledonian Mercury* (Edinburgh, Scotland), Monday, April 13, 1835, Issue 17749; See also, *Preston Chronicle* (Preston, England), Saturday, December 12, 1835; Issue 1215.

⁸⁹ Abdul Hakeem Hussain Manik, *Iyye*, (Malé, Maldives: Novelty Printers and Publishers, 1997), 8-10; Ali Hussain, *Remnant Memories of What I saw and Heard*, Part 1, (Malé Maldives: Novelty Printers and Publishers, 2013), 129-134; Mohamed Naseer, *Dhivehi Raajjeyge Mizamaanuge*

This treaty, which made the Maldives a British protectorate, also assured protection to the Maldives from foreign aggression, while the Maldives in turn agreed not to collaborate with any other foreign power without British consent.

There is considerable debate among historians about the degree of independence the Maldives enjoyed as a British Protectorate. Although, under the terms of the Agreement of 1887, the Maldives was not treated as a colony, it continued to seek advice from the British Governor General in Ceylon on all important matters affecting the state.⁹⁰

Despite the loss of sovereignty, the Maldives continued with self-rule. The 1887 treaty had not altered the way the Maldives was being governed; nor had it left any mark on its laws or the legal system – both of which were based on Islamic Shari’ah and age-old customs. The Maldives continued to be ruled by hereditary Kings until the first Constitution, adopted in 1932, limited the powers of the monarch.

The first Constitution

The political rivalry between the influential family groups that led to the 1887 Protection Agreement with the British continued into the 20th century and dominated local politics for the best part of the 20th century.⁹¹ The Borah

Thaareekhugai Hingi Enme Muhimmu Dhe Haadhisaa: Ingireysinge Himaayathuge Dhashah Dhiun Adhi Bodu Hulhujehun, (Malé, Maldives: Novelty Printers and Publishers, 2010), 199-238; Mohamed Nasheed, *Dhagandu Dhahanaa ‘Iron Armour’: Maldives becomes a British protectorate, 1800-1900’* (Malé, Maldives: Lōmāfānu Printers, 1995).

⁹⁰ Mohamed Naseer, *Dhivehi Raajjeyge Mizamaanuge Thaareekhugai Hingi Enme Muhimmu Dhe Haadhisaa*, 240 – 257; See also, Mohamed Amin, *Dhivehi Raajjeyge Qaanoon Asaasee ge Hayaath* (The Life of the Constitution of Maldives), (Malé, Maldives: Novelty Press, 2003), 164.

⁹¹ Abdul Hakeem Hussain Manik, *Iyye*, (Malé, Maldives: Novelty Printers and Publishers, 1997), 8-10; Ali Hussain, *Remnant Memories of What I Saw and Heard*, Part 1, (Malé Maldives: Novelty Printers and Publishers, 2013), 129-134; Mohamed Naseer, *Dhivehi Raajjeyge Mizamaanuge Thaareekhugai Hingi Enme Muhimmu Dhe Haadhisaa: Ingireysinge Himaayathuge Dhashah Dhiun Adhi Bodu Hulhujehun*,

merchants had a near monopoly over local businesses.⁹² In the late 1920s, the power of the Prime Minister, who was leading a corrupt and lavish lifestyle, had grown to such an extent that Sultan Mohamed Shamsuddin III found himself completely isolated and feared losing his throne. The powerful Prime Minister Abdul Majeed Rannabandeyri Kilegafaanu acted like a dictator and virtually ruled the country without having to account for his actions. By 1930, the Sultan sought assistance from the British to check the powers of the Prime Minister. To make matters worse, serious questions were raised regarding the suitability and the legal capacity of the Crown Prince Hassan Izzuddin to succeed his father as king.

At about the same time, a movement for political reform began among young leaders who returned to the Maldives after completing their studies in Sri Lanka. The young reformers proposed the introduction of a Constitution to check the powers of the prime minister and to solve the issue of succession. The British Acting Governor General also believed that the creation of a Constitution would break the political impasse.

The British took great interest in the reform movement in the Maldives and offered assistance in writing a Constitution. In March 1931, Sir Bernard Bourdillon, the Acting British Governor of Ceylon, visited the Maldives at the request of the Maldivian government to assist with the formulation of the Constitution.⁹³ During his visit to the Maldives, he held discussions with the leading people and scholars and submitted his findings and recommendations to the King. In his recommendations to the King, Sir Bernard Bourdillon suggested that the most appropriate form of government for the Maldives was for the Government to be run by a Council of Ministers, headed by a Prime

(Malé, Maldives: Novelty Printers and Publishers, 2010), 199-238; Mohamed Nasheed, *Dhagandu Dhahanaa 'Iron Armour': Maldives becomes a British protectorate, 1800-1900* (Malé, Maldives: Lömāfānu Printers, 1995).

⁹² Ibid.

⁹³ Mohamed Amin, *Dhivehi Raajjeyge Qaanoon Asaasee ge Hayaath* (The Life of the Constitution of Maldives), (Malé, Maldives: Novelty Press, 2003), 3-4.

Minister.⁹⁴

Prime Minister Abdul Majeed considered that the British effort to introduce the Constitution and democracy was premature, as the Maldivian people were not ready for such a transition.⁹⁵

Following the recommendations made by Sir Bernard Bourdillon, on 19th March 1931, King Mohamed Shamsuddin established a Constituent Assembly (*Majlis*) to formulate a Constitution 'appropriate to the Maldives'.⁹⁶ The royal decree, which conferred the mandate to the *Majlis*, contained specific instructions from the King to the *Majlis*. The King insisted that the Constitution:⁹⁷

- (a) Should not violate Islamic Shari'ah;
- (b) Should take into account the longstanding local customs;
- (c) Should be within the means available to the state;
- (d) Should not cause hardship 'to my people';
- (e) Should not infringe the Protection Agreement signed between Britain and the Maldives in 1887.

Before beginning to draft the Constitution, the *Majlis* set up two sub-committees: one, to collect and compile the age-old customs, and the other, to translate a draft Constitution provided by the British through the Maldivian Ambassador in Sri Lanka. After the sub-committees had completed their work, a seven-member sub-committee was set up to draft the Constitution. The *Majlis* having completed its task on 12th June 1932, the King ratified the Constitution on 22 December 1932.⁹⁸

The effect of implementing this Constitution was immediate. Organizational and

⁹⁴ Ibid.

⁹⁵ Ibid, 4-30; See also, Abdul Hakeem Hussain Manik, *Iyye*, (Malé, Maldives: Novelty Printers and Publishers, 1997), 14.

⁹⁶ Ibid; 40 – 51.

⁹⁷ Ibid.

⁹⁸ Ibid.

administrative difficulties presented by the new Constitution and resistance to constitutional rule from senior public officials threw the whole government into complete disarray and confusion.⁹⁹ Mohamed Amin Didi, who was a member of the drafting committee, stated in his book *Life of the Constitution of Maldives* that the Constitution was not suitable and expressed his disappointment over the drafting committee's refusal to accept Sir Bernard Bourdillon's proposals for constitutional reform. According to Mohamed Amin Didi, the framers had simply disregarded Bourdillon's advice, saying that the system of government he recommended 'was inferior to the stature of Maldives.' Consequently, 'the implementation of the Constitution was not at all practical; and the implementation of the laws passed by the Parliament proved to be more taxing than the Constitution itself.'¹⁰⁰

The discontent over the Constitution, which began among public officials, soon spilled over to the public and within less than a year after its adoption, people gathered in Gulhakulhey Square and literally tore up the Constitution.¹⁰¹

In about one and half years after the proclamation of the first Constitution, a new Constitution, based on the principles laid down in the first one, was adopted on 5th July 1934.¹⁰² Following the adoption of the 1934 Constitution, a movement to abolish the Constitution was formed by a group of Ministers who were supported by the Crown Prince Hassan Izzuddin.¹⁰³ These Ministers were arrested and banished by the Government led by Prime Minister Mohamed Fareed, but Crown Prince Hassan Izzuddin prevented the Government from arresting some officials of the Palace who formed part of the group conspiring to abolish the Constitution.¹⁰⁴ A mob had gathered outside the palace

⁹⁹ Ibid, 40 – 43.

¹⁰⁰ Ibid.

¹⁰¹ Ibid, 86 – 161.

¹⁰² Ibid.

¹⁰³ Ibid; See also, Abdul Hakeem Hussain Manik, *Iyye*, (Malé, Maldives: Novelty Printers and Publishers, 1997), 14.

¹⁰⁴ Ibid.

demanding the surrender of these officials to the police. The Crown Prince and his father, who had been on the throne for 33 years, came out to meet the people who had gathered outside his palace. The King asked the people whether they wanted the King and the Prince or the Constitution. The people in one voice shouted that they wanted the Constitution. The King and the Crown Prince were arrested, tried and found guilty of violating the Constitution.¹⁰⁵

Following the removal of King Mohamed Shamsuddin III, the Cabinet of Ministers assumed the powers of the King until a new King was elected according to the constitution.¹⁰⁶ After the election of King Hassan Nooraddin as the new King, a new Constitution was drafted and adopted in 1934 in accordance with the advice given by Abdul Majeed Rannabendeyri Kilegefaanu, who returned to the Maldives from Egypt. The 1934 Constitution was amended in July 1936, and a new Constitution was again adopted in January 1937.¹⁰⁷

The Second World War had a dramatic effect on Maldivian political and social life. On 30th January 1940, the People's *Majlis* voted to abolish the constitution, stating that the existing situation did not favour a constitutional rule in the country.¹⁰⁸

After much debate, a Constitution was again formulated and adopted on 23 April 1942 by Sultan Hassan Nooraddeen II.¹⁰⁹ This fourth Constitution was popularly known as the 'Little Constitution' as it contained just 17 articles.¹¹⁰

The 'Little Constitution' was repealed and a new Constitution was adopted on 31st May 1951.¹¹¹

¹⁰⁵ Ibid.

¹⁰⁶ Ibid, 173 -190

¹⁰⁷ Ibid.

¹⁰⁸ Ibid.

¹⁰⁹ *Dhivehi Raajjeyge Ekieki Kankan Hingigoiy*, Vol. 1, (Records of the Government of Maldives), (Malé Maldives: Novelty Printers and Publishers, 2011), 6.

¹¹⁰ Mohamed Amin, *Dhivehi Raajjeyge Qaanoon Asaasee ge Hayaath*, 173 – 190.

¹¹¹ Ibid.

The First Republic

A constitutional referendum was held in 1952 to determine whether the people were in favour of establishing a republic or retaining the monarchy.¹¹² The people were in favour of a republic, and a new Constitution was adopted.¹¹³ Mohamed Amin was elected as the first President of the Maldives; however, less than a year into his presidency, Mohamed Amin was overthrown by a coup led by his Vice President and the republic came to end.¹¹⁴

In a referendum held in 1954 the Maldivians decided to return to a monarchy.¹¹⁵ Following this referendum, the People's *Majlis* (parliament) elected Mohamed Fareed Didi as the new King. King Mohamed Fareed proclaimed the seventh Constitution of the Maldives on 7th March 1954.¹¹⁶

Dhekunu Gadu Badu¹¹⁷ and Independence

Since 1835 Britain had shown its interest in using Addu Atoll to build a facility for the British vessels travelling in the Indian Ocean.¹¹⁸ However, it was only during the Second World War that Britain was permitted to establish a naval base in Addu Atoll for its Eastern Fleet to defend British interests in South and

¹¹² Ibrahim Shihab, 'Dhivehi Raajje Jumhooriyyathakahvee Keevvegentsha?' in *Dhivehi Jumhooriyya . . . Marhabaa*, (Malé, Maldives: Novelty Printers and Publishers, 2007), 72-84; see, Abdul Hakeem Hussain Manik, *Iyye*, 25-33.

¹¹³ *Ibid*; See also, *Dhivehi Raajjeyge Ekieki Kankan Hingigoiy*, Vol. 8, (Records of the Government of Maldives), (Malé Maldives: Novelty Printers and Publishers, 2011), 770 – 784,

¹¹⁴ Abdul Hakeem Hussain Manik, *Iyye*, 25-60.

¹¹⁵ See: *Dhivehi Raajjeyge Ekieki Kankan Hingigoiy*, Vol. 11, (Records of the Government of Maldives), (Malé Maldives: Novelty Printers and Publishers, 2011), 1001 - 1004.

¹¹⁶ Abdul Hakeem Hussain Manik, *Iyye*, 115; *Dhivehi Raajjeyge Ekieki Kankan Hingigoiy*, Vol. 11, (Records of the Government of Maldives), (Malé Maldives: Novelty Printers and Publishers, 2011), 1014.

¹¹⁷ *Ibid*, 220 – 272.

¹¹⁸ *Caledonian Mercury* (Edinburgh, Scotland), Monday, April 13, 1835, Issue 17749; See also, *General Evening Post* (London, England), November 7, 1786 - November 9, 1786, Issue 8261.

South East Asia.

In 1948, when Ceylon became independent, Britain had to take a decision on the status of the Maldives, which at that point were still part of the responsibility of the British Governor General in Ceylon. Hence, Britain signed a new agreement with the Maldives, providing for the Maldives to remain under the protection of the British Crown, and for the British High Commissioner in Sri Lanka to look after the affairs of the Maldives. Under the 1948 agreement, the Maldives was to conduct its external affairs through, or in accordance with the advice of, the British government, and Britain was to refrain from interfering in the internal affairs of the islands.¹¹⁹ This agreement also required the Maldivian government to afford British forces such facilities as were necessary for the defence of the islands or the Commonwealth. Pursuant to this agreement, the Maldives stopped paying tribute to the British Government.¹²⁰

By an agreement signed between the Maldivian government and the British in 1957, Gan in Addu Atoll was leased to the British for 100 years from 15th December 1956.¹²¹ This agreement also gave permission for the British to use a portion of Hithadhoo in Addu Atoll as a radio communication centre for the British.¹²²

The signing of the 1957 agreement without consent from the People's *Majlis* led to a vote of no confidence against the Prime Minister in the Parliament and his subsequent resignation.¹²³ Following the resignation of Prime Minister Ibrahim Famuladheyri Kilegefaanu, Ibrahim Nasir was appointed as the Prime Minister with a clear mandate to negotiate the lease of Gan with the British,

¹¹⁹ Abdul Hakeem Hussain Manik, *Iyye*, 34-35.

¹²⁰ *Ibid.*

¹²¹ Article 3 of the Agreement between Her Majesty's Government in the United Kingdom of Great Britain and Northern Ireland and the Government of the Maldives; see, Ali Hussain, *Remnant Memories of What I Saw and Heard*, Part 1, (Malé Maldives: Novelty Printers and Publishers, 2013), 100-120; Abdul Hakeem Hussain Manik, *Iyye*, 116-119.

¹²² *Ibid.*

¹²³ Ali Hussain, *Remnant Memories of What I Saw and Heard* Part 1, 137-186.

who had already begun the development of Gan Island without the lease agreement having received approval from the *Majlis* and the Cabinet.¹²⁴

Since the late 1930s, the government had forced the people of the three southern atolls to stop traditional trade with their trading partners in Sri Lanka, India and Bangladesh – causing great economic hardship to the people of these islands. When the British arrived in Addu in 1956, the government of the Maldives attempted to alienate the people of Addu from the British by restricting their employment and preventing any form of business/trade transactions with the British – depriving the people of Addu from economically benefiting from the British presence. In order to enforce these prohibitions, the Government had located its officers in Addu and these officials had applied strong measures in these islands to enforce orders from the Government in Malé.¹²⁵

As a result of these hardships, people from the three southern atolls revolted against the government of the Maldives and declared an independent state in 1959. The Maldivian government suspected that the British had instigated the southern revolt as a tactic to secure the lease of Gan.¹²⁶

The negotiations with Britain finally ended in an agreement signed in 1960 for the lease of Gan for 30 years, instead of the original 100-year lease.¹²⁷ The British also assisted the government of the Maldives to find a peaceful settlement to the uprising in Addu, while the government of the Maldives used its military forces to put down the uprisings in Huvadhu and Fuvah Mulaku.¹²⁸ The negotiations that began because of the Gan lease agreement and the southern uprising finally expanded to include the bigger issue of independence.

¹²⁴ Ibid

¹²⁵ Ibid.

¹²⁶ Ibid.

¹²⁷ Ibid; Abdul Hakeem Hussain Manik, *Iyye*, 119-130.

¹²⁸ Ibid; See also, Abdul Hakeem Hussain Manik, *Iyye*, 119-130.

The Maldives attained independence from the British on 26th July 1965.¹²⁹

The Second Republic

A year after the end of the southern revolt, a new Constitution was adopted in 1964; only to be repealed in June 1967 to make way for the 9th Constitution of the country.

In April 1968, Maldivians again voted to decide the fate of the monarchy. The people strongly favoured a republican form of government. Subsequently, a new Constitution was adopted on 11th November 1968, adopting a republican form of government. These changes paved the way for a complete overhaul of the political system, which, according to many authors, laid the foundation for the modern Maldives.¹³⁰

This Constitution, with amendments made in 1970, 1972 and 1975, survived until the end of 1997 when a new Constitution came into force.

The 1968 Constitution established a presidential form of government with a strong executive. For the first seven years, the powers were shared between the President and the Prime Minister. However, due to the differences that occurred between them, the then President, Ibrahim Nasir, declared a state of emergency and banished the Prime Minister; he subsequently amended the Constitution in 1975 to abolish the position of Prime Minister.¹³¹

The work on drafting a new Constitution to replace the 1968 constitution began in 1980. The Special *Majlis* elected in 1980 took more than 17 years to complete its work. The 11th Constitution of the Maldives was ratified on 7th November 1997, and took effect from 1st January 1998. This Constitution, despite having been 17 years in the making, was heavily criticized for failing to usher in democracy, separation of powers, protection of human rights, rule of law and

¹²⁹ Abdul Hakeem Hussain Manik, *Iyye*, 119-140

¹³⁰ Abdul Hakeem Hussain Manik, *Iyye*, 144 – 119.

¹³¹ Abdul Hakeem Hussain Manik, *Iyye*, 140 – 1402.

due process.

President Maumoon Abdul Gayoom, who had remained in office since his initial appointment in 1978, entered into his sixth term of office in 2003 amid unprecedented pressure from the young population, who were calling for Constitutional reform and the establishment of a multi-party democracy. President Gayoom finally yielded to public pressure and established a Constituent Assembly to write a Constitution. The work on a new Constitution that began in the Peoples' Special *Majlis* in June 2004 was completed in 2008 after four years of political wrangling. The political bickering left little time for serious debate on making the Constitution a viable document for governing the country in a smooth fashion.

Despite the difficult political environment within which the Constitution had been drafted, the 2008 Constitution does contain the necessary ingredients to make the Maldives a fully democratic nation. It provides for separation of powers, a multi-party system, a number of independent commissions, and increased respect for human rights entrenched in a new Bill of Rights.

Chapter 3

Legal System

Information relating to the administration of justice in the Maldives before the arrival of Islam is scanty. The *Radun*, (the King), the noble chiefs, and the ministers were responsible for maintaining social unity, law and order. The chief religious cleric at the royal court was responsible for resolving disputes among the people in accordance with the local customs.¹³²

The earliest sources of Maldivian history that give an idea of the organization of the administration of justice in the ancient period are *Isdhoo Lōmāfānu*¹³³ and *Dhanbidhoo Lōmāfānu*, which were issued by the king about half a century after the country had formally embraced Islam. *Isdhoo Lōmāfānu* refers to an *Uthu Pediyaaru* (chief judge) and a *Pediyaaru* (judge),¹³⁴ while *Dhanbidhoo Lōmāfānu* also mentions an *Uthu Pediyaaru* (chief judge) and a *Sathisiru Pediyaaru* (lower judge).¹³⁵ *Isdhoo Lōmāfānu* also mentions a person known as *Dhandanaayaka*, who was responsible for the execution of the verdicts of the judges.¹³⁶ These royal edicts show that, even before the arrival of Islam in the Maldives, an organized system for the administration of justice had existed, and that the disputes were resolved in accordance with the local customs, under the watchful eye of the King.

¹³²Mohamed Ismail Didi, *Pyrard ge Galamun Dhivehi Raajje*, Malas 55 (Malé, Maldives: National Centre for Linguistic and Historical Research, 1995), 233; See also, Ali Najeeb, 'Translation of Dhanbidhoo Lōmāfānu', *Dhivehinge Tharika*, (Malé, Maldives: National Center for Linguistic and Historical Research, 2001).

¹³³ Lōmāfānu are ancient Maldivian royal grants inscribed upon one or more copper plates; see H. C. P Bell, *The Maldives Islands: Monograph on the History, Archeology and Epigraphy*, (Colombo: Ceylon Government Press, 1940), 179 -186.

¹³⁴ 2nd side of the 16th plate of *Isdhoo Lōmāfānu*, *Isdhoo Lōmāfānu*, (Malé, Maldives: National Centre for Linguistic and Historical Research, 2001), 28.

¹³⁵ Ali Najeeb, 'Translation of Dhanbidhoo Lōmāfānu', *Dhivehinge Tharika*, National Centre for Linguistic and Historical Research, 2001.

¹³⁶ *Ibid.*

Isdhoo Lōmāfānu orders the demolition of a Buddhist monastery in Isdhoo Island and summons its monks to Malé, because of their disobedience to the orders of the King for them to embrace Islam. The royal decree ordered, *inter alia*, the demolition of the monastery; building a mosque in its place; and granting a plot of land as a *waqf* for the upkeep of the mosque. Isdhoo Lōmāfānu indicates that the entire demolition process of the monastery, trial of the monks and creation of the *waqf* were made through the judges, in accordance with the prevailing customary law.¹³⁷

According to *Dhanbidhoo Lōmāfānu*, an *Uthu Pedyaarū* (chief judge) and a *Sathisiru Pedyaarū* (a lower judge) who were Ministers at the royal court, were responsible for the administration of justice. However, Ibn Buttuta states that during his stay in the Maldives, *Sathisiru Pedyaarū* was an additional judge appointed by the King to hear cases that were appealed to the King and he also sat on *Kiyevenibeykalunge Ashi*¹³⁸ together with the chief judge to hear appeal cases.¹³⁹

¹³⁷ *Isdhoo Lōmāfānu*, (Malé, Maldives: National Centre for Linguistic and Historical Research, 2001), 28.

¹³⁸ *Kiyevenibeykalunge Ashi* was a special chamber within the royal court, where judges sat to adjudicate disputes. This chamber was also often used by judges to give religious lectures.

¹³⁹ Mohamed Ibrahim Luthfi, *Ibn Battuta in the Maldives*, Malas 32, (National Centre for Linguistic and Historical Research, 1991), 151.

Chapter 4

Customary Law

Before the advent of Islam in the Maldives, the Maldivians followed customary law, known as *fooruvvé rudin*. Upon the conversion of the King to Islam in 1153 AD, Islam became the state religion, and the judges began to apply Islamic law together with customary laws to resolve the disputes referred to them. Despite the introduction of Islamic law, judges still continued to apply *fooruvvé rudin*.¹⁴⁰ The translation of the obverse and reverse sides of the 15th plate of *Dhanbidhoo Lōmāfānu*, issued by the King in 1196 AD, reads:

‘It was ordered to allocate and show to the people the land that belonged to the mosque, in accordance with *fooruvvé rudin*. It was ordered to the toddy-men of the island to annually donate *cadjans* to make the roof of the mosque. After completing *Dhiha roadha* and upon returning from Hajj, King Gadanaadeetha and his relatives gathered us in the mosque and gave a sermon to us. The king stated that he granted this place to the adherents of this religion on behalf of the kings who brought Islam, so that they may benefit from this.’¹⁴¹

This royal edict confirms that *fooruvvé rudin* had continued to be in force even after the Maldives embraced Islam. It is believed that *fooruvvé rudin*, inherited from the Buddhist era, was followed for a considerable period of time.¹⁴² For instance, when the Maldivian Queen appointed the famous Moroccan traveller Ibn Battuta as the Chief Judge of the country, he attempted to replace the customary law with Islamic Shari’ah.¹⁴³

¹⁴⁰ See for example, Mohamed Ibrahim Luthfi, *Ibn Battuta in the Maldives*, 127.

¹⁴¹ Ali Najeeb, ‘Translation of Dhanbidhoo Lōmāfānu’, *Dhivehinge Tharika*, (Malé, Maldives: National Centre for Linguistic and Historical Research, 2001), 60-63.

¹⁴² See also, *Dhivehi Thaareekh*, (Malé, Maldives: Dhivehi Thaareekhaai Sagaafathah Khidhumaiy Kuraa Majlis, Office of the President, 1981), 78-79; François Pyrard de Laval, *The Voyage of Francois Pyrard of Laval to the East Indies, the Maldives, the Moluccas and Brazil*, (1611), translated into English in 1887 from the third French edition of 1619 by Albert Gray assisted by H.C.P. Bell, Vol.I, Chapters 11 & 12.

¹⁴³ H.A.R. Gibb, *The Travels of Ibn Battuta*, (New Delhi: Goodword Books, 2011), 242-252; see also, Xavier Romero-Frias, *The Maldivian Islanders*, 25-27; *Dhivehi Thaareekh*, (Malé, Maldives: Dhivehi Thaareekhaai Sagaafathah Khidhumaiy Kuraa Majlis, Office of the President, 1981), 43-51.

‘When I was appointed, I strove my utmost to establish the Sacred Law. There are no lawsuits there like those in our land. The first bad custom I changed was the practice of divorced wives staying in the houses of their former husbands, for they all do so till they marry another husband.’¹⁴⁴

Ibn Battuta states that he completely dismantled the custom of keeping divorced wives in the ex-husband’s home. About 25 such men were brought before him and *thauzeer* punishment, based on Islamic law, was administered to them along with the local customary punishment of *ganhingun*. They were paraded in the bazaars, and the women were forcibly removed from their houses.¹⁴⁵

Similarly, Hassan Tajuddin, upon his appointment as the Chief Judge in 1693, had abolished several pre-Islamic customs and practices that were not compatible with Islamic Shari’ah.¹⁴⁶

Ibn Battuta further states that during his stay in Malé, the judges used to take a tenth of all estates when they divided the property amongst the heirs.¹⁴⁷ Despite the efforts made by Ibn Battuta to abolish this custom, it continued to be in force until this customary law was abolished by the parliament established under the first constitution. A statute passed on 23rd March 1933 stated that it had abolished the 1/12 share taken by the judges from heirs and judgment creditors, as the judges were given a fixed salary by the state.¹⁴⁸

The Constitutional Assembly appointed by King Mohamed Shamsuddin in 1931 to draft the first Constitution of the Maldives had elected a special committee to write and record the existing customary laws. These customary laws compiled by the committee were later codified and enacted as separate

¹⁴⁴ H.A.R. Gibb, *The Travels of Ibn Battuta*, 250.

¹⁴⁵ Mohamed Ibrahim Luthfi, *Ibn Battuta in the Maldives*, Malas 32, (Malé, Maldives: National Center for Linguistic and Historical Research, 1991), 41.

¹⁴⁶ *Dhivehi Thaareekh*, (Malé, Maldives: Dhivehi Thaareekhaai Sagaafathah Khidhumaiy Kuraa *Majlis*, Office of the President, 1981), 77-78.

¹⁴⁷ H.A.R. Gibb, *The Travels of Ibn Battuta*, 250.

¹⁴⁸ *Kureege Qaanoon thah* (Old Statutes), (Malé, Maldives: Novelty Printers and Publishers, 2008), 4-5.

statutes by the legislative assembly that was formed under the first Constitution of the Maldives.¹⁴⁹

Judges and Courts

During the period that followed immediately after the conversion to Islam, utmost effort was made, whenever possible, to appoint an Arab traveller, who had visited or settled in the Maldives, as a judge.¹⁵⁰ In addition to his duty as a judge, the judge was also the guardian of Islam. He was required to teach the basic tenets of Islam and to create religious awareness among the people.¹⁵¹

The well-known Moroccan traveller Ibn Battuta, on visiting the Maldives in 1347, was invited by Queen Rehendi Khadija to stay as the Chief Justice.¹⁵² Ibn Battuta remained in the Maldives as Chief Justice for about fourteen months until he left in 1349.¹⁵³ He also made a second visit later on. His account on the Maldives provides a fair understanding of the legal system prevailing in the 14th Century.

Ibn Battuta mentions that judges enjoyed a great deal of independence in their work and everyone respected their decisions.¹⁵⁴ According to Ibn Battuta, *Fandiyaaru Kalo's*¹⁵⁵ status was higher than that of all other officials and his decrees had carried equal force to those of the Queen; sometimes *Fandiyaaru Kalo's* decrees were superior to those of the Queen.¹⁵⁶ Ibn Battuta tells how

¹⁴⁹ The first set of legislations passed by the First Legislative Assembly have codified some ancient customs while others have been abrogated, see, *Kureege Qaanoon thah* (Old Statutes), (Malé, Maldives: Novelty Printers and Publishers, 2008).

¹⁵⁰ H.A.R. Gibb, *The Travels of Ibn Battuta*, 245 – 246.

¹⁵¹ Mohamed Ibrahim Luthfi, *Ibn Battuta in the Maldives*, 177.

¹⁵² H.A.R. Gibb, *The Travels of Ibn Battuta*, 241 – 254.

¹⁵³ *Ibid.*

¹⁵⁴ H.A.R. Gibb, *The Travels of Ibn Battuta*, 245; See also, *Dhivehi Thaareekh*, (Malé, Maldives: Dhivehi Thaareekhaai Sagaafathah Khidhumaiy Kuraa *Majlis*, Office of the President, 1981), 21.

¹⁵⁵ Chief Justice.

¹⁵⁶ Mohamed Ibrahim Luthfi, *Ibn Battuta in the Maldives*, Malas 32, (National Center for Linguistic and

Fandiyaaru Kalo was given three uninhabited islands, and the income from those islands belonged to him.¹⁵⁷

According to Ibn Battuta,¹⁵⁸ legal disputes were usually resolved by the judges at their residences, while important trials took place at *Kiyevenibeykalunge Ashi* (scholars' bench) in *Ethere Koilu* (the Council Hall in the King's palace).¹⁵⁹ He states that in the afternoons of the month of *Ramazan*, religious sermons were given at *Kiyevenibeykalunge Ashi*. During the hearings of cases and during religious sermons, *Radun* would occasionally come and sit among the audience.¹⁶⁰

The famous French traveller François Pyrard de Laval, who arrived in the Maldives in 1602, provides a more detailed description of the administration of justice in the Maldives than that of Ibn Battuta. In his book, *The Voyage of Francois Pyrard of Laval to the East Indies, the Maldives, the Moluccas and Brazil* (1611)¹⁶¹, Pyrard states that those who knew the law in these islands were the judges and the function of dispensing justice was vested in the judges.¹⁶²

According to Pyrard, the Maldivian Islands were divided into 13 provinces (atolls), and all these provinces had offered allegiance to the king. A *naib* was appointed for each of these provinces as head of the province and to administer justice.¹⁶³ As each province consisted of many islands, in each island there was a *katib* –

Historical Research, 1991), 64; See also, H.A.R. Gibb, *The Travels of Ibn Battuta*, 245.

¹⁵⁷ Ibid, 65; H.A.R. Gibb, *The Travels of Ibn Battuta*, 245.

¹⁵⁸ Mohamed Ibrahim Luthfi, *Ibn Battuta in the Maldives*, 150-151.

¹⁵⁹ Ibid, 94.

¹⁶⁰ Mohamed Ibrahim Luthfi, *Ibn Battuta in the Maldives*, 153.

¹⁶¹ François Pyrard de Laval, *The Voyage of Francois Pyrard of Laval to the East Indies, the Maldives, the Moluccas and Brazil*, (1611), translated into English in 1887 from the third French edition of 1619 by Albert Gray assisted by H.C.P. Bell.

¹⁶² Mohamed Ismail Didi, *Pyrard ge Galamun Dhivehi Raajje*, Malas 55, (Malé, Maldives: National Centre for Linguistic and Historical Research, 1995), 233 – 234.)

¹⁶³ According to HCP Bell (1887), around 1887 *naibs* were only the ecclesiastical and judicial chiefs of the atolls. Although, in Pyrard's time *naibs* were superior to the collectors of revenue, known as '*vaaru verin*' or '*atolu verin*', the latter became superior as time went on.

the religious superior of that island, who had under him the *mudims*¹⁶⁴ of the mosques. All these officials gave instructions to the people about the law. Besides the *naibs*, in each province or atoll, there was a man known as *vaaruveri*, who was appointed and employed by the king to collect and levy his dues and revenues.

In addition to their duties and authority in religion, the *naibs* were also appointed to administer justice.¹⁶⁵ They were the sole judges in the land, in both criminal and civil matters. If someone wanted to go to law, he had to go and find the *naib* or wait until the *naib* visited his island, as each *naib* would go the circuit of the islands within his jurisdiction four times every year and deal with religious as well as judicial matters in the islands, during such visitations.¹⁶⁶

Over the *naibs* there was a superior, known as *Fandiyaaru*, who resided at Malé, and he was always near the person of the king.¹⁶⁷

In Malé the *Fandiyaaru* was assisted by the two *khateeb*s of Malé Island, and the *naib* in Malé who made his visitation throughout the island of Malé, just as each *naib* did in his atoll.¹⁶⁸ He was also assisted by his officers, who carried a long whip for correcting the delinquents.¹⁶⁹ During these visits he made such inquiries as he thought fit, with special regard to all matters of religion and justice.

‘All he meets without exception he makes to say their creed, and some prayers in Arabic, and then asks them the interpretation of the same in Dhivehi language.’ If they know it not, he had them whipped and scourged on the spot by his officers. The women dare not show themselves while he passes along the street, and if he should meet one

¹⁶⁴ Prayer leaders.

¹⁶⁵ François Pyrard de Laval, (1611), Vol. I, Chapter 14.

¹⁶⁶ Ibid.

¹⁶⁷ Ibid.

¹⁶⁸ Ibid.

¹⁶⁹ Ibid.

without her veil, he would have her head shaved.¹⁷⁰

If, after pleading before the *naib*, a person was not satisfied with the judgment given by the *naib*, be it in a matter civil or criminal, he would appeal to the *Fandiyaaru*, who decided all matters brought before him, taking the advice of some *naibs* and *katibs*, and of certain personages called *muguri beykalun*.¹⁷¹ These about four or five elderly people were always at his side to give counsel to the chief judge. The members of the community held these *muguri* in high esteem. Usually, the Chief Justice heard cases at his residence, and it was only in important cases that hearings were held at *Kiyevenibeykalunge Ashi*.¹⁷²

Lieutenant I. A. Young and W. Christopher, who visited the Maldives in 1834, made the following observation in their book, *'Memoirs on the Inhabitants of the Maldive Islands'*:

'Next to the king, the most esteemed official of the state was the chief judge who was in fact the most respected person in the country. There were two functions entrusted to him - his function as the highest judicial official and his function as the head of Islam in the country. Being the head of Islam, people had a special affection and respect for him. People believed that the chief justice was well versed with civil law as much as his knowledge of Islamic Shari'ah. As he knew Arabic he used to teach the meaning of Quran to the people. He had several *naibs* and *Khateeb*s under him.'¹⁷³

H.C.P Bell, who visited the Maldives in the 1920s, wrote in his monograph:

'the influence of the chief justice in all matters of the state was huge. As manifested by its history, chief justices had the capacity to influence on matters such as politics, foreign affairs and internal affairs. Judges had significant power over all officials subordinate to the king and he was well respected and trusted by them. It was because they were highly educated and their conduct was exemplary. Therefore, it was no

¹⁷⁰ Ibid.

¹⁷¹ Ibid.

¹⁷² Ibid.

¹⁷³ Mohamed Ismail Didi, *Christopher ge Nazarugai Dhivehin*, (Malé, Maldives: National Centre for Linguistic and Historical Research, 1996), 40.

surprise that when there was no agreement on the successor to the throne, on several occasions the incumbent chief justice was appointed as the king.¹⁷⁴

From the very ancient times, a king would only be enthroned after he takes a pledge before the Chief Justice to respect people's rights and to rule justly.¹⁷⁵

During the reign of Sultan Mohamed Ib. Al-Haaj Ali, Chief Justice Hassan Thajuddin agreed to assume the office of Chief Justice only when the king pledged to abide by his judgments.¹⁷⁶

Appeal to the King

According to Pyrard, where a party to a dispute was not comfortable to go before a *naib*, such a person had the right to make a petition to the king.¹⁷⁷ In such cases, the king would order the case to be heard in his palace by another judge, who had had no role in that case previously.¹⁷⁸ When such cases were heard in the Council Hall of the royal palace, members of the royal family and other nobles would be present in the Council Hall. Where the king himself made a judgement, the decision would be executed by *bodubeykalun* (senior officers) appointed by the king. They were also known as *muskulhibeykalun*.¹⁷⁹

According to Ibn Batuta,¹⁸⁰ if the *Radun* decided to review a case that had been decided by the Chief Justice, he would appoint a five-member panel consisting of *Uthu Pedyaaruu* and *Sethisiru Pedyaru*, or a *naib* and three *bodubeykalun*, to hear the case in the presence of *Radun*. Ibn Battuta states that if a judge requires advice from *Radun*, while a case was being heard in this manner, he

¹⁷⁴ Ibid, 69-70.

¹⁷⁵ Dhivehiraajjeyge Thaareekhah Au Alikameh, (Malé, Maldives: National Centre for Linguistic and Historical Research, 1988), 218-219.

¹⁷⁶ *Dhivehi Thaareekh*, (Malé, Maldives: Dhivehi Thaareekhaai Sagaafathah Khidhumaiy Kuraa *Majlis*, Office of the President, 1981), 77.

¹⁷⁷ François Pyrard de Laval, (1611), Vol. I, Chapter 14.

¹⁷⁸ Ibid.

¹⁷⁹ Elders. According to Pyrard, there were six *muskulhibeykalun* at the palace to carry out the most important functions of the state. According to HCP Bell (1887), they were the *vazeerun* or ministers.

¹⁸⁰ Mohamed Ibrahim Luthfi, *Ibn Battuta in the Maldives*, 150-151.

would seek advice from *Radun* through the clerk, and *Radun* would offer such advice through the clerk then and there.¹⁸¹

Judicial process

According to Ibn Battuta, litigants were ordered to appear before a judge by an official summons issued by the judge.¹⁸² If a party, having received the official summons, failed to appear before the judge, he or she would be punished. Ibn Battuta's writings indicate that when a person was summoned to appear before the judge, he could send a person to speak on his behalf if he chose.¹⁸³

According to Pyrard,¹⁸⁴ legal proceedings begin by a complaint, known as *sakuva*, being made to the *naib*. Legal proceedings would take place at the house of the *naibs*, or in Malé at the house of the *Fandiyaaru*, with his assistants. At times, trials also took place at the king's palace when the case was of grave importance. When someone wished to commence a lawsuit, he applied to the judge or *naib*, who would send one of his sergeants, of whom each judge had a certain number, called *dheyvaani*, to cause the party appealed to appear; and if he was not in the same island, he would be directed by a writ from the *naib* to come to where the *naib* was, provided it was a place within his jurisdiction.¹⁸⁵ If the party was in another island outside his judicial area, the *naib* had no power therein, and in such a case the defendant was served with a writ from the *Fandiyaaru*, who could summon a man from any part of the realm

¹⁸¹ Ibid.

¹⁸² According to Ibn Battuta he used to send the summons written on paper. However, According to Mohamed Ibrahim Lutfi, the official summons was written on a narrow piece of wood. One side of the piece of wood carried the name of the party and on the other side would be written the date and time that the party was required to appear before the judge. According to Mohamed Ibrahim Lutfi, this practice started during the time of Ibn Battuta. For further reading, see Mohamed Ibrahim Luthfi, *Ibn Battuta in the Maldives*, Malas 32, (Malé, Maldives: National Centre for Linguistic and Historical Research, August 1991), 163.

¹⁸³ Mohamed Ibrahim Luthfi, *Ibn Battuta in the Maldives*, 91.

¹⁸⁴ François Pyrard de Laval, (1611), Vol. I, Chapter 14.

¹⁸⁵ Ibid.

to the King's island where he resided.¹⁸⁶ The writ was delivered to the *khatheeb*, the headman of the island, who in the presence of all his officers delivered it to the person being summoned, with a very harsh warning for him to go. He would not dare to disobey such order, as doing so would make him a person outside the pale of the law. If he failed to go, he would not be admitted to the company of others in the community; he would not be allowed to go to the mosque, or to eat or drink with other members of the community.¹⁸⁷

If a man, for example some grandee, did not obey, the king would send his *han'gubeykalun* to arrest and bring him to Malé.¹⁸⁸

‘And if one likes not to plead before the naib, whether for cause that he is ill-disposed towards him, or that he favours him overmuch, then the plaintiff or the defendant may apply to the king. Where such an appeal was made to the king, he would order that indifferent judges do justice; the case would then be heard at the palace of the king, in the presence of all the nobles of the island.’¹⁸⁹

According to Pyrard, the parties would plead their own causes.¹⁹⁰ If it was an issue of fact, each could bring three witnesses; and if he had no witnesses, the defendant was believed upon his oath,

‘which he takes by touching with his hand on the book of their law (Quran), the judge presenting it; and the plaintiff, if he be at all a man of the world, scrupulously observes whether his opponent really touches the book, and at the proper place.’¹⁹¹

If the issue was one of law, it was decided in accordance with the law. The judges received nothing for their judgments, and nothing was due, except for the *dheyvaani* or sergeants who received a twelfth part of the judgment debt

¹⁸⁶ Ibid.

¹⁸⁷ Ibid.

¹⁸⁸ Ibid.

¹⁸⁹ Ibid.

¹⁹⁰ Ibid.

¹⁹¹ Ibid.

or penalty.¹⁹² Slaves might not be witnesses, and their word was of no avail as evidence; similarly, the evidence of three women was taken as equivalent to that of one man.¹⁹³

The Case of Abdulla Vazir

The case of Abdulla Vazir, narrated by Ibn Battuta, provides a glimpse of how civil trials were conducted, once a complaint was made to a judge in the 14th century.¹⁹⁴

‘When I came out of seclusion luthikaaf, in the month of Ramazan, my wife’s maternal uncles came with a complaint. According to them, their father had appointed Abdulla Vazir as their trustee. After they had attained the age of majority, Abdulla had not returned the property to them, although they were no longer under his legal guardianship. The complainants wanted Abdulla Vazir be brought to the court of justice. When a petition was made, the practice I had adopted was to send a summons written on paper, to the parties. In this instance, when the summons was sent, Abdulla Vazir got angry and had harboured a personal grudge on me, and instead sent another person to respond to the complaint on his behalf.’

Prosecution and punishment for crimes

According to Pyrrard:¹⁹⁵

‘in the matter of crimes, a man must plead for justice to be done, and he must be a person of capacity to sue, except if it were a crime punishable by the law, otherwise there is no public process in case of crime or injury committed on the person of another - unless, as I say, it is a crime against their law.’

¹⁹² Ibid.

¹⁹³ Ibid.

¹⁹⁴ Mohamed Ibrahim Luthfi, *Ibn Battuta in the Maldives*, 89 – 91.

¹⁹⁵ François Pyrrard de Laval, (1611), Vol. I, Chapter 14.

This illustrates that both the state and individuals could file a criminal complaint with a judge seeking justice. In matters of an injury done to any private person, the person injured must be the complainant, otherwise the case was dismissed; nevertheless, if the king willed, he had justice done, without any other party to the cause; but that happened rarely.¹⁹⁶ In the matter of injuries, a prosecutor¹⁹⁷ was not free to hush up the charge; the penalty was exacted when there was proof of heinous wrong.¹⁹⁸

‘A wife cannot appeal in the court for the murder of her husband, but only the children or kindred; and if the children are of young age, time is given until they attain the age of sixteen years, to see if they desire to be avenged for the death of their father. In the meantime, the judge condemns him that is suspected of the murder to support the children of the deceased, and to teach them some art or craft; then, when they come of age, they may demand justice, or release and pardon the murderer; if not, he may be accused at any time thereafter.’¹⁹⁹

If a man had committed some offence against the law, he had to do public penance. In addition, Maldivians believed that they could never enter Paradise if they failed to pay a fine or do whatever the court had ordered.²⁰⁰

The usual penalties were banishment to an island in the south or mutilation, or the scourge, which was the most common.²⁰¹

‘In cases of great crimes, such as sodomy, incest, and adultery, it is flogging by thick leather straps, as long as the arm and as broad as the four fingers, and as thick as two; of these, five or six are fixed together in a haft of wood. With this, malefactors are chastised, and so cruelly beaten that often they die of it.’²⁰²

¹⁹⁶ Ibid; see also, Mohamed Ibrahim Luthfi, *Ibn Battuta in the Maldives*, 93.

¹⁹⁷ ‘Prosecutor’ here means the complainant or victim in a criminal case. The double modes of prosecution i.e by the state and by the victims, continued in the Maldives until to the very end of the 20th Century.

¹⁹⁸ François Pyrard de Laval (1611), Vol. I, Chapter 14.

¹⁹⁹ Ibid.

²⁰⁰ Ibid.

²⁰¹ Ibid.

²⁰² Ibid.

According to Ibn Battuta, the punishment of *ganhingun* was meted out for religious offences.²⁰³ Also, According to Ibn Battuta, a very harsh form of punishment, known as *buree hannegun*, was administered during his time.²⁰⁴

Ibn Battuta says²⁰⁵ that the penalty of mutilation of the limbs was unknown or unpractised before his arrival at the Maldives, and states that when he, as the Chief Justice, had a thief's hand cut off, the bystanders all fainted.²⁰⁶ According to Christopher (1887), although the offenders' hands were chopped off in former days, mutilation was no longer applied.²⁰⁷

Pyrard tells us that women taken in adultery, besides the prescribed penalty, would have their hair cut off.²⁰⁸ If the woman had not given her consent, the man was severely flogged.²⁰⁹ In such cases, the injured husband would be the administrator of the whip.²¹⁰ In cases of false witness and perjury, a monetary fine was levied on the guilty party, which was given to the poor.²¹¹ If a wife or a daughter were ravished, the guilty party was punished as an adulterer, and in addition, the offender was obliged to pay monetary compensation to the wife or daughter. A thief who had stolen any article of value had his hand cut off.²¹²

Although the law allowed the death penalty for homicide, the judges never passed the death sentence. According to H.C.P. Bell (1887),²¹³ murderers were punished by flogging and banishment to the southern atolls. According to

²⁰³ Mohamed Ibrahim Luthfi, *Ibn Battuta in the Maldives*, 94, 165.

²⁰⁴ Mohamed Ibrahim Luthfi, *Ibn Battuta in the Maldives*, 40.

²⁰⁵ Mohamed Ibrahim Luthfi, *Ibn Battuta in the Maldives*, 40.

²⁰⁶ See, Mohamed Ibrahim Luthfi, *Ibn Battuta in the Maldives*, 65.

²⁰⁷ *Ibid*; see also, Mohamed Ismail Didi, *Christopher ge Nazarugai Dhivehin*, 65.

²⁰⁸ François Pyrard de Laval, (1611), Vol. I, Chapter 14; see also, the punishment for adultery during Ibn Battuta's time, Mohamed Ibrahim Luthfi, *Ibn Battuta in the Maldives*, 93-94.

²⁰⁹ *Ibid*.

²¹⁰ *Ibid*.

²¹¹ *Ibid*.

²¹² *Ibid*.

²¹³ *Ibid*.

Pyrard, during his stay in the Maldives he never saw one person condemned to death by the ordinary judges. They would not dare to do so, except by the express command of the king, which was seldom given.²¹⁴ According to Pyrard,²¹⁵ there was a common saying among the Maldivians, that they could not afford thus to lose their men; and that if everyone who deserved it were put to death, in course of time the islands would be depopulated, and similarly the human race in other parts would not suffice to pay the penalty, and so the world would come to an end. However, the king could still send some of his chosen soldiers, and condemn, and put to death those who merited it, or those who had offended him.

Although the processes of justice were in the hands of the judges, and they are the judges, yet the king was the sole arbiter and dispenser of justice; he alone had the power of life and death.²¹⁶ Appeal was made to him, and he gave his orders for justice to be done as he wished, as well giving instructions to the judges and *naibs*, and to his lords and officers. Generally, he wielded absolute power throughout his whole realm, and disposed of all things according to his pleasure.²¹⁷

‘Among other kinds of chastisement, the king makes use of one peculiar to the lot of such as have incurred his displeasure, for he causes them to lie upon their bellies on the ground, their four limbs held by four persons; they then receive some stripes upon the back with a rod or kind of cane, which was called rattan, and comes from Bengal: this takes off the skin, and the weals and scars remain ever after to mark such as have displeased the king.’²¹⁸

Execution of *sentence*

²¹⁴ Ibid.

²¹⁵ Ibid.

²¹⁶ Ibid.

²¹⁷ Ibid.

²¹⁸ Ibid; see also, Mohamed Ibrahim Luthfi, *Ibn Battuta in the Maldives*, 165, 180.

According to Pyrard, there was no separate institution for the enforcement of judgments or execution of sentences. Sentences were executed by the *dheyvaani* who were officers of the *Fandiyaaruge* or the *naibge*.²¹⁹ For those who did not obey the King's orders or those who were to be killed by an order of a King, the decree was enforced by a special group of people appointed by the King, known as *hangubeykalun*.²²⁰

According to Ibn Battuta,²²¹ during his time there were no jails (*hurage* or *ashige*) in the Maldives. But those who committed serious crimes were confined to and held in small wooden chambers intended to store merchandise and each offender was secured by a piece of wood, as was done in Morocco with Christian prisoners. He also stated that those who committed theft were locked to a block of wood. Mohamed Ibrahim Lutfi says that he believes that this could have been either *andhagondi* or *aiygondi*.²²²

Enforcement of money judgment

Where debtors had no means of paying what they owed to their creditor, they were obliged to serve the creditor.²²³ They were not treated as slaves, but as natives of the country; they served only their creditors or others who paid the money for their redemption. These bondsmen were called *femuseyri*, meaning 'bondsmen on loan', and their servitude lasted until they were acquitted, and their children continued to be in servitude forever if they did not pay.²²⁴

Sometimes, if they were badly treated, they could get released by binding

²¹⁹ Ibid.

²²⁰ Ibid.

²²¹ Mohamed Ibrahim Luthfi, *Ibn Battuta in the Maldives*, 65; H.A.R. Gibb, *The Travels of Ibn Battuta*, 245.

²²² Ibid, 65.

²²³ According to HCP Bell (1887), the custom of debt slavery as mentioned by Ibn Battuta and Pyrard still existed during his visits to the Maldives and was evidently of great antiquity. Bell also states that the same custom, which permits an insolvent debtor to work off his debt as his creditor's servant, had existed in Ceylon until some time after the British occupation; see François Pyrard de Laval, (1611), Vol. I, Chapter 14.

²²⁴ Mohamed Ibrahim Luthfi, *Ibn Battuta in the Maldives*, 184; H.A.R. Gibb, *The Travels of Ibn Battuta*, 244.

themselves to another, who paid for them; their only wages would be their food and maintenance, and when they died their master would take all they had; and if that was not enough to satisfy the debt, the children would remain in bond till the whole amount was paid.²²⁵ *'A great number of the people seek to be the femuseyri of grandees and men in office, and so to gain support and favour, for while they belong to nobody they were tormented by one another.'*²²⁶

Recordings of judicial proceedings

According to Pyrrard²²⁷, neither the pleadings in criminal cases, nor the indictments, depositions or the judgments were recorded in writing.²²⁸ All proceedings were very prompt and summary. It was the same in civil actions, except in suits over inheritances or immovable property, where *Fandiyaaru* or the *naibs* delivered the judgments in writing.²²⁹ In such cases, they granted writs of possession, sealed with their seal in ink, and this was evidence for posterity that henceforth the person who had won the suit, and his heirs, had undisputed possession of the inheritance or property.²³⁰

²²⁵ H.A.R. Gibb, *The Travels of Ibn Battuta*, 244.

²²⁶ François Pyrrard de Laval, (1611), Vol. I, Chapter 14.

²²⁷ Ibid.

²²⁸ See also, H.A.R. Gibb, *The Travels of Ibn Battuta*, 245.

²²⁹ Ibid.

²³⁰ Ibid.

Chapter 5

Land Tenure