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Evolution of the legal structure
for local administration in the Maldives

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جَنَدِیوں نے یہ سُن کر دُعا کرتے ہوئے فرمایا کہ اے اللہ! ہمیں ان کے ساتھ بھی بھیج دے۔

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د برادر د خور سوخته سر

[illegible][illegible]

تو کیسے؟

تَبَرُّكُكَ يَا رَبِّ الْعَالَمِينَ
 وَتَعَالَى عَمَّا يُشْرِكُونَ

[illegible][illegible]

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[illegible]

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[illegible]

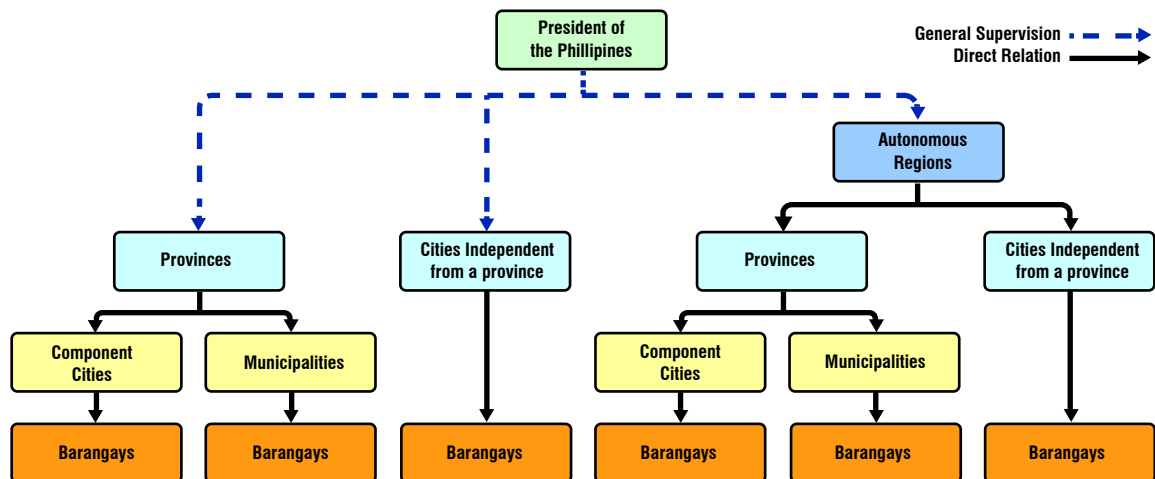
چونکہ انگریزوں کی حکومت نے ہمیں فریڈم دے دی ہے۔
 لہذا یہ سب کام ہم خود کر سکتے ہیں۔

[illegible][illegible]

سورۃ النور

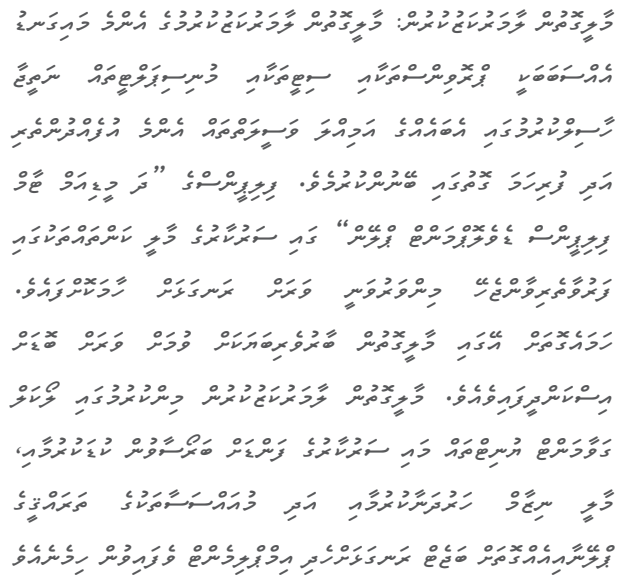
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تُرکمانستان، 143 سو، 1491 دیر، 42,028 سو،
 روستای کور

قریبیہ سہولتوں کو فروغ دینے کے لیے 1991 سے 7160 روپے خرچ کیے گئے۔

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Evolution of the legal structure for local administration in the Maldives

by Nafea Naseer

The dawn of the new millennium brought waves of constitutional and political reforms that drastically changed the governance scape of the Maldives. The local administration system was one of the major areas that was subjected to reform. A long established two-tiered system for local administration gave way to a short-lived provincial system in 2009. With the ratification of the Decentralization Act in 2010 the previous systems were made obsolete and the current local council system was established.

The local administration system that existed prior to 2010 was not a formal decentralized system. It was a two-tiered deconcentrated system having jurisdiction over the twenty atolls of the Maldives. The implication of being a deconcentrated system was that some of the administrative responsibility was delegated to the local regions under the central government's authority.

A specific legal act regarding local administration did not exist during the period. Chapter VII of The Constitution of the Republic of Maldives (1997) stipulated that an Atoll Chief appointed by the president should be designated for each atoll. The constitution goes on to outline the qualifications that the Atoll Chief should possess. However this is the extent to which local administration is mentioned in the Constitution. Constitutional provisions did not exist regarding the functions of the designated Atoll Chiefs, island administration and administration in Male'.

The absence of specific legally defined procedures and functions meant that a lot of things were left open to the interpretation of the people. This led to a lot of inconsistencies in practice as well as appointment and election of representatives of the local administrations. However Presidential Decrees were established to guide the procedures and functions of local administration, Ministry of Atoll Development prepared regulations to direct atoll and island administration and Ministry of Home Affairs was responsible for directly managing Male' though it was referred to as a municipality.

In 2008 the new Constitution of the Maldives was ratified and a new government assumed office shortly afterwards. With these changes the local administration structure also underwent changes. In 2009 the country was divided into 7 provincial administrations with presidentially appointed heads designated for each province. More responsibility was delegated to the provinces than the atolls in that provision of health and utility services came under the authority of the respective provinces. The short-lived provincial system came to an end with the ratification of the Decentralization Act in 2010 as the Act did not mention any roles for provincial administrations.

The inclination towards a more local centric, participative form of governance demonstrated by the provincial system was further strengthened with the establishment of the Councils stipulated in the Decentralization Act. It also stipulated for the democratic election of Atoll and Island Councils and also formalized the roles and responsibilities of the councils. The Act also mandated the establishment of an independent Local Government Authority to which the local councils would be accountable to. The Act has enabled local communities to tailor and model development activities to the specific needs of the communities thus helping to attain one of the main objectives of decentralization, a participatory form of governance.

Today a legal framework exists to direct the country towards a more decentralized form of governance. However sectoral laws/acts have to be aligned with the Decentralization Act in order to pave the way for a fully functioning decentralized system. Though there is still a long way to go, Maldives has already come a long way in becoming more decentralized.

