

CONSTITUTION OF THE STATE OF BAHRAIN

IN THE NAME OF GOD, ALL MERCIFUL, ALL COMPASSIONATE

STATE OF BAHRAIN
THE CONSTITUENT ASSEMBLY

23rd Rabie Al-Thani, 1393,
26th May, 1973

In the name of God, and with the blessings and success granted by Him, We, Isa bin Salman Al-Khalifa, Amir of the State of Bahrain; recalling at this inaugural stage of constitutional rule, the history of Bahrain in the realm of Arabism and Islam; looking forward with faith and determination to attaining a future system based on consultation and justice, full of participation in the responsibilities of rule and administration, ensuring freedom and equality, and strengthening bonds of fraternity and social solidarity; realizing the responsibilities of our State as a member of the Arab family and international community, and adhering to the human values, and intending to participate effectively in regional and international efforts which aim at attaining prosperity and well-being for mankind and spreading freedom and justice over the world and maintaining world peace; having reviewed our statement issued on 16th December, 1971, and the decree enacting Law No. 12 dated 20th June, 1972, regarding the formation of a Constituent Assembly to draw up a Constitution for the State; and, upon the decision of the Constituent Assembly; do hereby ratify and promulgate this Constitution.

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PART ONE - STATE

ARTICLE (1)

(a). Bahrain is an independent, sovereign, Islamic Arab State. Its people is part of the Arab Nation; and territory, part of the large Arab home. And neither shall its sovereignty nor any part of its territory be surrendered.

(b). Rule, in Bahrain, being hereditary, shall pass from his Highness Sheikh Isa Bin Sulman Al-Khalifa to his eldest son and from him to eldest son again and so forth generation after generation, except when the Amir has appointed, during his lifetime, as succession a son other than the eldest according to the rules of the special Amiri Succession Decree provided for in the next clause.

(c). The generality of the rules of succession shall be regulated by a special Amiri decree that shall be constitutional in character and that shall not be amended except in accordance with the rules of Article (104) of the Constitution.

And in case the heir-apparent be appointed minister, he shall be exempted from the conditions of age and registration in the election rolls prescribed in Article (44) of this Constitution.

(d). Bahrain shall have a democratic form of government with the supremacy vested in the people, source of all powers, and the exercise whereof as laid down in this Constitution.

(e). All the citizens shall have the right to participate in the public affairs of the State and enjoy all political rights starting the right to vote in accordance with this constitution and the conditions and situations prescribed by law.

(f). This constitution shall not be amended except in part and in the manner prescribed therein, and no proposed amendment shall be carried out except after it shall have been in operation for five years.

ARTICLE (2)

Islam shall be the religion of the State; Islamic Sharia (Islamic Law) 'a main source' of legislation; and Arabic the official language.

ARTICLE (3)

The law shall specify the State's flag, emblem, insignia, medals, orders and national anthem.

PART TWO - FUNDAMENTAL CONSTITUENTS OF SOCIETY

ARTICLE (4)

Justice underlies the system of government. Cooperation and mutual understanding are firm bonds among citizens. Liberty, equality, security, tranquility, education, social solidarity and equal opportunities for citizens are the pillars of society guaranteed by the State.

ARTICLE (5)

(a). The family is the corner-stone of society and its strength lies in religion, morality and patriotism. The law shall preserve its legal integrity and strengthen its bonds and values, and shall protect motherhood and childhood within the family. The law shall also protect the young and defend them against exploitation and moral, physical and spiritual neglect. The State shall take particular care of the physical, mental and moral growth of youth.

(b). The State shall ensure the accomplishment of necessary social security for citizens in old age, sickness, inability to work, orphanhood, widowhood or unemployment. The State shall also provide them with services of social insurance and medical care, and strive to protect them from ignorance fear and poverty.

(c). Inheritance shall be guaranteed right governed by Islamic Law.

ARTICLE (6)

The State shall preserve the Arab and Islamic heritage, it shall participate in the furtherance of human civilization, and it shall strive to strengthen ties with the Muslim countries and to bring to fruition the aspirations of the Arab Nation for unity and advancement.

ARTICLE (7)

(a). The State shall patronize the sciences, literature and the arts, and shall encourage research. It shall ensure educational and cultural services for citizens. Primary education shall be compulsory and free in accordance with the law. The law shall lay down the necessary plan to eliminate illiteracy.

(b). The law shall regulate the various aspects of religious education and attention shall also be given to the strengthening of the citizen's personality and pride in his Arab Nationalism.

(c). Individuals and bodies may establish private schools under the supervision of the State and in accordance with the law.

(d). Inviolability of the educational institutions shall be guaranteed by the State.

ARTICLE (8)

(a). Every citizen shall have the right to health welfare. The State shall care for public health and ensure means of prevention and treatment by establishing various kinds of hospitals and provide medical facilities.

(b). Individuals and bodies may establish hospitals, clinics or infirmaries under the supervision of the State and in accordance with the law.

ARTICLE (9)

(a). Property, capital and work, in accordance with the principles of Islamic justice, shall be fundamental constituents of the social structure of the State and the national wealth. They are all individual rights with a social function regulated by the law.

(b). Public property shall be inviolable and its protection shall be the duty of every citizen.

(c). Private property shall be well protected. No one shall be prevented from disposing of his property except within the limits of the law. No property shall be expropriated except in the public interest, in accordance with the law and provided that just compensation is paid.

(d). General confiscation of property shall be prohibited. Confiscation of private property as a penalty may not be inflicted except by a court judgment and in the circumstances specified by the law.

(e). The law shall regulate, on an economic basis, with due regard being given to social justice, the relationship between landlords and tenants.

(f). The State shall strive to provide housing for citizens with limited income.

(g). The State shall make the necessary arrangements to ensure the utilization of arable land in a productive manner, and shall endeavor to raise the standard of farmers. The law shall specify the means whereby assistance and ownership of land are granted to small farmers.

ARTICLE (10)

(a). The national economy shall be based on social justice. It shall be founded on fair cooperation between public and private sectors. Its aim shall be economic development within a well conceived plan and achievement of prosperity for citizens, all within the limits of the law.

(b). The State shall strive for the attainment of Arab economic unity.

ARTICLE (11)

All natural resources shall be the property of the State. It shall ensure their preservation and proper utilization, due regard being given to the requirements of the State's security and national economy.

ARTICLE (12)

The State shall ensure the solidarity of society in shouldering burdens resulting from disasters and natural calamities, and shall provide compensation for damages or injuries suffered by people as a result of a war or as a result of performing their military duties.

ARTICLE (13)

(a). Work shall be the duty of every citizen necessitated by personal dignity and the public good. Every citizen shall have the right to work and to choose his type of work in accordance with public order and moral standards.

(b). The State shall ensure that work is made available to the citizens and that its terms are equitable.

(c). No forced labour shall be imposed on anyone except in the circumstances specified by the law for national emergency and with just remuneration, or as an implementation of a judicial decision.

(d). Relations between employers and employees shall be regulated by the law on an economic basis, due regard being given to the principles of social justice.

ARTICLE (14)

The State shall encourage cooperation and saving, and supervise the regulation of credit.

ARTICLE (15)

- (a). Taxes and public imposts shall be based on the principles of social justice, and the payment thereof shall be duty in accordance with the law.
- (b). The law shall regulate exemption of low incomes from taxation in such a way as to ensure the minimum standard of living.

ARTICLE (16)

- (a). Public offices shall be a national service entrusted to those who hold them. Public officials, in the exercise of their duties, shall aim at the public interest. Aliens may not hold public offices except in the cases specified by the law.
- (b). Citizens shall have equal opportunities to hold public offices in accordance with the conditions specified by the law.

PART THREE - PUBLIC RIGHTS AND DUTIES

ARTICLE (17)

- (a). Citizenship shall be defined by the law, and no person enjoying citizenship by origin may be deprived of it except in cases of high treason and dual nationality and in accordance with the conditions specified by the law.
- (b). Citizenship may not be withdrawn from a naturalized citizen except within the limits of the law.
- (c). No citizen shall be deported from Bahrain, nor shall he be denied re-entry.

ARTICLE (18)

People are equal in human dignity, and citizens shall be equal in public rights and duties before the law, without discrimination as to race, origin, language, religion or belief.

ARTICLE (19)

- (a). Personal liberty is guaranteed in accordance with the law.
- (b). No person shall be arrested, detained, imprisoned, searched or compelled to reside in a specified place, nor shall the residence of any person or his liberty to choose his place of residence or his liberty of movement be restricted, except in accordance with the law and under the supervision of the judicial

authorities.

(c). No detention or imprisonment shall be imposed in places other than those specified in the prison laws. In these places health and social welfare shall be observed, and they shall be subject to the supervision of the judicial authorities.

(d). No person shall be subjected to physical or mental torture, enticement or degrading treatment, and the law shall provide the penalty for these acts.

Any statement or confession shall be null and void if it is proved to have been made under duress or enticement or degrading treatment or threat thereof.

ARTICLE (20)

(a). No crime or penalty may be established except by virtue of law, and no penalty may be imposed except for offenses committed after the relevant law has come into force.

(b). Penalty is personal.

(c). An accused person shall be presumed innocent until proved guilty in a legal trial in which the necessary guarantees for the exercise of his right of defense in all the stages of investigation and trial are ensured in accordance with the law.

(d). No physical or moral injury shall be inflicted on an accused person.

(e). A council for the defense of any person accused of a felony shall be appointed with the approval of the accused.

(f). The right to trial shall be guaranteed in accordance with the law.

ARTICLE (21)

Extradition of political refugees is prohibited.

ARTICLE (22)

Freedom of conscience is absolute. The State shall guarantee the inviolability of places of worship and the freedom to perform religious rites and to hold religious processions and meetings in accordance with the customs observed in the country.

ARTICLE (23)

Freedom of speech and freedom to carry out scientific research shall be guaranteed. Every person shall have the right to express and propagate his opinion in words or in writing or by any other means, in accordance with the conditions and procedures specified by the law.

ARTICLE (24)

Freedom of the press, printing and publication shall be guaranteed in accordance with the conditions and procedures specified by the law.

ARTICLE (25)

Places of residence shall be inviolable. They may not be entered or searched without the permission of their occupants except in the circumstances and manner specified by the law.

ARTICLE (26)

Freedom of postal, telegraphic and telephonic communications and the secrecy thereof shall be guaranteed. No communications shall be censored nor the contents thereof revealed except in cases of necessity prescribed by the law and in accordance with the procedures and guarantees stated therein.

ARTICLE (27)

Freedom to form associations and trade unions on a national basis and for lawful objectives and by peaceful means shall be guaranteed in accordance with the conditions and procedures prescribed by the law. No one shall be compelled to join or remain in any association or union.

ARTICLE (28)

(a). Individuals shall have the right of private assembly without permission or prior notification, and no member of the security forces may attend such private meetings.

(b). Public meetings, processions and gatherings shall be permitted in accordance with the conditions and procedures prescribed by the law, provided that their purpose and means are peaceful and not contrary to morals.

ARTICLE (29)

Any individual can address the public authorities in writing and with his signature. Only duly constituted organizations and corporate bodies shall have the right to address the public authorities collectively.

ARTICLE (30)

(a). Peace shall be the objective of the State, and the safety of the country shall be part of the safety of the Great Arab Homeland, and defending it shall be the duty of every citizen. Military service is an honour for the citizens and regulated by the law.

(b). The State alone shall establish armed forces and public security bodies. Duties of this kind shall be entrusted only to citizens except in cases of dire necessity and in the manner regulated by the law.

(c). Full or partial mobilization of forces shall be regulated by the law.

ARTICLE (31)

Public rights and liberties laid down in this Constitution shall neither be regulated nor defined except by a law, or in accordance therewith. Such regulation or definition shall not affect the essence of the right or liberty.

PART FOUR - POWERS

ARTICLE (32)

(a). The system of government shall be based on the principle of separation of the legislative, executive and judicial powers, functioning in cooperation with each other in accordance with the provisions of this Constitution. None of the three powers may relinquish all or part of its competence prescribed in this Constitution. However, legislative authorization, limited for a certain period and in respect of a specified matter or matters, may be made, and shall be practiced in accordance with the law of authorization and the conditions thereof.

(b). Legislative power shall be vested in the Amir and the National Assembly in accordance with the Constitution, and the Executive power shall be vested in the Amir, the Cabinet and the Ministers. Judicial decrees shall be passed in the name of the Amir, all in accordance with the provisions of the Constitution.

CHAPTER I - THE AMIR

ARTICLE (33)

(a). The Amir is the Head of the State, his person shall be immune and inviolable, and he shall exercise his powers through his Ministers who shall collectively report to him on the General policy of the Government, and each Minister shall be responsible for the affairs of his Ministry.

(b). The Amir shall, after the traditional consultations, appoint the Prime Minister or relieve him of

office by an Amiri decree. The Amir shall also appoint Ministers or relieve them of office by an Amiri decree, upon the recommendations of the Prime Minister.

(c). Ministers shall not be appointed from amongst the members of the National Assembly in the first legislative term, but they may be appointed from amongst the members of the National Assembly or others with effect from the second legislative term.

Ministers appointed from amongst outsiders shall become ex-officio members of the National Assembly. The total number of ministers shall not exceed 14.

(d). The Cabinet shall be reconstituted in the manner set out in this article at the beginning of every legislative term of the National Assembly.

(e). The Amir shall be the Supreme Commander of the Defense Force.

(f). The Amir shall confer Orders of Honour in accordance with the law.

(g). Currency shall be minted in the name of the Amir in accordance with the law.

(h). The Amir shall protect the legality of the government and the supremacy of law, and shall take the following oath at a special sitting of the National Assembly: "I swear by Almighty God to respect the Constitution and the laws of the State, to defend the liberties, interests and properties of the people, and to safeguard the independence and territorial integrity of the country".

(i). The Amir shall have an annual privy purse to be determined by a special Amiri decree. The privy purse may not be revised throughout the reign of the Amir, and shall thereafter be fixed by law.

ARTICLE (34)

(a). In the event of his absence outside the country and the inability of the Heir Apparent to act as deputy for him, the Amir shall appoint by an Amiri Order a deputy who shall exercise his powers during his absence. The said Amiri Order may include a specified arrangement for the exercise of powers on behalf of the Amir, or a limitation on their scope.

(b). The provisions of item (b) of Article (86) of this Constitution shall apply to the Amir's deputy. If the Amir's deputy is a Minister or a member of the National Assembly he shall not take part in the functions of his Ministry or the National Assembly during the period he is acting as deputy for the Amir.

(c). Before assuming his powers, the Amir's deputy shall take the oath set forth in the previous article, with the following phrase added thereto: "and be loyal to the Amir". The oath shall be taken in the National Assembly if it is in session, otherwise it shall be taken before the Amir. The oath by the Heir Apparent shall be taken only once even if he acts as a deputy for the Amir more than once.

ARTICLE (35)

- (a). The Amir shall have the right to initiate laws, and he alone shall ratify and promulgate the laws.
- (b). A bill shall be considered to have been ratified and shall be promulgated by the Amir if a period of thirty days from the date of its submission by the National Assembly to the Amir has expired without the Amir returning it to the National Assembly for reconsideration.
- (c). If, within the period prescribed in the preceding clause the Amir returns the bill, by a decree stating the grounds therefor, to the National Assembly for reconsideration, then it shall be decided whether such reconsideration should take place during the same or the next session.
- (d). If the Assembly reconfirms the bill by a majority vote of its members, the Amir shall ratify and promulgate the bill within one month from the date of the reconfirmation.

ARTICLE (36)

- (a). Offensive war is unlawful. The declaration of defensive war shall be made by an Amiri decree which shall be referred to the National Assembly immediately after the declaration has been made, for decision.
- (b). Martial law shall be proclaimed only by law, unless otherwise dictated by urgent necessity to be by a decree giving the justification therefor, provided that the matter shall be referred to the National Assembly within two weeks for decision. In all cases the period of martial law shall not exceed three months, but this period may be renewed in whole or in part once or more, provided that approval by a majority vote of the members constituting the National Assembly has been obtained.

If the proclamation or renewal of martial law takes place during the period in which the National Assembly is dissolved, the matter shall be referred to the new Assembly at its first meeting.

ARTICLE (37)

The Amir shall conclude treaties by decree and shall transmit them immediately to the National Assembly with the appropriate statement. A treaty shall have the force of a law after it has been signed, ratified and published in the Official Gazette.

However, treaties of peace and alliance; treaties concerning the territory of the State, its natural resources or sovereign rights or public or private rights of citizens; treaties of commerce, navigation and residence; and treaties which entail additional expenditure not provided for in the budget of the State, or which involve amendment to the laws of Bahrain, shall come into effect only when made by a law. In no

case may treaties include secret provisions contradicting those declared.

ARTICLE (38)

Should necessity arise for urgent measures to be taken while the National Assembly is not in session or is dissolved, the Amir may issue decrees in respect thereof which shall have the force of a law, provided that they shall not be contrary to the Constitution or the appropriations included in the budget law.

Such decrees shall be referred to the National Assembly within fifteen days following their issue if the Assembly is in session. If it is dissolved or its legislative term has expired such decrees shall be referred to the next Assembly at its first meeting. If they are not thus referred they shall retroactively cease to have the force of a law without the necessity of any decision to that effect. If they are referred and the Assembly does not confirm them, they shall also retroactively cease to have the force of law, unless the Assembly approves their validity for the preceding period or settles in some other way the effects arising therefrom.

ARTICLE (39)

(a). The Amir shall by decrees, issue the regulations necessary for the execution of laws without amending or suspending such laws or making any exemption from their execution. A law may describe a less formal instrument than a decree for the issue of the regulations necessary for its execution.

(b). The Amir shall, by decrees, issue regulations for public order and health, and regulations necessary for the organization of public services and administration, not conflicting with any law.

ARTICLE (40)

The Amir shall appoint and remove civil and military officials and diplomatic representatives to foreign countries and international organizations in accordance with the law and in the manner prescribed therein. He shall also accept credentials of the representatives of foreign countries and organizations.

ARTICLE (41)

The Amir may, by decree grant a pardon or commute a sentence. However, amnesty shall not be granted except by a law and then only in respect of offenses committed prior to the proposal of the amnesty.

CHAPTER II - LEGISLATIVE POWER

ARTICLE (42)

No law may be promulgated unless it has been passed by the National Assembly and ratified by the

Amir.

ARTICLE (43)

The National Assembly shall be composed of:

(a). Thirty members elected directly by universal suffrage and secret ballot, in accordance with the provisions of the electoral law. The number of these members shall be increased to forty with effect from the elections or the second legislative term. Electoral constituencies shall be determined by the law.

(b). The Ministers by virtue of their portfolios.

ARTICLE (44)

A member of the National Assembly must:

(a). have been registered in one of the electoral rolls, not be suspended from exercising his right to vote, and be a Bahraini citizen by origin.

(b). be not less than thirty-full calendar years of age on the day of election.

(c). be able to read and write Arabic well.

ARTICLE (45)

The term of the National Assembly shall be four calendar years commencing from the date of its first meeting. Elections for the new Assembly shall take place within two months preceding the expiry of the said term, due regard being given to the provisions of Article (65) of this Constitution.

Members whose term of office expires may be re-elected. The term of the National Assembly may not be extended except for necessity in time of war and by a law passed by two-third majority of the members constituting the Assembly.

ARTICLE (46)

If, for any reason, a seat in the National Assembly becomes vacant before the end of the term, the vacancy shall be filled by election within two months from the date on which the Assembly declares the vacancy. The term of the new member shall last until the end of that of his predecessor.

If the vacancy occurs within six months immediately prior to the expiry of the legislative term of the Assembly no successor shall be elected.

ARTICLE (47)

The National Assembly shall have an annual session of not less than eight months. The said session may not be prorogued before the budget has been approved.

ARTICLE (48)

The Assembly shall start its ordinary session during the month of October of every year upon a convocation by the Amir. If the decree of convocation is not issued before the first of the said month, the time for the meeting shall be deemed 9 a.m. on the third Saturday of that month. If such a day happens to be an official holiday, the Assembly shall meet in the morning of the first day following the holiday.

ARTICLE (49)

Notwithstanding the provisions of the preceding two Articles, the Amir shall summon the National Assembly to hold its first meeting within two weeks from the end of the general election. If the decree of convocation is not issued within the said period, the Assembly shall be deemed to have been convoked for the morning of the day immediately following these two weeks, due regard being given to the provision of the second paragraph of the preceding Article. If the date of the meeting of the Assembly falls after the annual date mentioned in Article (48) of the Constitution, the duration of the session specified in Article (47) herein shall be reduced by the difference between the said two dates.

ARTICLE (50)

The National Assembly shall, by decree, be called to an extraordinary session if the Amir deems it necessary, or upon the request of the majority of the members of the Assembly.

In an extraordinary session, the Assembly may not consider matters other than those for which it has been convened except with the consent of the Government.

ARTICLE (51)

The Amir shall announce the prorogation of ordinary and extraordinary sessions, by a decree.

ARTICLE (52)

Every meeting held by the National Assembly at a time or place other than that assigned for its meeting shall be invalid, and resolutions passed thereat shall be null and void.

ARTICLE (53)

Before assuming their duties in the Assembly or its committees, members of the National Assembly, including the Ministers, shall take the following oath in a public sitting: --

"I swear by Almighty God to be faithful to the country and to the Amir, to respect the Constitution and the laws of the State, to defend the liberties, interests and properties of the people and to discharge my duties honestly and truthfully".

ARTICLE (54)

The National Assembly shall elect at its first sitting and for the duration of its term a speaker, Deputy Speaker and a Secretary from amongst its members. If any office becomes vacant the Assembly shall elect a successor for the remainder of its term.

In all cases election shall be by an absolute majority vote of the members present. If this majority vote is not attained in the first ballot, another election shall be held between the two candidates receiving the highest number of votes. If more than one candidate receives an equal number of votes in the second place, all such candidates shall participate in the second ballot. In this case the candidate who receives the greatest number of votes shall be elected. If there is a tie in this last ballot, the choice shall be by lot.

The Prime Minister shall preside over the first sitting until the Speaker has been elected.

ARTICLE (55)

The Assembly shall form, within the first week of its annual session, the committees necessary for its functions. These committees may discharge their duties during the recess of the Assembly with a view to submitting their recommendations to it when it meets.

ARTICLE (56)

Sittings of the National Assembly shall be public. However, they may be held in camera upon the request of the Government, the Speaker of the Assembly or ten of its members. The debate on such request shall be held in camera.

ARTICLE (57)

The Supreme Civil Court of Appeal shall be the competent authority to deal with election disputes of the National Assembly, but this competence may be transferred to any higher court which may be set up by a law.

ARTICLE (58)

The National Assembly shall be the competent authority to accept resignation of its members, and no resignation shall be considered final except from the time the Assembly has decided to accept it.

ARTICLE (59)

For a meeting of the National Assembly to be valid, more than half of its members must be present. Resolutions shall be passed by an absolute majority vote of the members present, except in cases where a special majority is required.

When the votes are equally divided, the motion shall be deemed rejected.

ARTICLE (60)

Immediately upon its formation, every Cabinet shall present its programme to the National Assembly, and the Assembly may make comments with regard to such a programme.

ARTICLE (61)

The Amir shall open the annual session of the National Assembly whereupon he shall deliver an Amiri Speech reviewing the state of affairs of the country and the most important public matters which happened during the preceding year, and outlining the projects and reforms the Government plans to undertake during the coming year.

The Amir may depute the Prime Minister to open the Assembly or to deliver the Amiri Speech.

ARTICLE (62)

The National Assembly shall choose, from amongst its members, a committee to draft the reply to the Amiri Speech which will embody the comments and wishes of the Assembly. After the reply has been approved by the Assembly, it shall be submitted to the Amir.

ARTICLE (63)

- (a). A member of the National Assembly represents the entire people. He shall safeguard the public interest and shall not be subject to any authority in the discharge of his duties in the Assembly or in its committees.
- (b). A member of the National Assembly shall be free to express any views or opinions in the Assembly or in its committees, and under no circumstances shall he be held liable in respect thereof.
- (c). Except in cases of flagrante delicto, no measures of detention, investigation, search, arrest,

imprisonment or any other penal measure may be taken against a member while the Assembly is in session without the authorization of the Assembly. If the National Assembly is not in session, authorization shall be obtained from the Speaker of the Assembly.

If the Assembly does not give a decision regarding a request for authorization within one month from the date of its receipt, permission shall be deemed to have been granted.

The Assembly shall be notified of any measure that may be taken during its session in accordance with the foregoing paragraph. The Assembly shall always, at its first meeting, be notified of any measure taken against any of its members during its annual recess.

ARTICLE (64)

The Amir may, by a decree, adjourn the meeting of the National Assembly for a period not exceeding one month. Adjournment may be repeated during the same session with the consent of the Assembly, and then once only. The period of adjournment shall not be counted in computing the duration of the session provided for in Article (47) of this Constitution.

ARTICLE (65)

The Amir may dissolve the National Assembly by a decree in which the reasons for dissolution shall be indicated. However, dissolution of the Assembly may not be repeated for the same reasons.

In the event of dissolution, elections for the new Assembly shall be held within a period not exceeding two months from the date of dissolution.

If the elections are not held within the said period, the dissolved Assembly shall be restored to its full constitutional authority and shall meet immediately as if the dissolution had not taken place. The Assembly shall then continue functioning until a new Assembly is elected.

ARTICLE (66)

Every member of the National Assembly may put to the Prime Minister and to Ministers, questions with a view to clarifying matters falling within their competence. The questioner alone shall have the right to comment once on the answer, and if the Minister adds something new then the right of the member shall be renewed.

ARTICLE (67)

Every member of the National Assembly may address to the Prime Minister and to Ministers interpellations with regard to matters falling within their competence. The debate on such interpellations shall not take place until at least eight days have elapsed after its presentation, unless the Minister

concerned agrees to hold the debate earlier.

An interpellation may lead to the vote of confidence being put to the Assembly in accordance with the provisions of Articles (68) and (69) of this Constitution.

ARTICLE (68)

(a). Every Minister shall report to the National Assembly on the affairs of his Ministry.

(b). The question of confidence in a Minister may not be raised except upon his request or upon demand signed by ten members, following a debate on an interpellation addressed to him. The Assembly may not make its decision upon such a request before the lapse of seven days from the presentation thereof.

(c). If the Assembly passes a vote of no confidence against a Minister he shall be considered to have resigned his office as from the date of the vote of no confidence and shall submit his formal resignation immediately. Withdrawal of confidence from a Minister shall be by a majority vote of the members constituting the National Assembly excluding Ministers.

In all cases Ministers shall not participate in the vote of confidence.

ARTICLE (69)

(a). The question of confidence in the Prime Minister shall not be raised before the National Assembly, unless, out of necessity, he holds a portfolio with the premiership, and then he may be questioned about the affairs of such portfolio like any other Minister.

(b). If two-thirds of the members of the National Assembly decide, in the manner specified in Article (68) of this Constitution, that they cannot cooperate with the Prime Minister, the matter shall be submitted to the Amir for settlement. The Amir may either relieve the Prime Minister of office and appoint a new Cabinet or dissolve the National Assembly. If the Assembly is dissolved and the office of the said Prime Minister is renewed but the new Assembly decide by a majority vote of the members constituting the National Assembly that it cannot cooperate with the said Prime Minister, he shall be considered to have resigned his office as from the date of the decision of the Assembly in this respect and a new Cabinet shall be formed.

ARTICLE (70)

If, for any reason, the Prime Minister or a Minister vacates his office he shall continue to discharge the urgent business thereof until his successor is appointed.

ARTICLE (71)

A member of the National Assembly shall have the right to initiate bills. A bill initiated by a member and rejected by the Assembly may not be re-introduced during the same session except with the approval of the Government.

ARTICLE (72)

Upon a request signed by at least five members, any subject of general interest may be put to the National Assembly for discussion with a view to securing clarification of the Government's policy and to exchange views thereon. All other members shall also have the right to participate in the discussion.

ARTICLE (73)

The National Assembly shall express its wishes to the Government regarding public matters. If the Government cannot comply with these wishes, it shall state to the Assembly the reasons therefor. The Assembly may comment once on the Government's statement.

ARTICLE (74)

The National Assembly shall at all times have the right to set up committees of inquiry or to depute one or more of its members to investigate any matter within the Assembly's competence as prescribed in the Constitution. Ministers and all Government officials must produce testimonials, documents and statements requested from them.

ARTICLE (75)

The Assembly shall set up, among its annual standing committees, a special committee to deal with petitions and complaints submitted to the Assembly by citizens. The committee shall seek explanation thereon from the competent authorities and shall inform the person concerned of the result.

A member of the National Assembly shall not interfere with the work of either the Judicial or the Executive Power.

ARTICLE (76)

The Prime Minister and Ministers shall be given the floor whenever they ask for it. They may call for assistance upon any senior officials or depute them to speak on their behalf. The Assembly may ask for a Minister to be present whenever a matter relating to his Minister is under discussion. The Cabinet shall be represented in the sittings of the Assembly by the Prime Minister or by some Ministers.

ARTICLE (77)

(a). The law shall prescribe the procedure of the National Assembly and its committees, and the rules pertaining to discussion, voting, questions, interpellation and all other functions prescribed in the Constitution. The law shall also prescribe the sanctions to be imposed on any member who violates order or absents himself from the meetings of the Assembly or the committees without good cause or legitimate reason.

(b). The National Assembly may make necessary regulations complementary to the law referred to in the preceding clause.

ARTICLE (78)

The maintenance of order in the National Assembly shall be the responsibility of its Speaker. The Assembly shall have a special guard under the authority of the Speaker of the Assembly. No other armed force may enter the Assembly or be stationed close to its gates unless so requested by the Speaker.

ARTICLE (79)

Remuneration of the members of the National Assembly shall be fixed by a law. In the event of a revision of the said remuneration, such revision shall not take effect until the next legislative term.

ARTICLE (80)

Membership of the National Assembly shall be incompatible with public office except in the cases of Ministers. In such cases, the right to the remuneration for membership and the right to the salary of the portfolio shall not be combined.

The law shall specify other cases of incompatibility.

ARTICLE (81)

During his term, a member of the National Assembly shall not be appointed to the board of directors of a company, nor shall he participate in concessions granted by the Government or by public bodies, except in those cases prescribed by the law.

Further, during the said term, he shall not buy or rent any property of the State nor shall he let, sell or barter any of his property to the State, except by public auction or tender, or in compliance with the system of compulsory acquisition.

ARTICLE (82)

During their term, members of the National Assembly with the exception of Ministers may not be

awarded decorations.

CHAPTER III - EXECUTIVE POWER

SECTION (i) - THE CABINET

ARTICLE (83)

(a). A Minister shall satisfy the qualifications laid down in Article (44) of this Constitution. All provisions regarding Ministers shall apply to the Prime Minister unless otherwise stated.

(b). Remuneration of the Prime Minister and Ministers shall be determined by a law.

ARTICLE (84)

Before assuming office, the Prime Minister and Ministers shall take before the Amir the oath specified in Article (53) of this Constitution.

ARTICLE (85)

(a). The Cabinet shall have control over the departments of the state. It shall formulate the general policy of the Government, pursue its execution and supervise the functioning of the Government departments.

(b). The Amir shall preside over the meetings of the Cabinet which he attends.

(c). The Prime Minister shall supervise the functions and procedures of the Cabinet. He shall be responsible for the implementation of the Cabinet's decisions and the coordination among the various ministries, and to ensure that their functions are integrated.

(d). The relinquishment of the position of the Prime Minister for any reason shall involve the relinquishment of all ministerial positions by the Ministers.

(e). Deliberations of the Cabinet shall be secret. Resolutions shall be passed only when the majority of its members are present and with the approval of the majority of those present. In case of an equal division of votes, the side on which the Prime Minister has voted shall prevail. Unless they resign, the minority shall abide by the opinion of the majority. Resolutions of the Cabinet shall be submitted to the Amir for ratification in cases where the issue of a decree is required.

ARTICLE (86)

(a). Every Minister shall supervise the affairs of his Ministry and shall execute therein the general policy

of the Government. He shall also formulate directives for the Ministry and supervise their execution.

(b). While in office, a Minister shall not hold any other public office or practice, even indirectly, any extragovernmental profession or undertake any industrial, commercial or financial business. He shall not participate in any concession granted by the Government or by public bodies or cumulate the ministerial post with membership of the board of directors of any company, except as a representative of the Government and without any remuneration. Further, during the same period, a Minister shall not buy or take on hire any property of the State even by public auction, nor shall he let, sell or barter any of his property to the State.

ARTICLE (87)

(a). The law shall regulate general and municipal self-governing bodies in such a way as to ensure their independence under the direction and supervision of the State.

(b). The State shall direct bodies of public interest in such a way that they conform to the general policy of the State and the benefit of the citizens.

SECTION (ii) - FINANCIAL AFFAIRS

ARTICLE (88)

(a). No general tax may be established, amended or abolished except by law. No one may be exempted, wholly or partially, from the payment of such taxes except in the cases specified by the law. No one may be required to pay any other tax, fee or imposition except within the limits of the law.

(b). The law shall prescribe rules for the collection of taxes, fees and other forms of public funds and the procedure for their expenditure.

(c). The law shall lay down rules for the protection of State properties, their administration, the conditions of their disposal, and the limits within which any of these properties may be relinquished.

ARTICLE (89)

(a). Public loans shall be contracted by law. The State may grant or guarantee a loan by a law, or within the limits of the funds appropriated for this purpose in the budget.

(b). Local bodies such as municipalities or public bodies may grant, borrow or guarantee loans in accordance with their own regulations.

ARTICLE (90)

(a). The fiscal year shall be fixed by a law.

(b). The Government shall draw up the annual budget, comprising the revenue and expenditure of the State, and submit it to the National Assembly for examination and approval, at least two months before the end of each current fiscal year.

(c). The budget shall be discussed in the National Assembly part by part. None of the public revenues may be allocated for a specific purpose except by a law.

(d). The budget shall be issued by a law.

(e). If the budget law has not been promulgated before the beginning of the fiscal year, the preceding budget shall be applied until the new one is issued, and revenues shall be collected and disbursements made in accordance with the law in force at the end of the preceding year.

However, if the National Assembly has approved one or more parts of the new budget, they shall be put into effect.

(f). In no case shall the maximum estimates of expenditure, included in the budget law or the laws amending it, be exceeded.

ARTICLE (91)

Any expenditure not included in the budget, or in excess of the budget appropriations, as well as the transfer of any funds from one part of the budget to another, shall be effected by a law.

ARTICLE (92)

(a). Funds for more than one fiscal year may be appropriated by a law if the nature of the expenditure so requires. In this case, each annual successive budget shall include the funds allocated for that year in the way established by the said law.

(b). An extraordinary budget valid for more than one fiscal year may be drawn up separately for the expenditure referred to in the preceding item.

ARTICLE (93)

The budget law may not include any provision for establishing a new tax, increasing an existing tax, amending an existing law, or evading the issue of a law on a matter in respect of which this Constitution provides that its regulation shall be by a law.

ARTICLE (94)

The final account of the financial affairs of the State for the preceding year shall be submitted to the National Assembly within the five months following the end of the fiscal year. The ratification of the final account shall be by a decision of the National Assembly, together with its comments, and it shall be published in the Official Gazette.

ARTICLE (95)

The law shall prescribe the provisions of both the independent and supplementary general budgets and the final accounts thereof to which the provisions regarding the budget of the State and the final account thereof shall be applied. The law shall also prescribe the provisions of the budgets and the final accounts thereof of the municipalities and the public bodies.

ARTICLE (96)

Together with the draft annual budget, the Government shall submit to the National Assembly a statement on the financial and economic position of the State and arrangements made to implement the appropriation of the budget in effect and the effect thereof on the new draft budget.

ARTICLE (97)

A financial control and audit commission shall be established by a law, which shall ensure its independence. The commission shall be attached to the National Assembly and shall assist the Government and the National Assembly in controlling the collection of the State revenues and the disbursement of its expenditures within the limits of the budget. The commission shall submit to both the Government and the National Assembly an annual report on its activities and its observations.

ARTICLE (98)

(a). No concession for exploitation of either a natural resource or a public service may be granted except by a law and for a limited period. In this respect the preparatory measures shall facilitate the operations of prospecting and exploration and ensure publicity and competition.

(b). No monopoly shall be granted except by a law and for a limited period.

ARTICLE (99)

The law shall regulate currency and banking and determine standards, weights and measures.

ARTICLE (100)

The law shall regulate salaries, pensions, compensation, subsidies and gratuities which are a charge on the State treasury.

CHAPTER IV - JUDICIAL POWER

ARTICLE (101)

- (a). The honour of the judiciary and the integrity and impartiality of judges are the bases of rule and a guarantee of rights and liberties.
- (b). In the administration of justice judges shall not be subject to any authority. No interference whatsoever shall be allowed in the conduct of justice. The law shall guarantee the independence of the judiciary and shall state the guarantees and provisions relating to the judges.
- (c). The law shall specify the rules for public prosecution, rendering of legal opinions, drafting of legislation and representation of the State before the courts and before those who are engaged in these matters.
- (d). The law shall regulate the legal profession.

ARTICLE (102)

- (a). The law shall regulate the various kinds and degrees of courts and specify their functions and jurisdictions.
- (b). The jurisdiction of courts martial shall be restricted to military crimes committed by members of the armed and security forces and shall not extend to others except during the time of martial law and within the limits determined by the law.
- (c). Sittings of the courts shall be public save in exceptional cases prescribed by the law.
- (d). A Supreme Council of the judiciary shall be formed by a law which shall supervise the functions of the Courts and the offices relating thereto.

The law shall specify the jurisdiction of the said Council over the functional affairs of both the judiciary and the public prosecution.

ARTICLE (103)

The law shall specify the judicial body competent to decide upon disputes relating to the constitutionality of laws and regulations and shall determine its jurisdiction and procedure.

The law shall ensure the right of both the Government and the interested parties to challenge the constitutionality of laws and regulations before the said body.

If the said body decides that a law or a regulation is unconstitutional it shall be considered null and void.

PART FIVE - GENERAL AND FINAL PROVISIONS

ARTICLE (104)

- (a). Notwithstanding the provision of Article (35) of this Constitution, for an amendment to be made to any provision of this Constitution, it is stipulated that it shall be passed by a majority vote of two-thirds of the members constituting the assembly and ratified by the Amir.
- (b). If a proposed amendment to the Constitution is rejected, it shall not be put forward again before the lapse of one year from the time of its rejection.
- (c). Under no circumstances shall the principle of the hereditary rule of Bahrain, the principles of liberty and equality set forth in this Constitution, as well as Article (2) thereof, be proposed for amendment.
- (d). The powers of the Amir, specified in this Constitution, may not be proposed for amendment when a Deputy Amir is acting for him.

ARTICLE (105)

- (a). The application of this Constitution shall not affect treaties and conventions previously concluded by Bahrain with other States and international organizations.
- (b). All provisions of laws, decrees, regulations, orders and decisions in effect upon the coming of this Constitution into force, shall continue to be applicable unless amended or repealed in accordance with the procedure prescribed in this Constitution, provided that they are not contrary to any of its provisions.

ARTICLE (106)

Laws shall be published in the Official Gazette within two weeks of their promulgation and shall come into effect one month after their publication. The latter period may be extended or reduced for any law by a special provision included in it.

ARTICLE (107)

Laws shall apply to that which takes place after the date of their coming into force, and thus shall have

no effect in respect of that which has taken place before such date. However, in other penal matters, a law may, with the approval of a majority vote of the members constituting the National Assembly, prescribe otherwise.

ARTICLE (108)

No provision of this Constitution may be suspended except when martial law is in force and within the limits specified by the law. Under no circumstances shall the meetings of the National Assembly be suspended, nor shall the immunities of its members be interfered with, during such period.

ARTICLE (109)

This Constitution shall be published in the Official Gazette and shall come into force as from the date of the meeting of the National Assembly which shall be not later than the Sixteenth Day of December, 1973.

Amir of the State of Bahrain,
Isa bin Salman Al-Khalifa