

**CONSTITUTION OF THE  
KINGDOM OF BAHRAIN (ISSUED IN 2002)  
AND ITS AMENDMENTS (ISSUED IN 2012)**

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## **CONSTITUTION OF THE KINGDOM OF BAHRAIN ISSUED IN 2002 AND ITS AMENDMENTS WHICH ISSUED IN 2012\***

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\* His Majesty King Hamad bin Isa Al Khalifa took his Reins of Power in the Kingdom of Bahrain on 6 March 1999. This was followed by an initiative from His Majesty the King on December 16, 2000 to put in place the National Action Charter project, to be a covenant document and a pillar of a new social decade in the kingdom. On 14<sup>th</sup> and 15<sup>th</sup> February 2001, The Bahraini People voted in favor of the National Charter with overwhelming result of 98.4%.

The Charter sets out the main principles, foundations and objectives of the reform project of His Majesty the King, which deals with; the basic introductions of Bahraini society; the objectives of governance and its foundation; fundamental rights and freedoms of the citizen of Bahrain; the foundations that family, community and civil society organizations are based on; education, culture and science; finally, confirming work as a right and an obligation.

The Charter is considered as the General frame of the reform project of His Majesty, which includes the most important documents of the fundamental reform of the Constitution of the Kingdom of Bahrain, and also the Economic Vision of 2030 that outlines the features of the next stage and what it has for renaissance and comprehensive reform process in various fields. From this point of view, an order was

**In the name of God, the Merciful, the Compassionate  
We, Hamed Bin Isa Al Khalifa, Amir of the State of  
Bahrain  
By virtue of the provisions of the National Action  
Charter which endorsed overwhelmingly in referendum**

**by the people of Bahrain,  
Having examined the Constitution,**

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issued by the Amiri Decree No. 17 for the year 2001 to ratify the National Action Charter.

Since, In order to start working on the aforementioned principles in the Charter, the existing constitution needs to be amended to fit the great objectives came in the Charter, His Majesty the King entrusted to an advisory technical committee by the Decree No. 5 of 2001 to draft the constitutional amendments and based on the proposal of the Chairman of the Committee to amending some provisions of the Constitution, his Majesty the King, Issued the Constitution of the Kingdom of Bahrain for the year 2002 on 14 February 2002, and it was published in the Official Gazette Supplement No (2517) which issued on 14 February 2002.

In 2011, the national consensus dialogue initiative originated according to the invitation of His Majesty the King in order to achieve harmony and national reconciliation and to reach common denominators to achieve the Bahraini people's hopes of peace and justice. It was held from 2 - 25<sup>th</sup> July, 2011, and was attended by 330 of the different spectrums of the Bahraini society, resulted in a "visual dialogue of national consensus," that was formed in its final report and was submitted to His Majesty the King on 28<sup>th</sup> July 2011. As a result, the Royal Decree No 12 for the year 2012 was issued to referral the requested constitutional amendments that were based on the outcome of the "visual dialogue of national consensus" to both Nuwab Council and Shura Council on 15<sup>th</sup> January 2012.

On 17<sup>th</sup> January 2012, the Council of Ministers referred to the Nuwab Council the draft amendments of the Kingdom of Bahrain Constitution and the memorandum explanatory, by Royal Decree No 12 for the year 2012. The Nuwab Council, in its turn, studied the amendments and come up with the final version of the amendments and then forwarded it to the Shura Council on 11<sup>th</sup> April 2012, which, in its turn, finished its study on 25<sup>th</sup> April 2012, and sent to the esteemed government to take legal action to publish it.

Consequently, on 3<sup>rd</sup> May 2012, His Majesty King Hamad bin Isa Al Khalifa ratified the amendments of 19 articles of the Constitution of the Kingdom of Bahrain of the year 2002, and the addition of one new article and it was published in the Official Gazette no. (3050) on 3<sup>rd</sup> May 2012.

**The Amiri Order No. (17) of 2001 with respect of the ratification of National Action Charter,  
Upon submission of the chairmen of committee formed by Decree (5) of 2001 for the amendment of certain provisions of the Constitution,  
And after notifying the Council of Ministers,  
HEREBY enacted and assent the amended Constitution as follow:**

**Signed: Hamed Bin Isa Al Khalifa,  
Amir of the State of Bahrain**

**Issued at Rifa'a Place  
On: 2<sup>nd</sup> Du Alhja,1422 Hijra,  
Corresponding to: February 14, 2002**

**In the name of God, the Merciful, the Compassionate  
Constitution of the Kingdom of Bahrain**

In the name of God on high, and with His blessing, and with His help, we Hamad bin Isa Al Khalifa, Sovereign of the Kingdom of Bahrain, in line with our determination, certainty, faith, and awareness of our national, pan-Arab and international responsibilities; and in acknowledgment of our obligations to God, our obligations to the homeland and the citizens, and our commitment to fundamental principles and our responsibility to Mankind,

And in implementation of the popular will expressed in the principles enshrined in the National Action Charter; pursuant to the authority entrusted to us by our great people to amend the Constitution; out of our desire to complete the requirements of the democratic system of Government for our beloved nation; striving for a better future in which the homeland and the citizen will enjoy greater welfare, progress, development, stability and prosperity

through earnest and constructive cooperation between Government and citizens which will remove the obstacles to progress; and out of a conviction that the future and working for the future is what all of us seek in the coming stage; and in view of our belief that such an objective requires the exertion of efforts; and in order to complete the march, we have amended the existing Constitution.

This amendment has taken account of all the lofty values and the great human principles enshrined in the National Action Charter. These values and principles confirm that the people of Bahrain surge ahead in their triumphant march towards a bright future, God willing, a future in which the efforts of all parties and individuals unite, and the authorities in their new garb devote themselves to achieve the hopes and aspirations under his tolerant rule, declaring their adherence to Islam as a faith, a code of laws and a way of life, with their affiliation to the great Arab nation, and their association with the Gulf Cooperation Council now and in the future, and their striving for everything that will achieve justice, good and peace for the whole of Mankind.

The amendments to the Constitution proceed from the premise that the noble people of Bahrain believe that Islam brings salvation in this world and the next, and that Islam means neither inertness nor fanaticism but explicitly states that wisdom is the goal of the believer wherever he finds it he should take it, and that the Qur'an has been remiss in nothing.

In order to achieve this goal, it is essential that we listen and look to the whole of the human heritage in both East and West, adopting that which we consider to be beneficial and suitable and consistent with our religion, values and traditions and is appropriate to our circumstances, in the conviction that social and human systems are not inflexible tools and instruments which can be moved unchanged from place to place, but are messages conveyed to the mind, spirit and conscience of Man and are influenced by his reactions and the circumstances of his society.

Thus these constitutional amendments are representative of the advanced cultural thought of our beloved nation. They base our political system on a constitutional monarchy founded on counsel [shura], which in Islam is the highest model for governance, and on the people's participation in the exercise of power, which is the foundation of modern political thought. The Ruler, with his

perspicacity, chooses certain experienced people to constitute the Consultative Council (Majlis al-Shura), and the aware, free and loyal people choose through elections those who make up the Council of Deputies (Majlis al-Nuwwab), and thus the two Councils together achieve the popular will represented by the National Assembly (Al-Majlis al-Watani).

These constitutional amendments undoubtedly reflect the joint will of the King and the people, and achieve for everyone the lofty ideals and the great humanitarian principles contained in the National Action Charter, and ensure that the people will advance to the highest position for which their ability and preparedness qualifies them, and which accords with the greatness of their history, and allows them to occupy their appropriate place among the civilized nations of the world.

This constitution that we have promulgated contains the amendments that have been carried out in accordance with the provisions of the National Action Charter and that complement all the un-amended texts.

We have attached an explanatory memorandum which will be used to explain its enactment.

## **Chapter I The State**

### **Article 1**

a. The Kingdom of Bahrain is an independent Islamic Arab State, fully sovereign. The people of Bahrain are part of the Arab Nation and whose territory is part of the great Arab homeland. Its sovereignty may not be assigned or any of its territory abandoned.

b. The regime of the Kingdom of Bahrain is a hereditary constitutional monarchy, which has been handed down by the late Sheikh Isa bin Salman Al Khalifa to his eldest son Sheikh Hamad Bin Isa Al Khalifa, the King of Bahrain. Thenceforward it will pass to his eldest son, one generation after another, unless the King in his lifetime appoints a son other than his eldest son as successor, in accordance with the provisions of the Decree on inheritance stated in the following paragraph.

c. All provisions governing inheritance are regulated by a special Royal Decree that will have a constitutional character, and which

can only be amended under the provisions of Article 120 of the Constitution.

d. The system of Government in the Kingdom of Bahrain is democratic, sovereignty being in the hands of the people, the source of all powers. Sovereignty shall be exercised in the manner stated in the present Constitution.

e. Citizens, both men and women, are entitled to participate in public affairs and enjoy their political rights, including the right to vote and the right to contest for elections, in accordance with the present Constitution and the conditions and principles laid down by law. No citizen can be deprived of his right to vote or to contest for elections except by law.

f. The present Constitution may be amended only partly, and in the manner provided herein.

### **Article 2**

The religion of the State is Islam. The Islamic Shari'a is a main source of legislation. The official language of the State is Arabic.

### **Article 3**

The State flag, emblem, logos, honours and national anthem are laid down by law.

## **Chapter II Basic Constituents of Society**

### **Article 4**

Justice is the basis of Government. Cooperation and mutual respect provide a firm bond between citizens. Liberty, equality, security, trust, knowledge, social solidarity and equality of opportunity for citizens are pillars of society guaranteed by the State.

### **Article 5**

a. The family is the corner - stone of society, deriving its strength from religion, morality and patriotism. The law preserves its lawful entity, strengthens its bonds and values, under its aegis extends



protection to mothers and children, tends the young and protects them from exploitation and safeguards them against moral, bodily and spiritual neglect. The State cares in particular for the physical, moral and intellectual development of the young.

b. The State guarantees reconciling the duties of women towards the family with their work in society, and their equality with men in political, social, cultural, and economic spheres without breaching the provisions of Islamic canon law (Shari'a).

c. The State guarantees the requisite social security for its citizens in old age, sickness, disability, orphanhood, widowhood or unemployment, and also provides them with social insurance and healthcare services. It strives to safeguard them against ignorance, fear and poverty.

d. Inheritance is a guaranteed right governed by the Islamic Shari'a.

### **Article 6**

The State safeguards the Arab and Islamic heritage. It contributes to the advancement of human civilization and strives to strengthen the bonds between the Islamic countries, and to achieve the aspirations of the Arab nation for unity and progress.

### **Article 7**

a. The State sponsors the sciences, humanities and the arts, and encourages scientific research. The State also guarantees educational and cultural services to its citizens. Education is compulsory and free in the early stages as specified and provided by law. The necessary plan to combat illiteracy is laid down by law.

b. The law regulates care for religious and national instruction in the various stages and forms of education, and at all stages is concerned to develop the citizen's personality and his pride in his Arabism.

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

d. The State guarantees the inviolability of the places of learning.

## Article 8

- a. Every citizen is entitled to health care. The State cares for public health and the State ensures the means of prevention and treatment by establishing a variety of hospitals and healthcare institutions.
- b. Individuals and bodies may establish private hospitals, clinics or treatment centers under the supervision of the State and in accordance with the law.

## Article 9

- a. Ownership, capital and work in accordance with the principles of Islamic justice are basic constituents of the social entity of the State and the national wealth, and are all individual rights with a social function regulated by law.
- b. Public property is inviolable, and its protection is the duty of every citizen.
- c. Private ownership is protected. No one shall be prevented from disposing of his property except within the limits of the law. No one shall be dispossessed of his property except for the public benefit in the cases specified and the manner stated by law and provided that he is fairly compensated.
- d. General confiscation of the property of any person shall be prohibited, and confiscation of particular property as a penalty may not be inflicted except by court judgment in the cases prescribed by law.
- e. The relationship between the owners of land and real estate and their tenants shall be regulated by law on economic principles while observing social justice.
- f. The State shall endeavour to provide housing for citizens with limited income.
- g. The State shall make the necessary arrangements to ensure the exploitation of land suitable for productive farming, and shall strive to raise the standards of farmers. The law stipulates how small farmers are to be helped and how they can own their land.
- h. The State shall take the necessary measures for the protection of the environment and the conservation of wildlife.

## **Article 10**

- a. The national economy is based on social justice, and it is strengthened by fair cooperation between public and private sectors. Its objective, within the limits of the law, is economic development according to a well-ordered plan and achievement of prosperity for the citizens, all within the bounds of the law.
- b. The State endeavours to achieve the economic union of the Gulf Cooperation Council states and the states of the Arab League, and everything that leads to rapprochement, cooperation, coordination and mutual assistance among them.

## **Article 11**

All natural resources and its revenues are State property. It shall ensure their preservation and proper exploitation, due regard being given to the requirements of State security and national economy.

## **Article 12**

The State shall ensure the solidarity of society in shouldering burdens resulting from public disasters and ordeals, and compensating any war casualties as a result of performing their military duties.

## **Article 13**

- a. Work is the duty of every citizen, is required by personal dignity and is dictated by the public good. Every citizen has the right to work and to choose the type of work within the bounds of public order and decency.
- b. The State ensures the provision of job opportunities for its citizens and the fairness of work conditions.
- c. There is no forced labour except in the cases specified by law for national exigency and for a fair consideration, or implementing court judgment.
- d. The law regulates the relationship between employees and employers on economic basis while observing social justice.

#### **Article 14**

The State encourages cooperation and saving, and supervises the regulation of credit.

#### **Article 15**

- a. Taxes and public expenditures are based on social justice, and their payment is a duty under the law.
- b. The law regulates exemption of low incomes from taxes in order to ensure that a minimum standard of living is safeguarded.

#### **Article 16**

- a. Public jobs are a national service entrusted to their incumbents, and State employees shall have the public interest in mind when performing their jobs. Foreigners shall not be entrusted with public posts except in those cases specified by law.
- b. Citizens are equal in the assumption of public posts in accordance with the conditions specified by law.

### **Chapter III Public Rights and Duties**

#### **Article 17**

- a. Bahraini nationality shall be determined by law. A person inherently enjoying his Bahraini nationality cannot be deprived of his nationality except in case of treason, and such other cases as prescribed by law.
- b. No Bahraini citizen may be deported from Bahrain or prevented from returning thereto.

#### **Article 18**

People are equal in human dignity, and citizens are equal before the law in public rights and duties. There shall be no

discrimination among them on the basis of sex, origin, language, religion or creed.

### **Article 19**

- a. Personal liberty is guaranteed under the law.
- b. A person cannot be arrested, detained, imprisoned or searched, or his place of residence specified or his freedom of residence or movement restricted, except under the provisions of the law and under judicial supervision.
- c. A person cannot be detained or imprisoned in locations other than those designated in the prison regulations covered by health and social care and subject to control by the judicial authority.
- d. No person shall be subjected to physical or mental torture, or inducement, or degrading treatment, and the penalty for so doing shall be specified by law. Any statement or confession proved to have been made under torture, inducement, or such treatment, or the threat thereof, shall be null and void.

### **Article 20**

- a. No crime and no penalty may be established except by virtue of law, and penalty may be imposed except for offences committed after the relevant law has come into force.
- b. Penalty is personal.
- c. An accused person is presumed innocent until proved guilty in a legal trial in which he is assured of the necessary guarantees to exercise the right of defence at all stages of the investigation and trial in accordance with the law.
- d. It is forbidden to harm an accused person physically or mentally.
- e. Every person accused of an offence must have a lawyer to defend him with his consent.
- f. The right to litigate is guaranteed under the law.

### **Article 21**

The extradition of political refugees is prohibited.

## **Article 22**

Freedom of belief is absolute. The State guarantees the inviolability of worship, and the freedom to perform religious rites and hold religious parades and meetings in accordance with the customs observed in the country.

## **Article 23**

Freedom of opinion and scientific research is guaranteed. Everyone has the right to express his opinion and publish it verbally, in writing or otherwise under the rules and conditions laid down by law, provided that the fundamental beliefs of Islamic doctrine are not infringed, the unity of the people is not prejudiced, and discord or sectarianism is not aroused.

## **Article 24**

With due regard for the provisions of the preceding Article, the freedom of the press, printing and publishing is guaranteed under the rules and conditions stipulated by law.

## **Article 25**

Dwellings are inviolate. They cannot be entered or searched without the permission of their occupants except in circumstances and manner specified by law.

## **Article 26**

The freedom of postal, telegraphic, telephonic and electronic communication is safeguarded and its confidentiality is guaranteed. Communications shall not be censored or their confidentiality breached except in exigencies specified by law and in accordance with procedures and under guarantees prescribed by law.

## **Article 27**

The freedom to form associations and unions on national principles, for lawful objectives and by peaceful means is guaranteed under the rules and conditions stipulated by law, provided that the fundamentals of the religion and public order are not infringed. No one can be forced to join any association or union or to continue as a member.

## **Article 28**

- a. Individuals are entitled to assemble privately without a need for permission or prior notice, and no member of the security forces may attend their private meetings.
- b. Public meetings, demonstrations and gatherings are permitted under the rules and conditions stipulated by law, but the purposes and means of the meeting must be peaceful and must not be prejudicial to public decency.

## **Article 29**

Any individual may address the public authorities in writing over his signature. Group approaches to the authorities may only be made by statutory bodies and corporate persons.

## **Article 30**

- a. Peace is the objective of the State. The safety of the nation is part of the safety of the Arab homeland as a whole, and its defence is a sacred duty of every citizen. Performance of military service is an honour for citizens and is regulated by law.
- b. Only the State may establish the Defence Force, National Guard, and Public Security services. Non-citizens are assigned such tasks only in case of maximum necessity and in the manner prescribed by law.
- c. General or partial mobilisation shall be regulated by law.

## **Article 31**

The public rights and freedoms stated in the present Constitution may only be regulated or limited by or in accordance with the law, and such regulation or limitation may not prejudice the essence of the right or freedom.

## **Chapter IV Public Authorities General Provisions**

### **Article 32**

- a. The system of Government rests on a separation of the legislative, executive and judicial authorities while maintaining cooperation between them in accordance with the provisions of the present Constitution. None of the three authorities may assign all or part of its competence stated in the present Constitution. However, limited legislative delegation for a particular period and specific subject(s) is permissible, whereupon the power shall be exercised in accordance with the provisions of the Delegation Law.
- b. Legislative authority is vested in the King and the National Assembly in accordance with the Constitution. Executive authority is vested in the King together with the Council of Ministers and Ministers, and judicial rulings are issued in his name, the whole being in accordance with the provisions of the Constitution.

### **Section 1 The King**

#### **Article 33**

- a. The King is the Head of the State, and supreme representative of the Nation, and his person is inviolate. He is the loyal protector of the religion and the homeland, and the symbol of national unity.
- b. The King safeguards the legitimacy of the Government and the supremacy of the constitution and the law, and cares for the rights and freedoms of individuals and organisations.



- c. The King exercises his powers directly and through his Ministers. Ministers are jointly answerable to him for general Government policy, and each Minister is answerable for the affairs of his Ministry.
- d. The King appoints and dismisses the Prime Minister by Royal Order, and appoints and dismisses Ministers by Royal Decree as proposed by the Prime Minister.
- e. The Cabinet shall be re-formed as aforementioned in this article at the start of each legislative term of the National Assembly.
- f. The King appoints and dismisses members of the Consultative Council by Royal Order.
- g. The King is the Supreme Commander of the Defence Force. He commands it and charges it with national tasks within the homeland and outside it. The Defence Force is directly linked to the King, and maintains the necessary secrecy in its affairs.
- h. The King chairs the Higher Judicial Council. The King appoints judges by Royal Orders, as proposed by the Higher Judicial Council.
- i. The King awards honours and decorations in accordance with the law.
- j. The King establishes, grants and withdraws civilian and military ranks and other honorary titles by Royal Order, and can delegate others to carry out these functions on his behalf.
- k. The currency is minted in the name of the King in accordance with the law.
- l. On ascending the throne, the King takes the following oath at a special meeting 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 of the nation and the integrity of its territories.”

- m. The Royal Court is attached to the King. A Royal Order shall be issued to regulate it. Its budget and the rules for the budget’s control are set by a special Royal Decree.

#### **Article 34**

- a. In the event of his absence abroad and the inability of the Crown Prince to act for him, the King shall appoint a Deputy by Royal

Order to exercise his powers during his period of absence. This Order may include a special regulation for the exercise of these powers on his behalf or may limit their scope.

b. The conditions and provisions of Paragraph (b) of Article 48 of the present Constitution shall apply to the King's Deputy. If he is a Minister or a member of the Consultative Council or the Council of Deputies, he shall not participate in ministerial or parliamentary business during the period he deputes for the King.

c. Before exercising his powers, the King's Deputy shall take the oath prescribed in the preceding Article, including the phrase: "and I shall be loyal to the King". The oath shall be taken in the National Assembly if in session, and if not it shall be taken before the King. The Crown Prince shall take this oath once, even if he deputes for the King a number of times.

### **Article 35**

a. The King may amend the Constitution, propose laws, and is the authority for their ratification and promulgation.

b. A law shall be deemed ratified and the King shall promulgate it if six months have elapsed from the date on which it was submitted to him by the Consultative Council and Council of Deputies without it being returned to these Councils for reconsideration.

c. With due regard for the provisions pertaining to amendment of the Constitution, if within the interval prescribed in the preceding paragraph the King returns to the Consultative Council and the Council of Deputies for reconsideration the draft of any law by way of a Decree in justification, he shall state whether it should be reconsidered in that same session or the next.

d. If the Consultative Council and the Council of Deputies, or the National Assembly, re-approve the draft by a majority of two thirds of their members, the King shall ratify it, and shall promulgate it within one month of its approval for the second time.

### **Article 36**

a. Aggressive war is forbidden. A defensive war is declared by a Decree which shall be presented to the National Assembly

immediately upon its declaration, for a decision on the conduct of the war.

b. A state of national safety or martial law shall be proclaimed only by Decree. In all cases, martial law cannot be proclaimed for a period exceeding three months. This period may not be renewed except with the consent of the majority of the members of the National Assembly present.

### **Article 37**

The King shall conclude treaties by Decree, and shall communicate them to the Consultative Council and the Council of Deputies forthwith accompanied by the appropriate statement. A treaty shall have the force of law once it has been concluded and ratified and published in the Official Gazette.

However, peace treaties and treaties of alliance, treaties relating to State territory, natural resources, rights of sovereignty, the public and private rights of citizens, treaties pertaining to commerce, shipping and residence, and treaties which involve the State Exchequer in non-budget expenditure or which entail amendment of the laws of Bahrain, must be promulgated by law to be valid.

Under no circumstances may a treaty include secret clauses which conflict with those openly declared.

### **Article 38**

If between the convening of both the Consultative Council and the Council of Deputies sessions, or during the period in which the National Assembly is in recess, should any event occur that requires expediting the adoption of measures that brook no delay, the King may issue relevant Decrees that have the force of law, provided they do not contravene the Constitution.

Such Decrees must be referred to both the Consultative Council and the Council of Deputies within one month from their promulgation if the two Councils are in session, or within a month of the first meeting of each of the two new Councils in the event of dissolution or if the legislative term had ended. If the Decrees are not so referred, their legal force shall abate retrospectively without a need to issue a relevant ruling. If they are referred to the two

Councils but are not confirmed by them their legal force shall also abate retrospectively.

### **Article 39**

a. The King shall put forth the regulations for implementation of the laws, by Decrees which shall not include amendment or suspension of those laws or exemption from their implementation. The law may prescribe a lower instrument than a Decree for promulgation of the regulations necessary for their implementation.

b. The King shall put forth the control regulations and the regulations necessary for the organization of public directorates and departments, by Decrees in a manner which does not conflict with the laws.

### **Article 40**

The King shall appoint and dismiss civil servants, military personnel, and political representatives in foreign States and with international organizations, within the bounds and on the conditions prescribed by law, and shall accredit the representatives of foreign States and organizations.

### **Article 41**

The King may abate or commute a sentence by Decree. A total amnesty may be granted only by law, and shall apply to offences committed before the amnesty was proposed.

### **Article 42 (Amended)**

a. The King shall issue the Orders for elections to the Council of Deputies in accordance with the provisions of the law.

b. The King shall summon the National Assembly to convene by Royal Order, and shall open its proceedings and bring them to a close in accordance with the provisions of the Constitution.

c. The King may dissolve the Council of Deputies by virtue of a decree that prescribes the reasons pertaining thereof, after seeking the opinions of both Presidents of the Council of Deputies and the Consultative Council and the President of the Constitutional Court.

The Council of Deputies may not be dissolved for the same reasons again.<sup>1</sup>

### **Article 43**

The King may conduct a popular referendum on important laws and issues connected with the interests of the State. The issue on which the referendum has been held is considered to have been agreed upon if approved by a majority of those who cast their votes. The result of the referendum shall be binding on all and effective from the date it is declared and it shall be published in the Official Gazette.

## **Section 2 The Executive Authority Council of Ministers-Ministers**

### **Article 44**

The Council of Ministers shall consist of the Prime Minister and a number of Ministers.

### **Article 45**

- a. The incumbent of a Ministry must be a Bahraini, aged not less than thirty (30) years by the Gregorian Calendar and must enjoy full political and civil rights. Unless otherwise provided, the provisions pertaining to Ministers apply also to the Prime Minister.
- b. The salaries of the Prime Minister and Ministers shall be laid down by law.

### **Article 46 (Amended)**

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<sup>1</sup> Amended by the constitutional amendments of 3rd May 2012. (Issued in the Official Gazette No. (3050) of 3<sup>rd</sup> May 2012).

The Prime Minister and the Ministers shall, before assuming their duties, take the oath specified in Article 78 of the present Constitution before the King.

The Prime Minister shall present the Government program to the Council of Deputies within thirty (30) days from the date of being sworn in, or during his first attended meeting if absent. If the majority's members of the Council did not approve the program within thirty days, the Government shall represent the program to the Council after making any amendments it deems appropriate within twenty one (21) days as of the date of rejecting it the first time.

If the Council of Deputies majority of two thirds of its members insists on rejecting the program for a second time during a period not more than twenty one (21) days; the King shall accept the cabinet resignation. If the Council does not approve the new Government program during the said periods and timeline; the King may dissolve the Council, or accept the cabinet resignation and appoints a new cabinet. The Council must issue a resolution accepting or rejecting the program within the stipulated timeline. Upon the lapse of any of the prescribed periods without a resolution from the Council, the governmental program shall be deemed approved.<sup>2</sup>

#### **Article 47**

- a. The Council of Ministers shall oversee State interests, put forth and follow through the implementation of general Government policy, and supervise the course of business in the Government apparatus.
- b. The King shall chair those meetings of the Council of Ministers which he attends.
- c. The Prime Minister shall supervise performance of the tasks of the Council of Ministers and the course of its business, implement its resolutions and coordinate between the various Ministries and integrate their affairs.

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<sup>2</sup> *Ibid.*

d. Relinquishment by the Prime Minister of his position for any reason shall entail removal of all Ministers from their posts.

e. The deliberations of the Council of Ministers shall be confidential. Its resolutions shall be adopted when a majority of its members attend and there is a majority of those attending in favour. In the event of a tied vote, the side on which the Prime Minister's vote is cast shall prevail. The minority shall abide by the opinion of the majority unless they resign. Council resolutions shall be submitted to the King for approval in cases where issue of a relevant Decree is required.

#### **Article 48**

a. Each Minister shall supervise the affairs of his Ministry and implement the general policy of the Government in that Ministry. He shall also decide the orientation of the Ministry and supervise the putting of it into practice.

b. While in charge of his Ministry, a Minister may not assume any other public office, nor may he even indirectly practice a profession or conduct industrial, commercial or financial business, nor may he participate in contracts concluded by the Government or public institutions, or combine his ministerial position with the membership of the board of directors of any company except as a non-remunerated Government representative. Also during this period the Minister may not purchase or rent a State asset even by way of public auction, nor may he lease, sell, or barter any of his assets to the State.

#### **Article 49**

If the Prime Minister or the Minister relinquishes his position for any reason, he shall continue discharging his duties until a successor is appointed.

#### **Article 50**

a. The law shall regulate public institutions and municipal departmental bodies so as to ensure their independence under State direction and supervision. The law shall ensure the municipal

departmental bodies can administer and oversee the services that have a local character and are within their area.

b. The State shall direct public welfare institutions for the public good in a manner consistent with general State policy and the interest of its citizens.

**Section 3**  
**The Legislative Authority**  
**National Assembly**

**Article 51**

The National Assembly consists of two Councils: the Consultative Council and the Council of Deputies.

**Part 1**  
**The Consultative Council**

**Article 52 (Amended)**

The Consultative Council consists of forty members who are duly appointed by virtue of a Royal Order as per the procedures, regulations and parameters set forth by a Royal Order.<sup>3</sup>

**Article 53 (Amended)**

Any member of the Consultative Council must be a Bahraini national; hence must have been neutralized as a Bahraini national for not less than ten years, and does not hold any other nationality except that of a GCC member state provided that the Bahraini nationality is his origin, enjoys all political and civil rights, and his name is included in any of the electoral registers, must not be less than a full thirty five years of age by the Gregorian Calendar on the day of appointment, and must be experienced or have rendered distinguished services to the Nation.<sup>4</sup>

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<sup>3</sup> *Ibid.*

<sup>4</sup> *Ibid.*



## **Article 54**

- a. The term of membership of the Consultative Council is four years, and members may be reappointed when their term has expired.
- b. If for any reason the place of a member of the Consultative Council becomes vacant before his term is due to expire, the King shall appoint a replacement to serve until the end of the term of his predecessor.
- c. Any member of the Consultative Council may ask to be exempted from membership of the Council by applying to the President of the Council, and the President is to submit the request to the King. Membership shall not terminate until the date on which the King accedes to the request.
- d. The King shall appoint the President of the Consultative Council for the same period as the Council, and the Council shall elect two Vice-Presidents for each convening period.

## **Article 55**

The Consultative Council shall meet when the Council of Deputies meets, and the convening period for both Councils shall be the same.

If the Council of Deputies is dissolved, sessions of the Consultative Council shall be halted.

## **Part 2**

### **The Council of Deputies**

#### **Article 56**

The Council of Deputies is composed of forty members elected directly by universal suffrage and secret ballot in accordance with the provisions prescribed by law.

#### **Article 57 (Amended)**

A member of the Council of Deputies must meet the following requirements:

- a. He must be a Bahraini national; who must have been naturalized as a Bahraini national for not less than ten years, and does not hold any other nationality except that of a GCC member state, provided that the Bahraini nationality is his origin, enjoys all political and civil rights, and his name is included in any of the electoral registers.<sup>5</sup>
- b. On the day of his election he must be not less than thirty years of age by the Gregorian Calendar.
- c. He must read and write Arabic fluently.
- d. His membership of the Consultative Council or the Council of Deputies must not have been abrogated by a resolution of the Council to which he belonged due to loss of confidence and esteem or for being in breach of duties of membership. However, a person whose membership has been abrogated may put himself forward

as a candidate if the legislative term during which the resolution to abrogate his membership was taken has elapsed, or if the Council of which he was a member adopts a resolution to cancel the impediment to candidature entailed by abrogation of membership upon expiry of the convening period during which the resolution to abrogate his membership was taken.

### **Article 58**

The term of the Council of Deputies is four calendar years commencing with the day of its first session. Elections for a new Council of Deputies shall be held during the last four months of that term, while observing the provisions of Article 64 of the Constitution. A person whose period of membership has ended may be re-elected.

The King may, when necessary, extend the legislative term of the Council of Deputies by Royal Order for a period not exceeding two years.

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<sup>5</sup> *Ibid.*

## **Article 59 (Amended)<sup>6</sup>**

If for any reason a seat of a member of the Council of Deputies becomes vacant before his term is due to expire, the vacancy is filled by election within two months from the date of announcement of the vacancy by the Council, and the new member shall serve until the end of term of his predecessor.

If the vacancy is caused by the resignation of the member, he may not nominate candidacy to the Council membership in the legislative term during which he resigned.

If the vacancy occurs within the six months that precede the end of the legislative term of the Council, there shall be no election of a replacement member.

## **Article 60**

At its first session the Council of Deputies shall choose from among its members a President and two Vice Presidents for the same duration as the Council's term. If the place of any of them falls vacant, the Council shall choose a replacement to serve out his term.

In all cases election shall be by an absolute majority of those present. If there is no such majority on the first ballot, the election shall be conducted again between the two who secured the most votes. If a third party tied with the second of the two, he shall participate with them both in the election in the second ballot, and in this case the election shall be by proportional majority. If this proportional majority results in a tie, the Council shall choose by lot.

The first session shall be chaired by the eldest member until such time as a President of the Council of Deputies is elected.

## **Article 61**

The Council shall form the committees necessary for its business during the first week of its annual assembly. These committees may exercise their powers while the Council is in recess.

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<sup>6</sup> *Ibid.*

## **Article 62**

The Court of Cassation shall have jurisdiction to rule on challenges relating to elections to the Council of Deputies, in accordance with the relevant law.

## **Article 63**

The Council of Deputies is the competent authority to accept a resignation from its membership. The resignation shall be deemed final only from when the Council decides to accept it, and the place shall become vacant from the date of that acceptance.

## **Article 64**

- a. If the Council of Deputies is dissolved, elections for a new Council of Deputies must be held not later than four months from the date of dissolution. If elections are not held during that period the dissolved Council of Deputies shall regain its full constitutional powers, and meets immediately as though the dissolution never occurred, and shall continue its business until a new Council is elected.
- b. Notwithstanding the preceding paragraph, the King may defer election of the Council of Deputies if there are compelling circumstances whereby the Council of Ministers considers holding elections is not possible.
- c. If the compelling circumstances mentioned in the preceding paragraph continue, the King, taking the opinion of the Council of Ministers, may restore the dissolved Council of Deputies and invite it to convene. This Council of Deputies shall be regarded as extant from the date of promulgation of the Royal Decree restoring it. It shall exercise its full constitutional powers. The provisions of the present Constitution shall apply to it including those pertaining to completion of the Council's term and dissolution. The session the Council holds in such a case shall be regarded as its first session irrespective of the date of its commencement.

## **Article 65 (Amended)<sup>7</sup>**

Upon an application signed by at least five members of the Council of Deputies, any Minister may be questioned about interpellations addressed to him on matters falling within his competence.

Interpellations must be made according to the conditions and procedures prescribed by the Council of Deputies' rules of procedures. Any questioning of a Minister must be conducted within the Council, unless the Council majority decides it must be probed by a specialized committee following at least eight (8) days from its presentation, unless the competent Minister requests the acceleration of questioning.

Interpellations may lead to the matter of confidence in the Minister being put to the Council of Deputies under the provisions of Article (66) of the present Constitution.<sup>7</sup>

## **Article 66**

- a. Each Minister shall be responsible to the Council of Deputies for the affairs of his Ministry.
- b. A question of confidence in a Minister may be put forward only at his own wish or upon an application signed by at least ten members of the Council of Deputies following the debate of the question put to him, and the Council may not give its decision on the application until seven days after its submission.
- c. If the Council of Deputies decides by a majority of two thirds of its members to give a vote of no confidence in a Minister, he shall be regarded as having withdrawn from the Ministry from the date of the no-confidence vote, and he shall submit his resignation forthwith.

## **Article 67 (Amended)**

- a. The subject of confidence in the Prime Minister shall not be raised in the Council of Deputies.

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<sup>7</sup> *Ibid.*

b. If at least ten (10) Council members lodge a substantiated request stating the inability to cooperate with the Prime Minister, hence the Council majority agree to the request; it is thereto referred to the Council's Office to review and is thereto returned within not more than two weeks as of the date the request was made. <sup>8</sup>

c. The Council of Deputies may not issue its resolution of inability to cooperate with the Prime Minister before seven days of referring the request to the Council's office. <sup>8</sup>

d. If the Council of Deputies approved by a majority of two thirds of its members the inability to cooperate with the Prime Minister, the issue is thereto submitted to the King to settle either by relieving the Prime Minister of his duties and form a new cabinet, or dissolving the Council of Deputies. <sup>8</sup>

#### **Article 68 (Amended)<sup>9</sup>**

a. The Council of Deputies may express its wishes to the Government regarding public matters. The Government shall reply in writing to the Council within six months. If the Government is unable to meet these wishes, it shall state to the Council the reasons therefore.

b. Upon an application signed by at least five members of the Council of Deputies, a general issue may be submitted for debate to clarify the Government policy and to exchange opinions thereon as per the controls prescribed by the Council's rules of procedure.

The Council's office shall include the public debate request on its agenda in the first succeeding session to decide upon the issue without discussion.<sup>9</sup>

#### **Article 69**

The Council of Deputies may at any time form commissions of inquiry or delegate one or more of its members to investigate any matter coming within the powers of the Council stated in the Constitution, and the commission or member is to present the findings of the inquiry not later than four months from the date of commencement of the inquiry.

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<sup>8</sup> *Ibid.*

<sup>9</sup> *Ibid.*

Ministers and all State employees are to provide such testimony, documents and statements as are asked of them.

**Part 3**  
**Provisions Common to Both Councils**

**Article 70**

No law shall be promulgated unless approved by both the Consultative Council and the Council of Deputies, or the National Assembly as the situation demands, and ratified by the King.

**Article 71**

The National Assembly shall convene on the second Saturday in the month of October unless the King decides to invite it to convene before this date. If that day is an official holiday, it shall convene on the first working day following that holiday.

**Article 72**

The normal convening period for both the Consultative Council and the Council of Deputies shall last for at least seven months, and this convening period may not be closed before the budget is approved.

**Article 73**

As an exception to the provisions of the two foregoing Articles, the National Assembly shall convene on the day following the expiry of one month from the date of appointment of the Consultative Council or election of the Council of Deputies whichever occurs later, unless the King decides to invite it to convene before that date.

If the date of convening the National Assembly in that period is later than the annual date prescribed in Article 71 of the Constitution, the convening period prescribed in Article 72 of the Constitution shall be reduced by the amount of the difference between the two aforementioned dates.

#### **Article 74**

The King shall inaugurate the ordinary convening period of the National Assembly with a Royal address. He may delegate the Crown Prince or whomever he decides to inaugurate the convening period and deliver the Royal address on his behalf. Each of the two Councils shall choose a committee from among its members to prepare the draft reply to the address, and each Council shall submit its reply to the King after it is approved.

#### **Article 75**

Both the Consultative Council and the Council of Deputies shall be called, by Royal Decree, to meet in extraordinary session if the King deems it necessary, or if so requested by a majority of members of either Council.

When in extraordinary session the two Councils may not consider matters other than those for which it has been called to convene.

#### **Article 76**

The King may by Royal Order adjourn the ordinary and extraordinary sessions.

#### **Article 77**

Any meeting of the Consultative Council or the Council of Deputies which is not held at the prescribed time and place shall be null and void and resolutions taken thereat shall be invalid.

#### **Article 78**



Every member of the Consultative Council and the Council of Deputies shall take an oath in public session, prior to pursuing their work in the Council or its committees, as following: "I swear by Almighty God to be faithful to the country and to the King, 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 k honestly and truthfully."

#### **Article 79**

Sessions of the Consultative Council and the Council of Deputies shall be open to the public. They may be held in secret at the request of the Government, the President of the Council, or ten members, and the request shall be debated in secret session.

#### **Article 80**

For a meeting of either the Consultative Council or the Council of Deputies to be valid, a quorum of more than half the members of each Council must be present. Resolutions shall be taken on an absolute majority of members present, except in cases where a special majority is stipulated. In the event of a tied vote, the matter shall be decided in favour of the side that includes the President of the Council. If the voting relates to the Constitution, voting shall be conducted by calling upon members by name.

If there is a lack of quorum for either Council to convene on two successive occasions, the meeting of the Council shall be deemed valid provided that the number of members attending is not less than one quarter of the Council's members.

#### **Article 81**

The Prime Minister shall present draft laws to the Council of Deputies, which is entitled to pass, amend or reject the draft law. In all cases the draft law shall be referred to the Consultative Council, which is entitled to pass, amend or reject the draft law or to accept any amendments which the Council of Deputies had introduced to the draft law, or had rejected or amended them. However, priority of debate shall always be given to draft laws and proposals put forward by the Government.

## **Article 82**

If the Consultative Council does not approve a draft law passed by the Council of Deputies, whether the Consultative Council's resolution involves rejection, amendment, deletion or addition, the President of the Council shall return it to the Council of Deputies for reconsideration.

## **Article 83 (Amended) <sup>10</sup>**

If the Council of Deputies accepts a draft law as submitted by the Consultative Council, the President of the Council of Deputies shall refer the draft law to the Prime Minister within no more than two weeks for purposes of submitting it to the King.

## **Article 84**

The Council of Deputies may reject any amendment made to a draft law by the Consultative Council, and may insist on its previous decision without introducing any new amendments to the draft law. In such a case the draft law shall be returned to the Consultative Council for reconsideration. The Consultative Council may accept the resolution of the Council of Deputies or insist on its previous decision.

## **Article 85 (Amended)<sup>11</sup>**

If both Councils disagree on any draft law twice, the National Assembly shall convene under the chairmanship of the President of the Council of Deputies to discuss the disputed articles thereof. For the draft law to be accepted, the National Assembly must issue a resolution approved by the majority of attending members. If the draft law is rejected as such; it shall not be submitted to the National Assembly again in the same convening period.

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<sup>10</sup> *Ibid.*

<sup>11</sup> *Ibid.*

## **Article 86 (Amended)<sup>12</sup>**

In all cases where a draft law is approved, the President of the Council of Deputies shall submit it within not more than two weeks to the Prime Minister to present the draft law to the King.<sup>12</sup>

## **Article 87**

Every draft law that regulates economic or financial matters, and the Government requests its urgent consideration, shall first be submitted to the Council of Deputies so that it takes a resolution on it within fifteen days. When that period elapses, the draft law is presented to the Consultative Council with the opinion of the Council of Deputies if there is such an opinion, so that the Consultative Council decides on it within a further period of fifteen days. If the two Councils should disagree on the draft law in question, the matter is referred to the National Assembly for a vote on it within fifteen days. If the National Assembly does not reach a resolution on it within that period, the King may issue the draft law as a Decree that has the force of law.

## **Article 88 (Amended)<sup>13</sup>**

The Prime Minister may deliver a statement before either the Council of Deputies or the Consultative Council, or any of their competent committees pertinent to a matter within his competence. The Prime Minister may delegate any Minister to do so. The Council or Committee may discuss the statement and make notes therein.<sup>13</sup>

## **Article 89**

a. A member of either the Consultative Council or the Council of Deputies represents the people and cares for public interest. He shall not come under the sway of any authority in his work in either Council or its committees.

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<sup>12</sup> *Ibid.*

<sup>13</sup> *Ibid.*

b. No member of the Consultative Council or the Council of Deputies shall be called to account for expressing his opinions or ideas in the Council or its committees unless the opinion expressed is prejudicial to the fundamentals of the religion or the unity of the nation, or the mandatory respect for the King, or is defamatory of the personal life of any person.

c. Other than in a case of *flagrante delicto*, it shall be impermissible during the convening period for any detention, investigation, search, arrest or custodial procedures or any other penal action to be taken against a member except with the permission of the Council of which he is a member. Outside the convening period, permission must be sought from the President of the relevant Council.

The non-issue of a resolution by the Council or its President on the permission which is being sought within one month from the date of receipt of the request shall be regarded as permission.

The Council must be informed of any measures which may be taken under the preceding paragraph while it is convened, and it must invariably be informed at its first session of any action taken against a member during the Council's annual recess.

### **Article 90**

The King may by Royal Order postpone the convening of the National Assembly for not more than two months, and such postponement shall not be repeated more than once in any one convening period. The period of postponement shall not be counted within the convening period provided by Article 72 of the present Constitution.

### **Article 91 (Amended)**

Any member of the Council of Deputies may address the Ministers with written questions to clarify any issues pertinent to their jurisdiction. Only the questioning member has a right to comment once on the Minister reply. If the Minister adds new information, the Council member right to comment is renewed thereof.<sup>14</sup>

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<sup>14</sup> *Ibid.*

The question may not relate to an interest of the questioner or his relatives to the fourth degree, or be made by proxy.

### **Article 92 (Amended)**

a. Any fifteen (15) members of either the Council of Deputies or Consultative Council have the right to propose a constitutional amendment. Any member of either Council is entitled to propose laws; each proposal is referred to the specialized committee of the Council where the law was proposed to express its opinion. If the Council accepts the proposal, it is referred to the Government to formulate it as a draft amendment of the Constitution or as a draft law and present it to the Council of Deputies within six months at the most from the date of referral thereto.<sup>15</sup>

b. Any proposal for a law which has been presented in accordance with the preceding paragraph and rejected by the Council to which it was presented may not be re-represented during the same convening period.

### **Article 93**

The Prime Minister and Ministers may attend sessions of the Consultative Council and Council of Deputies, and both Councils shall listen to the Prime Minister and Ministers whenever they ask to speak. They may co-opt such senior officials or their Deputies as they wish.

A Council may require the competent Minister to attend when a matter relating to his Ministry is being debated.

### **Article 94**

a. The regulations for the course of business in both the Consultative Council and the Council of Deputies and their committees, and the principles governing debate, voting, questioning, cross-examination and all the powers prescribed in the Constitution shall be prescribed by law, and similarly the penalties for a member being in breach of the regulations or failing to attend Council or committee sessions without acceptable excuse.

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<sup>15</sup> *Ibid.*

b. Each Council may add to the law that regulates it such supplementary provisions as it sees fit.

#### **Article 95**

Maintenance of order within the Consultative Council and Council of Deputies is a matter for its President. Guards shall be allocated to each Council and they will receive their orders from the Council's President.

No armed force may enter either Council of the National Assembly or remain in the vicinity of its doors unless so requested by its President.

#### **Article 96**

The remuneration of members of the Consultative Council and Council of Deputies shall be laid down by law. If this remuneration is amended, such amendment shall not take effect until the start of the next legislative term.

#### **Article 97**

Membership of the Consultative Council and Council of Deputies may not be combined, nor may membership of either Council be combined with the assumption of public office.

Other cases of non-combination shall be prescribed by law.

#### **Article 98**

During his period of membership a member of the Consultative Council or the Council of Deputies may not be appointed to the board of directors of a company or participate in contracts concluded by the Government or public institutions except in those cases prescribed by law.

Nor during that period may he purchase or rent a State asset, or lease, sell or barter any of his assets to the State, unless by way of public auction or invitation to tender or application of the regulations governing expropriation in the public interest.

### **Article 99**

If a state of incompetence arises with respect to a member of Consultative Council and Council of Deputies during his membership, his membership shall be abrogated, and his place become vacant on a resolution taken by two thirds of the members of the Council of which he is a member. The membership of a member of the Consultative Council or Council of Deputies may also be abrogated for loss of confidence or esteem or for being in breach of the duties of membership. A resolution to abrogate membership must secure a two thirds majority of the members of the Council of which he is a member. If taken by the Consultative Council, the resolution shall be submitted to the King for approval.

### **Article 100**

Members of the Consultative Council and Council of Deputies shall not be awarded medals or decorations during their term of membership.

## **Part 4**

### **Provisions on the Convening of the National Assembly**

### **Article 101**

In addition to the occasions when both Councils of Consultative Council and Council of Deputies, that is the National Assembly, convene as a congress under the Constitution, the King may call such a meeting of his own initiative or at the request of the Prime Minister.

### **Article 102 (Amended)<sup>16</sup>**

The National Assembly meeting shall be chaired by the President of the Council of Deputies and in his absence, by the President of

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<sup>16</sup> *Ibid.*

the Consultative Council followed by the First Vice-President of the Council of Deputies, followed by the First Vice-President of the Consultative Council.<sup>16</sup>

### **Article 103 (Amended)<sup>17</sup>**

In other cases where the constitution stipulates a special majority, the National Assembly meeting shall not be deemed legal without the attendance of the majority of members from each Council. If a quorum was not attained twice consecutively, the meeting is thereto regarded correct provided that the number of present members from each Council is not less than a quarter of its members. Resolutions are adopted by vote of the majority of present members; and when the votes are equal, the voting side supported by the presiding President shall prevail.<sup>17</sup>

## **Section 4 The Judicial Authority**

### **Article 104**

- a. The honour of the judiciary, and the probity and impartiality of judges, is the basis of Government and the guarantee of rights and freedoms.
- b. No authority shall prevail over the judgment of a judge, and under no circumstances may the course of justice be interfered with. The law guarantees the independence of the judiciary, and the law shall stipulate the guarantees of judges and the provisions pertaining to them.
- c. The law shall stipulate the provisions pertaining to the Public Prosecution Office, the tasks of the office for delivery of formal legal opinions, the preparation of legislation, State representation before the law, and personnel employed on such matters.
- d. The provisions governing advocacy shall be regulated by law.

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<sup>17</sup> *Ibid.*



## **Article 105**

- a. The various types and degrees of the courts shall be regulated by law, and the law shall state their functions and jurisdiction.
- b. The jurisdiction of military courts shall be confined to military offences committed by members of the Defence Force, the National Guard, and the Security Forces. It does not extend to other persons except when martial law is declared and within the bounds prescribed by law.
- c. Court hearings shall be held in public except in exceptional cases prescribed by law.
- d. A Higher Judicial Council shall be established by law to supervise the smooth running of work in the courts and their supporting organs. The powers of the Higher Judicial Council in the functional affairs of judicial personnel and the Public Prosecution Office shall be prescribed by law.

## **Article 106**

A Constitutional Court shall be established, and shall comprise a President and six members, all of whom are appointed by a Royal Order for a period specified by the law. The court's area of competence is to watch over the constitutionality of laws and statutes.

The law shall state the regulations that ensure that the members of the Court are not liable to dismissal, and specifies the procedures that are followed before the Court. The law shall guarantee the right of the Government, Consultative Council, the Council of Deputies and notable individuals and others to challenge before the Court the constitutionality of laws and statutes. A ruling by the Court that a text in a law or a statute is unconstitutional shall have a direct effect, unless the Court specifies a subsequent date for the purpose. Thus if the Court's rule on unconstitutionality is related to a text in the penal code then the convictions made on the basis of such a text are deemed null and void.

The King may refer to the Court any draft laws before they are adopted to determine the extent of their agreement with the Constitution. The Court's determination is binding on all State authorities and on everyone.

**Chapter V**  
**Financial Affairs**

**Article 107**

- a. Public taxes shall only be established, amended and abolished by law, and persons shall only be exempted from paying them wholly or in part in those cases prescribed by law. A person may only be instructed to pay other taxes, duties and costs within the bounds of the law.
- b. The provisions governing the collection of taxes, duties and other public monies, and the procedures for their disbursement, shall be prescribed by law.
- c. The provisions governing the maintenance and management and the terms for the disposition of State property, and the limits within which any part of such property may be assigned, shall be prescribed by law.

**Article 108**

- a. Public loans shall be contracted by law. The State may lend or guarantee a loan by law within the credit limits prescribed for the purpose in the Budget Law.
- b. Local bodies such as municipalities or public institutions may lend, borrow or guarantee a loan in accordance with the laws relevant to them.

**Article 109 (Amended)**

- a. The financial year shall be prescribed by law.
- b. The Government shall prepare the annual general budget draft law, inclusive of revenues and expenditures. It is thereto submitted to both Councils of Deputies and Consultative within at least two months before the end of the fiscal year. The finance committees of each Council shall convene in a joint meeting to discuss the drafted budget with the Government. Each committee shall submit an independent report at the end of discussions to its respective Council. The draft law shall be submitted to the Council of Deputies for debate and revert it to the Consultative Council for

review, according to the constitutional parameters. Amendments may be made to the draft law in agreement with the Government.<sup>18</sup>

c. Debating the drafted budget shall be according to its index. The budget of two fiscal years at the most may be drawn up; hence no appropriations from the general revenues shall be allocated to any form of expenditure except by law.<sup>18</sup>

d. The State general budget shall be promulgated by law.

e. If the Budget Law is not promulgated before the beginning of the financial year, the previous budget shall be adhered to until the law's promulgation, and revenue shall be collected and expenditure disbursed in accordance with the laws in force at the end of that year.

f. Under no circumstances may the maximum estimates of expenditure stated in the Budget Law and laws in amendment thereof be exceeded.

#### **Article 110**

Any disbursement which is ex-budget or in excess of the budget estimates must be made by operation of law.

#### **Article 111**

a. Particular sums of money may be allocated to more than one financial year by law if the nature of the disbursement so requires. The appropriations for each, as decided by the aforementioned law, shall be tabled in the successive annual budgets of the State.

b. An exceptional budget running for more than one financial year may also be allocated for the disbursement referred to in the preceding paragraph.

#### **Article 112**

The Budget Law may not contain any wording establishing a new tax, increasing an existing tax, or amending an existing law, or avoiding the promulgation of a law on a matter for which the Constitution provides that it shall be regulated by law.

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<sup>18</sup> *Ibid.*

### **Article 113**

The final account of the financial affairs of the State for the year elapsed shall be submitted firstly to the Council of Deputies during the five months following the end of the financial year. It shall be approved by a resolution rendered by both the Consultative Council and Council of Deputies, accompanied by their observations, and shall be published in the Official Gazette.

### **Article 114**

The provisions pertaining to independent public budgets, their appendices, and their final accounts, shall be laid down by law, and they shall be subject to the provisions governing the State budget and its final account. The provisions governing the budgets and final accounts of municipalities and local public institutions shall also be laid down by law.

### **Article 115 (Amended)<sup>19</sup>**

The Government shall submit to both Councils of Deputies and Consultative a statement on the State financial and economic positions, to which the annual general budget draft law is attached; in addition to the implemented measures to carry out the enforced budget appropriations, as well as the impact of the aforementioned on the new draft budget.

### **Article 116**

An Audit Court shall be set up by law, and the law shall guarantee its independence. It shall assist the Government and the Council of Deputies in controlling the collection of State revenues and the disbursement of its expenditure within the budget limits. The

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<sup>19</sup> *Ibid.*

Audit Court shall submit an annual report on its business, with its views, to both the Government and the Council of Deputies.

#### **Article 117**

a. Any commitment to exploit a natural resource or a public utility shall be only by operation of law and for a limited time. The preliminary procedures shall ensure that the search and exploration work are facilitated and that openness and competition are realized.

b. No monopoly may be granted except by law and for a limited period.

#### **Article 118**

Currency and banking as well as weights, measures and standards are regulated by law.

#### **Article 119**

The law shall regulate emoluments, pensions, compensation, relief and remuneration being a charge on the State Treasury.

### **Chapter VI General and Final Provisions**

#### **Article 120 (Amended)**

a. Exception to paragraphs (b, c and d) of Article (35) of the present Constitution, for any provision of the present Constitution to be amended the amendment must be approved by two thirds majority of each Council

members of the Consultative Council and the Council of Deputies, and the amendment must be ratified by the King. If any of the two Councils disapproves the amendment or the proposed text; the National Assembly

shall convene at the attendance of two thirds of its members to discuss the amendments draft. The approval of two thirds of the Assembly is required to validate the amendments draft.<sup>20</sup>

b. If an amendment to the Constitution is refused, it may not be re-submitted earlier than one year from that refusal.

c. It is not permissible to propose an amendment to Article 2 of the present Constitution, and it is not permissible under any circumstances to propose the amendment of the constitutional monarchy and the principle of inherited rule in Bahrain, as well as the bicameral system and the principles of freedom and equality established in the present Constitution.

d. The powers of the King stated in the present Constitution may not be proposed for amendment in an interval during which another person is acting for him.

#### **Article 121**

a. The application of the present Constitution does not breach the treaties and agreements which Bahrain has concluded with states and international organisations.

b. Exception to the provision of the second paragraph of Article 38 of the present Constitution, all laws, laws by Decree, Decrees, statutes, orders, edicts and circulars that have been issued and are in force prior to the first

meeting convened by the National Assembly remain proper and valid, unless amended or rescinded in accordance with the regulations prescribed in the present Constitution.

#### **Article 122**

Laws are published in the Official Gazette within two weeks of their issue, and are enforced one month after the date of their publication, and this period may be shortened or prolonged if the law specifically prescribed it.

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<sup>20</sup> *Ibid.*

### **Article 123**

No provision of the present Constitution may be suspended except during the proclamation of martial law, and within the limits prescribed by the law. It is not permissible under any circumstances to suspend the convening of the Consultative Council or the Council of Deputies during that period or to infringe upon the immunity of their members, or during the proclamation of a state of national safety.

### **Article 124**

The provisions of the laws apply only to what occurs from the date the laws came into force, and have no retroactive effect. The law may state, in articles other than those pertaining to the penal code, that its provisions have a retroactive effect, with the agreement of the majority of the members of both the Consultative Council and the Council of Deputies, or if circumstances require it, the National Assembly.

### **Article 125**

This amended Constitution shall be published in the Official Gazette, and shall be effective from the date of its publication.

**Hamad bin Isa Al Khalifa**  
**King of the Kingdom of Bahrain**