

CONSTITUTION OF KUWAIT



SOUT AL KUWAIT



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CONSTITUTION

IN THE NAME OF ALLAH, THE BENEFICENT, THE
MERCIFUL,
WE, ABDULLA AL-SALEM AL-SABAH,
AMIR OF THE STATE OF KUWAIT,

BEING DESIROUS OF CONSUMMATING THE MEANS OF
DEMOCRATIC RULE FOR OUR DEAR COUNTRY; AND,

HAVING FAITH IN THE ROLE OF THIS COUNTRY IN THE
FURTHERANCE OF ARAB NATIONALISM AND THE
PROMOTION OF WORLD PEACE AND HUMAN
CIVILIZATION.

STRIVING TOWARDS A BETTER FUTURE IN WHICH THE
COUNTRY ENJOYS GREATER PROSPERITY AND HIGHER
INTERNATIONAL STANDING, AND IN WHICH ALSO THE
CITIZENS ARE PROVIDED WITH MORE POLITICAL
FREEDOM, EQUALITY AND SOCIAL JUSTICE; A FUTURE
WHICH UPHOLDS THE TRADITIONS INHERENT IN THE
ARAB NATURE BY ENHANCING THE DIGNITY OF THE
INDIVIDUAL,

SAFEGUARDING PUBLIC INTEREST, AND APPLYING
CONSULTATIVE RULE YET MAINTAINING THE UNITY AND
STABILITY OF THE COUNTRY; AND

HAVING CONSIDERED LAW NUMBER I OF 1962
CONCERNING THE SYSTEM OF GOVERNMENT DURING
THE PERIOD OF TRANSITION; AND,

UPON THE RESOLUTION OF THE CONSTITUENT
ASSEMBLY;

DO HEREBY APPROVE THIS CONSTITUTION AND
PROMULGATE IT.

PART I
THE STATE AND
THE SYSTEM
OF GOVERNMENT

PART I

THE STATE AND THE SYSTEM OF GOVERNMENT

Article 1

Kuwait is an independent sovereign Arab State. Neither its sovereignty nor any part of its territory may be relinquished.

The people of Kuwait is a part of the Arab Nation.

Article 2

The religion of the State is Islam, and the Islamic Sharia shall be a main source of legislation.

Article 3

The official language of the State is Arabic.

Article 4

Kuwait is a hereditary Amirate, the succession to which shall be in the descendants of the late Mubarak al-Subah.

The Heir Apparent shall be designated within one year, at the latest, from the date of accession of the Amir.

His designation shall be effected by an Amiri Order upon the nomination of the Amir and the approval of the National Assembly which shall be signified by a majority vote of its members in a special sitting.

In case no designation is achieved in accordance with the foregoing

procedure, the Amir shall nominate at least three of the descendants of the late Mubarak al-Subah of whom the National Assembly shall pledge allegiance to one as Heir Apparent. The Heir Apparent shall have attained his majority, be of sound mind and a legitimate son of Muslim parents.

A special law promulgated within one year from the date of coming into force of this Constitution shall lay down the other rules of succession in the Amirate. The said law shall be of a constitutional nature and therefore shall be capable of amendment only by the procedure prescribed for amendment of the Constitution.

Article 5

The flag, emblem, badges, decorations and National Anthem of the State shall be specified by law.

Article 6

The system of Government in Kuwait shall be democratic, under which sovereignty resides in the people, the source of all powers. Sovereignty shall be exercised in the manner specified in this Constitution.

PART II
FUNDAMENTAL
CONSTITUENTS
OF THE KUWAIT
SOCIETY

PART II

FUNDAMENTAL CONSTITUENTS OF THE KUWAIT SOCIETY

Article 7

Justice, Liberty and Equality are the pillars of Society; co-operation and mutual help are the firmest bonds between citizens.

Article 8

The State safeguards the pillars of Society and ensures security, tranquility and equal opportunities for citizens.

Article 9

The family is the corner-stone of Society. It is founded on religion, morality and patriotism. Law shall preserve the integrity of the family,

strengthen its ties and protect under its auspices motherhood and childhood.

Article 10

The State cares for the young and protects them from exploitation and from moral, physical and spiritual neglect.

Article 11

The State ensures aid for citizens in old age, sickness or inability to work. It also provides them with services of social security, social aid and medical care.

Article 12

The State safeguards the heritage of Islam and of the Arabs and contributes to the furtherance of

human civilization.

Article 13

Education is a fundamental requisite for the progress of society, assured and promoted by the State.

Article 14

The state shall promote science, letters and the arts and encourage scientific research therein.

Article 15

The State cares for public health and for means of prevention and treatment of diseases and epidemics.

Article 16

Property, capital and work are fundamental constituents of the

social structure of the State and of the national wealth. They are all individual rights with a social function as regulated by law.

Article 17

Public property is inviolable and its protection is the duty of every citizen.

Article 18

Private property is inviolable. No one shall be prevented from disposing of his property except within the limits of law. No property shall be expropriated except for the public benefit in the circumstances and manner specified by law, and on condition that just compensation is paid.

Article 19

General confiscation of the property of any person shall be prohibited. Confiscation of particular property as a penalty may not be inflicted except by a court judgment in the circumstances specified by law.

Article 20

The national economy shall be based on social justice. It is founded on fair co-operation between public and private activities. Its aim shall be economic development, increase of productivity, improvement of the standard of living and achievement of prosperity for citizens, all within the limits of law.

Article 21

Natural resources and all revenues there from are the property of the State. It shall ensure their preservation and proper exploitation due regard being given to the requirements of State security and the national economy.

Article 22

Relations between employers and employees and between landlords and tenants shall be regulated by law on economic principles, due regard being given to the rules of social justice.

Article 23

The state shall encourage both co-operative activities and savings, and supervise the system of credit.

Article 24

Social justice shall be the basis of taxes and public imposts.

Article 25

The state shall ensure the solidarity of society in shouldering burdens resulting from public disasters and calamities and provide compensation for war damages or injuries received by any person as a result of the discharge of his military duties.

Article 26

Public office is a national service entrusted to those who hold it. Public officials, in the exercise of their duties, shall aim at the public interest.

PART III
PUBLIC RIGHTS
AND DUTIES

PART III

PUBLIC RIGHTS AND DUTIES

Article 27

Kuwaiti nationality shall be defined by law. No deprivation or withdrawal of nationality may be effected except within the limits prescribed by law.

Article 28

No Kuwaiti may be deposited from Kuwait or prevented from returning thereto.

Article 29

All people are equal in human dignity, and in public rights and duties before the law, without distinction as to race, origin, language or religion.

Article 30

Personal liberty is guaranteed.

Article 31

No person shall be arrested, detained, 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 provisions of law.

Article 32

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

Article 33

Penalty is personal.

Article 34

An accused person is presumed innocent until proved guilty in a legal trial at which the necessary guarantees for the exercise of the right of defence are secured.

The infliction of physical or moral injury on an accused person is prohibited.

Article 35

Freedom of belief is absolute. The State projects the freedom of Practicing religion in accordance with established customs, provided that it does not conflict with public policy or morals.

Article 36

Freedom of opinion and of scientific research shall be guaranteed. Every person shall have the right to express and propagate his opinion verbally, in writing or otherwise, in accordance with the conditions and procedures specified by law.

Article 37

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

Article 38

Places of residence shall be inviolable. They may not be entered without the permission of their occupants except in the

circumstances and manner
specified by law.

Article 39

Freedom of communication by post,
telegraph and telephone and the
secrecy thereof shall be guaranteed;
accordingly censorship or
communications and disclosure of
their contents shall not be
permitted except in the
circumstances and manner
specified by law.

Article 40

Education is a right for Kuwaitis,
guaranteed for the State in
accordance with law and within the
limits of public policy and morals.
Education in its preliminary stages
shall be compulsory and free in

accordance with law.
Law shall lay down the necessary
plan to eliminate illiteracy.
The State shall devote particular
care to the physical, moral and
mental development of youth.

Article 41

Every Kuwaiti has the right to work
and to choose the type of his work.

Work is a duty of every citizen
necessitated by personal dignity and
public good. The State shall
endeavour to make it available to
citizens and to make its terms
equitable.

Article 42

There shall be no forced labour
except in the cases specified by law

for national emergency and with just remuneration.

Article 43

Freedom to form associations and unions on a national basis and by peaceful means shall be guaranteed in accordance with the conditions and manner specified by law. No one may be compelled to join any association or union.

Article 34

Individuals shall have the right of private assembly without permission or prior notification, and the police may not attend such private meetings.

Public meetings, processions and gatherings shall be permitted in

accordance with the conditions and manner specified by law, provided that their purpose and means are peaceful and not contrary to morals.

Article 45

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

Article 46

Extradition of political refugees is prohibited.

Article 47

National defence is a sacred duty, and military service is an honour for

citizens which shall be regulated by law.

Article 48

Payment of taxes and public imposts is a duty in accordance with law which shall regulate exemption of small incomes from taxes in such a way as to maintain the minimum standard of living.

Article 49

Observance of public order and respect for Public morals are a duty incumbent upon all inhabitants of Kuwait.

PART IV POWERS

CHAPTER I

PART IV

PART IV POWERS

Chapter I General Provisions

Article 50

The system of Government is based on the principle of separation of powers functioning in co-operation with each other in accordance with the provisions of the Constitution.

None of these powers may relinquish all or part of its competence specified in this Constitution.

Article 51

Legislative power shall be vested in the Amir and the National Assembly

in accordance with the Constitution.

Article 52

Executive power shall be vested in the Amir, the Cabinet and the Ministers, in the manner specified by the Constitution.

Article 53

Judicial power shall be vested in the Courts, which shall be exercise it in the name of the Amir within the limits of the Constitution.

Chapter II

The Head of State

Article 54

The Amir is the head of the State. His person shall be immune and inviolable.

Article 55

The Amir shall exercise his powers through his Ministers.

Article 56

The Amir shall, after the traditional consultations, appoint the Prime Minister and relieve him of office.

The Amir shall also appoint Ministers and relieve them of office upon the recommendation of the Prime Minister.

Ministers shall be appointed from amongst the members of the National Assembly and from others.

The number of Ministers in all shall not exceed one-third of the number of the members of the National Assembly.

Article 57

The Cabinet shall be re-constituted in the manner specified in the preceding Article at the beginning of every legislative term of the National Assembly.

Article 58

The Prime Minister and the Ministers shall be collectively responsible to the Amir for the general policy of the State. Every Minister shall also be individually responsible to the Amir for the affairs of his ministry.

Article 59

The Law referred to in Article 4 of this Constitution shall specify the conditions under which the Amir shall exercise his constitutional

powers.

Article 60

Before assuming his powers the Amir 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”.

Article 61

In the vent 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 the said powers on behalf of the Amir, or a limitation of their scope.

Article 62

The Amir's Deputy shall satisfy the qualifications laid down in Article 82 of this Constitution. If he is a Minister or a member of the National Assembly he shall not take part in the ministerial functions or in the work of the Assembly during the period he is acting as Deputy for the Amir.

Article 63

Before assuming his powers the Amir's Deputy shall, at a special sitting of the National Assembly, take the oath mentioned in Article 60 of this Constitution with the following phrase added thereto :

“and be loyal to the Amir.”

In case the National Assembly is not in session, the Oath shall be taken before the Amir.

Article 64

The provisions of Article 131 of this Constitution shall apply to the Amir's Deputy.

Article 65

The Amir shall have the right to

initiate, sanction and promulgate laws. Promulgation of laws shall take place within thirty days from the date of their submission by the National Assembly to the Amir. This period shall be reduced to seven days in case of urgency. Such urgency shall be decided upon by a majority vote of the members constituting the National Assembly.

Official holidays shall not be counted in computing the promulgation period.

If the period of promulgation expires without the Head of State demanding reconsideration, the bill shall be considered as having been sanctioned and shall be promulgated.

Article 66

Reference of a bill for reconsideration shall be by a decree stating the grounds therefor. If the National Assembly confirms the bill by a two-thirds majority vote of its members the Amir shall sanction and promulgate the bill within thirty days from its submission to him. If the bill does not receive the said majority, it shall not be reconsidered during the same session. If the National Assembly, in another session, confirms the same bill by a majority vote of its members, the Amir shall sanction and promulgate the bill as law within thirty days from its submission to him.

Article 67

The Amir is the Supreme

Commander of the Armed Forces.
He appoints and dismisses officers
in accordance with law.

Article 68

The Amir shall declare defensive
war by decree. Offensive war is
prohibited.

Article 69

The Amir shall proclaim Martial Law
in the cases of necessity determined
by law and in accordance with the
procedure specified therein. The
proclamation of Martial Law shall
be by decree. Such decree shall be
referred to the National Assembly
within the fifteen days following its
issue, for a decision on the future
of Martial Law. If the proclamation
takes place during the period the

National Assembly is dissolved it shall be referred to the new Assembly at its first sitting.

Martial Law may not continue unless a decision to that effect is made by a majority vote of the members constituting the Assembly.

In all cases the matter shall be referred to the National Assembly in accordance with the foregoing procedure, every three months.

Article 70

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 law after it is 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, or which involve amendment of the laws of Kuwait; shall come into force only when made by a law.

In no case may treaties include secret provisions contradicting those declared.

Article 71

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 law, provided that they shall not be contrary to the Constitution or to the appropriations included in the budget law.

Such decrees shall be referred to the National Assembly within the fifteen days following their issue if the Assembly is in being. If it is dissolved or its legislative term has expired such decrees shall be referred to the next Assembly at its first sitting. If they are not thus referred they shall retrospectively cease to have the force of law,

without the necessity of any decision to that effect. If they are referred and the Assembly does not confirm them, they shall retrospectively 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 72

The Amir shall, by decree, 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 prescribe a less formal instrument than a decree for the issue of the regulations necessary for its execution.

Article 73

The Amir shall, by decree, issue sanctions and regulations necessary for the organisation of public services and administration, not conflicting with any law.

Article 74

The Amir shall appoint and dismiss civil and military officials and diplomatic representatives to foreign countries in accordance with law. He shall also accept credentials of the representatives of foreign countries.

Article 75

The Amir may, by decree, grant a pardon or commute a sentence. However, general amnesty shall not be granted except by a law and then only in respect of offences

committed prior to the proposal of the amnesty.

Article 76

The Amir shall confer Orders of Honour in accordance with law.

Article 77

Coins shall be minted in the name of the Amir in accordance with law.

Article 78

Upon the accession of the Head of State his annual emoluments shall be fixed by a law for the duration of his reign.

Chapter III

Legislative Power

Article 79

No law may be promulgated unless it has been passed by the National Assembly and sanctioned by the Amir.

Article 80

The National Assembly shall be composed of fifty members elected directly by universal suffrage and secret ballot in accordance with the provisions prescribed by the electoral law.

Ministers who are not elected members of the National Assembly shall be considered ex-officio members thereof.

Article 81

Electoral constituencies shall be determined by law.

Article 82

A member of the National Assembly shall :

Be a Kuwait by origin in accordance with law.

Be qualified as an elector in accordance with the electoral law.

Be not less than thirty calendar years of age on the day of election.

Be able to read and write Arabic well.

Article 83

The term of the National Assembly shall be four calendar years commencing with the day of its first

sitting. Elections for the new Assembly shall take place within the sixty days preceding the expiry of the said term, due regard being given to the provisions of Article 107.

Members whose term of office expires may be re-elected.

The term of the Assembly may not be extended except for necessity in time of war and by a law.

Article 84

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 mandate of the new member shall last until the end of that of his predecessor.

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

Article 85

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

Article 86

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 to be 9 a.m. on the third Saturday of that month. If such day happens to be an official holiday, the Assembly shall meet on the morning of the first day thereafter.

Article 87

Notwithstanding the provisions of the preceding two Articles the Amir shall summon the National Assembly to hold its first meeting within two weeks of 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 following these two weeks, due regard being

given to the relevant provision of the preceding Article.

If the date of the meeting of the Assembly falls after the annual date mentioned in Article 86 of the Constitution, the term of the session specified in Article 85 shall be reduced by the difference between the said two dates.

Article 88

The National Assembly shall, by decree, be called to an extra-ordinary session if the Amir deems it necessary, or upon the demand 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 Cabinet.

Article 89

The Amir shall announce the prorogation of ordinary and extra-ordinary sessions.

Article 90

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

Article 91

Before assuming his duties in the Assembly or in its committees, a member of the National Assembly

shall take the following oath before the Assembly 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, interest and properties of the people and to discharge my duties honestly and truthfully”.

Article 92

The National Assembly shall elect at its first sitting and for the duration of its term a Speaker and Deputy Speaker from amongst its members. If either 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 oldest member shall preside over the first sitting until the President is elected.

Article 93

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 94

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

Article 95

The National Assembly shall decide

upon the validity of the election of its members. No election may be declared invalid except by a majority vote of the members constituting the Assembly. This jurisdiction may, by law, be entrusted to a judicial body.

Article 96

The National Assembly shall be the competent authority to accept resignation of its members.

Article 97

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 votes are equally divided, the

motion shall be deemed to be rejected.

Article 98

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

Article 99

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 upon the answer.

Article 100

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 an interpellation shall not take place until at least eight days have elapsed after its presentation, except in case of urgency and with the consent of the Minister concerned.

Subject to the provisions of Articles 101 and 102 of the Constitution, an interpellation may lead to the question of no-confidence being put to the Assembly.

Article 101

Every Minister shall be responsible to the National Assembly for the affairs of his ministry. 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 immediately submit his formal resignation. The question of confidence in a Minister may not be raised except upon his request or upon a 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.

Withdrawal of confidence from a

Minister shall be by a majority vote of the members constituting the Assembly excluding Ministers. Ministers shall not participate in the vote of confidence.

Article 102

The Prime Minister shall not hold any portfolio; nor shall the question of confidence in him be raised before the National Assembly.

Nevertheless, if the National Assembly decides, in the manner specified in the preceding Article, that it cannot co-operate with the Prime Minister, the matter shall be submitted to the Head of State. In such a case the Amir may either relieve the Prime Minister of office and appoint a new Cabinet or

dissolve the National Assembly.

In the event of dissolution, if the new Assembly decides by the above-mentioned majority vote that it cannot co-operate with the said Prime Minister, he shall be considered to have resigned as from the date of the decision of the Assembly in this respect and a new Cabinet shall be formed.

Article 103

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 104

The Amir shall open the annual

session of the National Assembly whereupon he shall deliver an Amiri Speech reviewing the situation of the country and the 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 105

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 said reply has

been approved by the Assembly, it shall be submitted to the Amir.

Article 106

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. A period of adjournment shall not be counted in computing the duration of the session.

Article 107

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 the new Assembly is elected.

Article 108

A member of the Assembly represents the whole nation. 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.

Article 109

A member of the Assembly shall have the right to initiate bills.

No bill initiated by a member and rejected by the National Assembly may be re-introduced during the same session.

Article 110

A member of the National Assembly shall be free to express, any views or opinions in the Assembly or in its committees. Under no circumstances shall he be held liable in respect thereof.

Article 111

Except in cases of flagrante delicto, no measures of inquiry search, arrest, detention or any other penal measure may be taken against a member while the Assembly is in session, except with the authorization of the Assembly. The Assembly shall be notified of any penal measure that may be taken during its session in accordance with the foregoing provision. The Assembly shall always at its first meeting be notified of any such measure taken against any of its members while it was not sitting. In all cases, 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 given.

Article 112

Upon a request signed by 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 exchanging views thereon. All other members shall also have the right to participate in the discussion.

Article 113

The National Assembly may express to the Government wishes 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 114

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

The assembly shall set up, among its annual standing committees, a special committee to deal

A member of the National Assembly may not interfere with the work of

either the Judicial or the Executive Power.

Article 115

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 may not interfere with the work of either the Judicial or the Executive Power.

Article 116

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 relation to his ministry is order discussion. The Cabinet shall be represented in the sittings of the Assembly by the Prime Minister or by some Ministers.

Article 117

The National Assembly shall lay down its standing orders which shall include the procedure of the Assembly and its committees, and the rules pertaining to discussion, voting, questions, interpellation and all other functions prescribed in the Constitution. The standing orders

shall prescribe the sanctions to be imposed on any member who violates order of absents himself from the meetings of the Assembly or the committees without a legitimate excuse.

Article 118

The maintenance of order in the National Assembly shall be the responsibility of its President. The Assembly shall have a special guard under the authority of the President of the Assembly.

Article 119

The remuneration of the President of the National Assembly, the Deputy President and the Members shall be fixed by law. In the event of a modification of the

said remuneration, such modification shall not take effect until the next legislative term.

Article 120

Membership of the National Assembly shall be incompatible with public office except in the cases where compatibility is permitted in accordance with the Constitution. In such cases the right to the remuneration for membership and the right to the salary of the public office shall not be cumulated.

The law shall specify other cases of incompatibility.

Article 121

During his mandate a member of the

National Assembly shall not be appointed on the board of directors of a company, nor shall he participate in concessions granted by the Government or by public bodies.

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

Article 122

During their mandate, members of the National Assembly with the exception of those occupying a public office not incompatible with the

membership of the National Assembly, may not be awarded decorations.

Chapter IV

The Executive Power

Section I

The Cabinet

Article 123

The Council of Ministers shall have control over the departments of the State. It shall formulate the general policy of the Government, pursue its execution and supervise the conduct of work in Government departments.

Article 124

A law shall determine the remuneration of the Prime Minister

and the Minister.

All other provisions regarding Ministers shall apply to the Prime Minister unless otherwise stated.

Article 125

A Minister shall satisfy the qualifications laid down in Article 82 of this Constitution.

Article 126

Before assuming office the Prime Minister and Ministers shall take before the Amir the Oath specified in Article 91 of this Constitution.

Article 127

The Prime Minister shall preside over the meetings of the Council of Ministers and supervise the

co-ordination of work among the various ministries.

Article 128

Deliberations of the Council of Ministers shall be secret.

Re-solutions 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 Council of Ministers shall be submitted to the Amir for approval in cases where the

issue of a decree is required.

Article 129

The resignation of the Prime Minister or his removal from office shall involve the resignation or removal of all other Ministers.

Article 130

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.

Article 131

While in office, a Minister shall not hold any other public office or practice, even indirectly, any profession or undertake any

industrial, commercial or financial business. Further, 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.

Further, during the said 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 Government.

Article 132

A special law shall define the offences which may be committed by Ministers in the performance of their duties, and shall specify the

procedure for their indictment and trial and the competent authority for the said trial, without affecting the application of other laws to their ordinary acts or offences and to the civil liability arising therefrom.

Article 133

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 Government.

Section II Financial Affairs

Article 134

No general tax may be established, amended or abolished except by a law. No one may be exempted,

wholly or partially, from the payment of such taxes except in the cases specified by law. No one may be required to pay any other tax, fee or imposition except within the limits of law.

Article 135

Law shall prescribe rules for the collection of public funds and the procedure for their expenditure.

Article 136

Public loans shall be concluded by a law. The Government may grant or guarantee a loan by a law, or within the limits of the funds appropriated for the said purpose in the budget.

Article 137

Public institutions and local public

legal entities may grant or guarantee loans in accordance with the law.

Article 138

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 139

The financial year shall be fixed by law.

Article 140

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 financial year.

Article 141

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 law.

Article 142

Law may appropriate specific funds for more than one year if the nature of the expenditure so requires, provided that each budget shall include the funds allocated for that year, or alternatively, an extra-ordinary budget covering more than one financial year shall be drawn up.

Article 143

The budget law may not include any provisions establishing a new tax, increasing an existing tax, amending an existing law, or evading the issue of a special law on a matter in respect of which the Constitution provides that a law should be issued.

Article 144

The budget shall be issued by a law.

Article 145

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

the end of the preceding year.

Article 146

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

Article 147

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

Article 148

Law shall specify the general budgets, both independent and annexed, to which the provisions regarding the budget of the State

shall be applied.

Article 149

The final accounts of the financial administration of the State for the preceding year shall be submitted, within four months following the end of the said year, to the National Assembly for consideration and approval.

Article 150

The Government shall submit to the National Assembly, at least once during each ordinary session, a statement upon the financial position of the State.

Article 151

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 152

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.

Article 153

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

Article 154

Law shall regulate currency and banking and determine standards, weights and measures.

Article 155

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

Article 156

Law shall lay down provisions relating to the budgets and the final accounts of local bodies and authorities which have a public legal personality.

Section III Military Affairs

Article 157

Peace is the aim of the state, and the safeguard of the integrity of the Country, which is part of the integrity of the Greater Arab World, is a trust devolving upon every citizen.

Article 158

Military service shall be regulated by law.

Article 159

The State alone shall establish armed forces and public security bodies, and that in accordance with law.

Article 160

Mobilisation, general or partial, shall be regulated by law.

Article 161

A Supreme Defence Council shall be set up to conduct affairs relating to defence, to the safeguard of the integrity of the Country and to the supervision of the armed forces, in accordance with law.

Chapter V

Judicial Power

Article 162

The honour of the Judiciary and the integrity and impartiality of judges are the bases of rule and a guarantee of rights and liberties.

Article 163

In administering justice judges shall not be subject to any authority. No interference whatsoever shall be allowed with the conduct of justice.

Law shall guarantee the independence of the Judiciary and shall state the guarantees and provisions relating to judges and the conditions of their irremovability.

Article 164

Law shall regulate the Courts of various kinds and degrees and specify their functions and jurisdiction. Except when Martial Law is in force Military Courts shall have jurisdiction only over military offences committed by members of the armed and security forces within the limits specified by law.

Article 165

Sittings of the Courts shall be public save in the exceptional cases prescribed by law.

Article 166

The right of recourse to the Courts is guaranteed to all people. Law shall prescribe the procedure and manner

necessary for the exercise of this right.

Article 167

The Public Prosecution Office shall conduct penal charges on behalf of society. It shall supervise the affairs of judicial police, the enforcement of penal laws, the pursuit of offenders and the execution of judgements.

Law shall regulate this body, lay down its duties, and define the conditions and guarantees for those who assume its functions.

Article 168

The Judiciary shall have a Supreme Council which shall be regulated, and its duties defined, by law.

Article 169

Law shall regulate the settlement of administrative suits by means of a special Chamber or Court, and shall prescribe its organization and the manner of assuming administrative jurisdiction including the power of both nullification and compensation in respect of administrative acts contrary to law.

Article 170

Law shall organize the body which shall render legal advice to ministries and public departments and shall draft bills and regulations. Law shall also regulate the representation of the State and other public bodies before the Courts.

Article 171

A Council of State may be established by a law to assume the functions of administrative jurisdiction, rendering legal advice, and drafting bills and regulations, mentioned in the preceding two Articles.

Article 172

Law shall prescribe the method of resolving conflicts of jurisdiction of judgements between the various kinds of Courts.

Article 173

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.

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 V
GENERAL AND
TRANSITIONAL
PROVISIONS

Article 174

Either the Amir or one-third of the members of the National Assembly shall have the right to propose the revision of this Constitution by amending or deleting one or more of its provisions or by adding new provisions.

If the Amir and the majority of the members constituting the National Assembly approve the principle of revision and its subject matter, the Assembly shall debate the bill article by article. Approval by a two-thirds majority vote of the members constituting the Assembly shall be required for the bill to be passed. The revision shall come into force only after being sanctioned and promulgated by the Amir regardless

of the provisions of Articles 65 and 66 of this Constitution.

If the principle of revision or its subject matter is rejected, it shall not be presented again before the lapse of one year from the rejection.

No amendment to this Constitution may be proposed before the lapse of five years from its coming into force.

Article 175

The provisions relating to the Amiri System in Kuwait and the principles of liberty and equality, provided for in this Constitution, may not be proposed for revision except in relation to the title of the Emirate or to increase the guarantees of liberty

and equality.

Article 176

The powers of the Amir, specified in this Constitution, may not be proposed for revision when a Deputy Amir is acting for him.

Article 177

The application of this Constitution shall not affect treaties and conventions previously concluded by Kuwait with other States and international organizations.

Article 178

Laws shall be published in the Official Gazette within two weeks of their promulgation and shall come into force one month after their publication. The latter period may be

extended or reduced for any law by special provision included in it.

Article 179

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 than penal matters, a law may, with the approval of a majority vote of the members constituting the National Assembly, prescribe otherwise.

Article 180

All provisions of laws, regulations, decrees, 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 181

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 182

This Constitution shall be published in the Official Gazette and shall come into force on the date of the meeting of the National Assembly

which shall not be later than January 1963.

Article 183

Law Number 1 of 1962 concerning the system of Government during the period of transition shall continue to be in force, and the present members of the Constituent Assembly shall continue in the exercise of their duties specified in the said law, until the meeting of the National Assembly.

**His Highness Shaikh Abdulla
Al-Salem Al-Sabah,
AMIR OF THE STATE OF KUWAIT**



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