

Kuwait Constitution

[Preamble]

In the name of Allah, the Beneficent, the Merciful, We11, Abdullah al-Salim al-Sabah, Amir of the State of Kuwait, desiring to use the means of democratic rule for our dear Country; and, having faith in the role of this Country in furthering Arab nationalism and the promotion of world peace and human civilization; and, 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 nation by enhancing the dignity of the individual, safeguarding public interest, and applying consultative rule yet maintaining the unity and stability of the Country; and, I 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 System of Government

Article 1 [Sovereignty, Territorial Integrity]

Kuwait is an Arab State, independent and fully sovereign. 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 [State Religion]

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

Article 3 [Official Language]

The official language of the State is Arabic.

Article 4 [Monarchy]

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

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

(3) 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.

(4) 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-Sabah of whom the National Assembly shall pledge allegiance to one as Heir Apparent.

(5) The Heir Apparent shall have attained his majority, be of sound mind, and a legitimate son of Muslim parents.

(6) 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 [State Symbols]

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

Article 6 [Democracy]

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 Kuwaiti Society

Article 7 [State Goals]

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

Article 8 [Guardian State]

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

Article 9 [Family]

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 support motherhood and childhood.

Article 10 [Youth Protection]

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

Article 11 [Old Age Protection]

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 [Arab Heritage]

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

Article 13 [Education]

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

Article 14 [Science, Arts]

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

Article 15 [Health Care]

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

Article 16 [Property Rights]

Property, capital, and work are fundamental constituents of the social structure of the State and of the national wealth. All of them are individual rights with a social function as regulated by law.

Article 17 [Public Property]

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

Article 18 [Private Property, Inheritance]

(1) Private property is inviolable. No one shall be prevented from disposing of his property except within the limits of the law. No property shall be

expropriated except for the public benefit under the circumstances and in the manner specified bylaw, and on condition that just compensation is paid.

(2) Inheritance is a right governed by the **Islamic Sharia**.

Article 19 [Confiscation]

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

Article 20 [National Economy]

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 the law.

Article 21 [Natural Resources]

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 [Employment, Tenements]

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 [Banking]

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

Article 24 [Taxation]

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

Article 25 [State Burdens]

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]

(1) 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.

(2) Aliens may not hold public offices except in the cases specified by law.

Part III Public Rights and Duties

Article 27 [Nationality]

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

Article 28 [Deportation, Return]

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

Article 29 [Equality, Human Dignity, Personal Liberty]

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

(2) Personal liberty is guaranteed.

Article 30 /{.../}

Article 31 [Arrest, Move, No Torture]

(1) 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 the law.

(2) No person shall be subjected to torture or to degrading treatment.

Article 32 [/Nulla Poena Sine Lege/, Personal Penalty]

(1) 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.

(2) Penalty is personal.

Article 33 /{.../}

Article 34 [Presumption of Innocence, Right to Trial]

(1) 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 defense are secured.

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

Article 35 [Freedom of Religion and Belief]

Freedom of belief is absolute. The State protects 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 Expression]

Freedom of opinion and of scientific research is guaranteed. Every person has 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]

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

Article 38 [Home]

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 and Secrecy of Communication]

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

Article 40 [Compulsory and Free Education]

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

- (2) The law lays down the necessary plan to eliminate illiteracy.
- (3) The State devotes particular care to the physical, moral, and mental development of the youth.

Article 41 [Right and Duty to Work]

- (1) Every Kuwaiti has the right to work and to choose the type of his work.
- (2) Work is a duty of every citizen necessitated by personal dignity and public good. The State shall endeavor to make it available to citizens and to make its terms equitable.

Article 42 [No Forced Labor]

There is no forced labor except in the cases specified by law for national emergency and with just remuneration.

Article 43 [Association]

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

Article 44 [Assembly]

- (1) Individuals have the right of private assembly without permission or prior notification, and the police may not attend such private meetings.
- (2) Public meetings, demonstrations, and gatherings are 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 [Petition]

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

Article 46 [Asylum]

Extradition of political refugees is prohibited.

Article 47 [National Defense, Military Service]

National defense is a sacred duty, and military service is an honor for citizens which shall be regulated by law.

Article 48 [Taxation, Minimum Standard of Living]

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

Article 49 [Public Order, Public Morals]

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

Part IV Powers

Chapter I General Provisions

Article 50 [Separation and Constitutionality of Powers]

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]

The legislative power is vested in the Amir and the National Assembly in accordance with the Constitution.

Article 52 [Executive Power]

The executive power is vested in the Amir, the Cabinet, and the Ministers, in the manner specified by the Constitution.

Article 53 [Judicial Power]

The judicial power is vested in the Courts, which exercise it in the name of the Amir within the limits of the Constitution.

Chapter II The Head of State

Article 54 [Head of State, Immunity, Inviolability]

The Amir is the Head of the State. His person is immune and inviolable.

Article 55 [Government]

The Amir exercises his powers through his Ministers.

Article 56 [Prime Minister]

(1) The Amir, after the traditional consultations, appoints the Prime Minister and relieves him of office. The Amir also appoints Ministers and relieves them of office upon the recommendation of the Prime Minister.

(2) Ministers are appointed from amongst the members of the National Assembly and from others.

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

Article 57 [New Government]

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

Article 58 [Responsibility]

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

Article 59 [Powers of the Amir Specified by Law]

The Law referred to in Article 4 specifies the conditions under which the Amir exercises his constitutional powers.

Article 60 [Oath of the Amir's Office]

Before assuming his powers, the Amir takes 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 [Deputy Amir]

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

Article 62 [Qualification of Deputy Amir]

The Deputy Amir has to satisfy the qualifications laid down in Article 82. If he is a Minister or a member of the National Assembly, he may 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 [Oath of the Deputy Amir's Office]

(1) Before assuming his powers the Deputy Amir, at a special sitting of the National Assembly, takes the oath mentioned in Article 60 with the following phrase added thereto:

/" and be loyal to the Amir."/

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

Article 64 [Incompatibilities of the Deputy Amir]

The provisions of Article 131 apply to the Deputy Amir.

Article 65 [Promulgation of Laws, Initiative of the Amir]

(1) The Amir has the right to initiate, sanction, and promulgate laws. Promulgation of laws takes place within thirty days from the date of their submission by the National Assembly to the Amir. This period is reduced to seven days in case of urgency. Such urgency is decided upon by a majority vote of the members constituting the National Assembly.

(2) Official holidays are not counted in computing the promulgation.

(3) If the period of promulgation expires without the Head of State demanding reconsideration, the bill is considered as having been sanctioned and is promulgated.

Article 66 [Bills]

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

Article 67 [Chief-of-Command]

The Amir is the Supreme Commander of the Armed Forces. He appoints and dismisses officers in accordance with the law.

Article 68 [War]

The Amir declares defensive war by decree. Offensive war is prohibited.

Article 69 [Martial Law]

(1) The Amir proclaims 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 is 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 is referred to the new Assembly at its first sitting.

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

(3) In all cases, the matter is referred to the National Assembly in accordance with the foregoing procedure, every three months.

Article 70 [Treaties]

(1) The Amir concludes treaties by decree and transmits them immediately to the National Assembly with the appropriate statement. A treaty has the force of law after it is signed, ratified, and published in the Official Gazette.

(2) 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 entailing additional expenditure not provided for in the budget, or involving amendment of the laws of Kuwait; shall come into force only when made by a law.

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

Article 71 [Emergency Decrees]

(1) 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 have the force of law, provided that they are not contrary to the Constitution or to the appropriations included in the budget law.

(2) Such decrees are referred to the National Assembly within the fifteen days following their issue if the Assembly is in session. If it is dissolved or its legislative term has expired, such decrees are referred to the next Assembly at its first sitting. If they are not thus referred, they 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 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 there from.

Article 72 [Execution of Laws]

The Amir issues, by decree, 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 [Regulations]

The Amir issues, by decree, regulations for public order and health, and regulations necessary for the organization of public services and administration, not conflicting with any law.

Article 74 [Diplomacy]

(1) The Amir appoints and dismisses civil and military officials and diplomatic representatives to foreign countries in accordance with the law.

(2) He also accepts credentials of the representatives of foreign countries.

Article 75 [Pardon, Amnesty]

(1) The Amir may, by decree, grant a pardon or commute a sentence.

(2) 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 [Orders of Honor]

The Amir confers Orders of Honor in accordance with the law.

Article 77 [Minting Coins]

Coins are minted in the name of the Amir in accordance with the law.

Article 78 [Remuneration of the Amir]

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

Chapter III The National Assembly

Article 79 [Exclusive Legislation]

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

Article 80 [Election, Ministerial Members]

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

(2) Ministers who are not elected members of the National Assembly are considered /ex-officio/ members thereof.

Article 81 [Constituencies]

Electoral constituencies are determined by law.

Article 82 [Qualifications]

A member of the National Assembly shall:

- (a) be a Kuwaiti by origin in accordance with law;
- (b) be qualified as an elector in accordance with the electoral law;
- (c) be not less than thirty calendar years of age on the day of election;
- (d) be able to read and write Arabic well.

Article 83 [Term, Re-election]

(1) The term of the National Assembly is four calendar years commencing with the day of its first sitting. Elections for the new Assembly take place within the sixty days preceding the expiry of the said term, due regard being given to the provisions of Article 107.

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

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

Article 84 [Vacancy]

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

(2) If the vacancy occurs within six months prior to the expiry of the legislative term of the Assembly, no successor is elected.

Article 85 [Annual Ordinary Session]

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

Article 86 [Start of Ordinary Session]

The Assembly starts 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 is deemed to be 9 a.m. on the third Saturday of that month. If such day happens to be an official holiday, the Assembly meets on the morning of the first day thereafter.

Article 87 [First Session]

(1) Notwithstanding the provisions of the preceding two Articles, the Amir summons 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 is 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.

(2) If the date of the meeting of the Assembly falls after the annual date mentioned in Article 86, the term of the session specified in Article 85 is reduced by the difference between the said two dates.

Article 88 [Extraordinary Sessions]

(1) The National Assembly is called by decree to an extraordinary session if the Amir deems it necessary, or upon the demand of the majority of the members of the Assembly.

(2) 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 [Prorogation of Sessions]

The Amir announces the prorogation of ordinary and extraordinary sessions.

Article 90 [Place of Meeting]

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

Article 91 [Oath of Members]

Before assuming his duties in the Assembly or in its committees, a member of the National Assembly must 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, interests, and properties of the people, and to discharge my duties honestly and truthfully."/

Article 92 [President of Assembly]

(1) The National Assembly elects at its first sitting and for the duration of its term a President and a Deputy President from amongst its members. If either office becomes vacant, the Assembly elects a successor for the remainder of its term.

(2) In all cases, election is by an absolute majority vote of the members present. If this majority vote is not attained in the first ballot, another election is 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 is elected. If there is a tie in this last ballot, the choice is by lot.

(3) The oldest member presides over the first sitting until the President is elected.

Article 93 [Committees]

The Assembly forms, 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 [Publicity]

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

Article 95 [Validation of Election]

The National Assembly decides 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 [Resignation of Members]

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

Article 97 [Quorum, Majority]

For a meeting of the National Assembly to be valid, more than half of its members must be present. Resolutions are 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 is rejected.

Article 98 [Government Program]

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

Article 99 [Questioning Government]

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 has the right to comment once upon the answer.

Article 100 [Interpellations]

(1) Every member of the National Assembly may address to the Prime Minister and to Ministers interpellations with regard to matters falling within their competence.

(2) 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.

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

Article 101 [Vote of No-Confidence]

(1) Every Minister is responsible to the National Assembly for the affairs of his ministry. If the Assembly passes a vote of no-confidence against a Minister, he is 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.

(2) Withdrawal of confidence from a Minister is by a majority vote of the members constituting the Assembly excluding Ministers. Ministers do not participate in the vote of confidence.

Article 102 [No-Confidence in Prime Minister]

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

(2) 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 is 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.

(3) 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 [Continuation of Government]

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 [Amiri Speech]

(1) The Amir opens the annual session of the National Assembly whereupon he delivers 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.

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

Article 105 [Response to Amiri Speech]

The National Assembly chooses, 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 is submitted to the Amir.

Article 106 [Adjournment]

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 only once. A period of adjournment is not counted in computing the duration of the session.

Article 107 [Dissolution]

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

(2) In the event of dissolution, elections for the new Assembly are held within a period not exceeding two months from the date of dissolution.

(3) If the elections are not held within the said period, the dissolved Assembly is restored to its full constitutional authority and meets immediately as if the dissolution had not taken place. The Assembly then continues to function until the new Assembly is elected.

(4) A member of the Assembly represents the whole nation. He safeguards the public interest and is not subject to any authority in the discharge of his duties in the Assembly or in its committees.

Article 108 [...]

Article 109 [Member Bills]

(1) A member of the Assembly has the right to initiate bills.

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

Article 110 [Indemnity]

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

Article 111 [Immunity]

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 must be notified of any penal measure that may be taken during its session in accordance with the foregoing provision. The Assembly, at its first meeting, is always 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 is deemed to have been given.

Article 112 [Assembly Discussions]

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 thereof. All other members also have the right to participate in the discussion.

Article 113 [Assembly Requests]

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 therefore. The Assembly may comment once on the Government's statement.

Article 114 [Committees of Inquiry]

The National Assembly at all times has 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.

Article 115 [Petition Committee]

(1) The Assembly sets up, among its annual standing committees, a special committee to deal with petitions and complaints submitted to the Assembly by citizens. The committee seeks explanation thereon from the competent authorities and informs the person concerned of the result.

(2) A member of the National Assembly may not interfere with the work of either the Judicial or the Executive Power.

Article 116 [Governmental Right to Speak]

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

Article 117 [Standing Orders, Duty to Presence]

The National Assembly determines its standing orders which 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 prescribe the sanctions to be imposed on any

member who violates order or absents himself from the meetings of the Assembly or the committees without a legitimate excuse.

Article 118 [Order in the Assembly, No Presence of Forces]

(1) Maintaining order in the National Assembly is the responsibility of its President. The Assembly has a special guard under the authority of the President of the Assembly.

(2) No armed forces may enter the Assembly or be stationed close to its gates unless so requested by the President.

Article 119 [Remuneration]

The remuneration of the President of the National Assembly, the Deputy President, and the Members are fixed by law. In the event of a modification of the said remuneration, such modification may not take effect until the next legislative term.

Article 120 [Incompatibilities]

(1) Membership of the National Assembly is 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 may not be cumulated.

(2) The law specifies other cases of incompatibility.

Article 121 [Economic Incompatibility]

(1) During his mandate, a member of the National Assembly may not be appointed on the board of directors of a company, nor may he participate in concessions granted by the Government or by public bodies.

(2) Further, during the said mandate, he may not buy or rent any property of the State, nor 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 [No Decorations]

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 [Council of Ministers]

The Council of Ministers has control over the departments of the State. It formulates the general policy of the Government, pursues its execution, and supervises the conduct of work in Government departments.

Article 124 [Remuneration of Government]

(1) A law determines the remuneration of the Prime Minister and the Ministers.

(2) All other provisions regarding Ministers apply to the Prime Minister unless otherwise stated.

Article 125 [Qualifications of Ministers]

A Minister has to satisfy the qualifications laid down in Article 82.

Article 126 [Oath of Ministers]

Before assuming office, the Prime Minister and Ministers, before the Amir, take the Oath specified in Article 91.

Article 127 [Supervision by Prime Minister]

The Prime Minister presides over the meetings of the Council of Ministers and supervises the co-ordination of work among the various ministries.

Article 128 [Secrecy, Quorum, Majority, Co-operation, Submission]

(1) Deliberations of the Council of Ministers are secret. Resolutions are 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, that side prevails on which the Prime Minister has voted.

(2) Unless they resign, the minority has to abide by the opinion of the majority.

(3) Resolutions of the Council of Ministers are submitted to the Amir for approval in cases where the issue of a decree is required.

Article 129 [Government Follows Prime Minister]

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

Article 130 [Ministries, Directives]

Every Minister supervises the affairs of his ministry and executes therein the general policy of the Government. He also formulates directives for the ministry and supervises their execution.

Article 131 [Immunities of Ministers]

(1) While in office, a Minister may not hold any other public office or practice, even indirectly, any profession, or undertake any industrial, commercial, or financial business. Furthermore, he may 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.

(2) In addition, during the said period, a Minister may not buy or otherwise acquire any property of the State even by public auction, nor may he let, sell, or switch any of his property to the Government.

Article 132 [Ministerial Offences and Indictment]

A special law defines the offences which may be committed by Ministers in the performance of their duties, and specifies 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 there from.

Article 133 [Self-Government]

The law regulates 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 [Establishing Taxes]

No general tax may be established, amended, or abolished except by a law. No one may be exempted, wholly or partially, from the duty to pay 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 [Funds]

The law prescribes rules for the collection of public funds and the procedure for their expenditure.

Article 136 [Public Loans]

Public loans are 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 [Loans of Self-Governing Bodies]

General and local self-governing bodies may grant or guarantee loans according to law.

Article 138 [State Properties]

The law lays down the 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 [Financial Year]

The financial year is fixed by law.

Article 140 [Annual Budget]

The Government draws up the annual budget, comprising the revenue and expenditure of the State, and submits it to the National Assembly for examination and approval at least two months before the end of each current financial year.

Article 141 [Budget Discussion, Purpose]

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

Article 142 [Specific Funds]

Specific funds may be appropriated by law 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 extraordinary budget covering more than one financial year shall be drawn up.

Article 143 [No Tax Inclusion]

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 [Budget by Law]

The budget shall be issued by a law.

Article 145 [Continuing Budget]

- (1) If the budget law has not been promulgated before the beginning of the financial year, the preceding budget applies until the new one is issued and revenues are collected and disbursements made in accordance with laws in force at the end of the preceding year.
- (2) However, if the National Assembly has approved one or more parts of the new budget, they are put into effect.

Article 146 [Changes of Budget]

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, must be effected by law.

Article 147 [Maximum Expenditure]

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

Article 148 [General Budgets]

The general budgets, both independent and annexed, must be specified by law to which the provisions regarding the budget of the State apply.

Article 149 [Final Accounts]

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

Article 150 [Statement of Government]

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

Article 151 [Audit Commission]

A financial control and audit commission is established by a law, which ensures its independence. The commission is attached to the National Assembly and assists 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 submits to both the Government and the National Assembly an annual report on its activities and its observations.

Article 152 [Natural Resources]

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 facilitate the operations of prospecting and exploring and ensure publicity and competition.

Article 153 [Monopoly]

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

Article 154 [Currency, Banking, Standards]

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

Article 155 [Pensions]

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

Article 156 [Local Budgets]

Provisions relating to the budgets and the final accounts of local bodies and authorities which have a public legal personality are determined by law.

Section III Military Affairs

Article 157 [Peace, State Integrity]

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]

Military service is regulated by law.

Article 159 [Establishment of Armed Forces]

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

Article 160 [Mobilization]

Mobilization, general or partial, are regulated by law.

Article 161 [Supreme Defense Council]

A Supreme Defense Council is set up to conduct affairs relating to defense, to the safeguard of the integrity of the Country, and to the supervision of the armed forces, in accordance with law.

Chapter V The Judicial Power

Article 162 [Impartiality of Judges]

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

Article 163 [Independence of Judiciary]

In administering justice, judges are not subject to any authority. No interference whatsoever is allowed with the conduct of justice. Law guarantees the independence of the Judiciary and states the guarantees and provisions relating to judges and the conditions of their irremovability.

Article 164 [Court System, Military Courts]

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

Article 165 [Publicity of Trials]

Sittings of the Courts are to be public, except for the cases prescribed otherwise by law.

Article 166 [Recourse to the Courts]

The right of recourse to the Courts is guaranteed to all people. Law prescribes the procedure and manner necessary for the exercise of this right.

Article 167 [Public Prosecution]

(1) The Public Prosecution Office conducts penal charges on behalf of society. It supervises the affairs of judicial police, the enforcement of penal laws, the pursuit of offenders, and the execution of judgments. Law regulates this body, lays down its duties, and defines the conditions and guarantees for those who assume its functions.

(2) As an exception, law may entrust to the public security authorities the conduct of prosecutions in misdemeanors in accordance with the manner prescribed by law.

Article 168 [Supreme Council of Judiciary]

The Judiciary has a Supreme Council which is regulated, and its duties defined, by law.

Article 169 [Administrative Jurisdiction]

The law regulates the settlement of administrative suits by means of a special Chamber or Court, and prescribes 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 [Legal Departments]

The law organizes the body which renders legal advice to ministries and public departments and drafts bills and regulations. Law also regulates the representation of the State and other public bodies before the Courts.

Article 171 [Council of State]

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 [Conflicts of Jurisdiction]

The method of resolving conflicts of jurisdiction or of judgments between the various kinds of Courts are prescribed by law.

Article 173 [Constitutional Review]

(1) The law specifies the judicial body competent to deciding disputes relating to the constitutionality of laws and regulations and determines its jurisdiction and procedure.

(2) The law ensures the right of both the Government and the interested parties to challenge the constitutionality of laws and regulations before the said body.

(3) If the said body decides that a law or a regulation is unconstitutional, it is considered null and void.

Part V General and Transitional Provisions

Article 174 [Amendments of the Constitution]

(1) The Amir or one-third of the members of the National Assembly have the right to propose a revision of the Constitution by amending or deleting one or more of its provisions or by adding new provisions.

(2) If the Amir and the majority of the members constituting the National Assembly approve the principle of revision and its subject matter, the Assembly debates the bill article by article. Approval by a two-thirds majority vote of the members constituting the Assembly is required for the bill to be passed. The revision comes into force only after being sanctioned and promulgated by the Amir regardless of the provisions of Articles 65 and 66.

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

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

Article 175 [Limits to Constitutional Amendments]

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 Amirate or to increase the guarantees of liberty and equality.

Article 176 [Powers of the Amir]

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 [Continuation of Treaties]

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

Article 178 [Publication of Laws]

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

Article 179 [Retroactive Laws]

The laws are applicable to that which takes place after the date of their coming into force, and thus have no effect in respect of what 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 [Continuation of Laws]

All provisions of laws, regulations, decrees, orders, and decisions, in effect upon the coming into force of this Constitution, 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 Suspension of Constitution]

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 may the meetings of the National Assembly be suspended, nor shall the immunities of its members be interfered with during such period.

Article 182 [Publication, Enforcement]

This Constitution shall be published in the Official Gazette and comes into force on the date of the meeting of the National Assembly which shall not be later than January 1963.

Article 183 [Continuing Assembly]

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