

**THE CONSTITUTION OF AFGHANISTAN**  
**In the name of God, Most Gracious, Most Merciful**  
**Chapter 5**

**National Assembly**

**Article 81**

The National Assembly of the Islamic Republic of Afghanistan, as the highest legislative organ, shall manifest the will of its people as well as represent the entire nation. Every member of the Assembly, when voting, shall judge according to the general interests as well as the supreme benefits of the people of Afghanistan.

**Article 82**

The National Assembly consists of two houses: House of People and House of Elders.

No individual shall be a member of both houses at the same time.

**Article 83**

Members of the House of People shall be elected by the people through free, general, secret, and direct balloting.

The work period of the House of People shall terminate, after the disclosure of the results of the elections, on the 1st of Saratan of the 5<sup>th</sup> year and the new Parliament shall commence work.

The elections for members of the House of People shall be held 30 to 60 days prior to the expiration of the term of the House of People.

The number of the members of the House of People shall be proportionate to the population of each constituency, not exceeding the maximum of 250 individuals.

Electoral constituencies as well as other related issues shall be determined by the elections law.

The elections law shall adopt measures to attain, through the electorate system, general and fair representation for all the people of the country, and proportionate to the population of every province, on average, at least two females shall be the elected members of the House of People from each province.

#### **Article 84**

Members of the House of Elders shall be elected and appointed as follows:

1. From amongst each provincial council members, one individual shall be elected by the respective council for a 4-year term;
2. From amongst district councils of each province, one individual, elected by the respective councils, for a 3-year term;
3. The remaining one third of the members shall be appointed by the President, for a 5-year term, from amongst experts and experienced personalities, including two members from amongst the impaired and handicapped, as well as two from nomads.

The President shall appoint 50 percent of these individuals from amongst women. The individual selected as a member of the House of Elders shall lose membership to the related Council, and, another individual shall be appointed in accordance with the provisions of the law.

#### **Article 85**

The individual who becomes a candidate or appointed to the membership of the National Assembly, in addition to the completion of the conditions of the election, shall have the following qualifications:

1. Shall be a citizen of Afghanistan or shall have obtained citizenship of the state of Afghanistan at least 10 years prior to candidacy date or appointment;
2. Shall not have been convicted of crimes against humanity, as well as a crime or deprivation from civil rights by a court;
3. Shall have completed 25 years of age on candidacy day for the House of People, and 35 years on candidacy day or appointment for the House of Elders.

#### **Article 86**

Elections credentials of members of the National Assembly shall be reviewed by the Independent Elections Commission in accordance with the provisions of the law.

#### **Article 87**

Each of the two houses of the National Assembly, at the commencement of their work period, shall elect one member as president for the term of the legislature, and two members as first and second deputies and two members as secretary and assistant secretary for a period of 1 year.

These individuals shall form the administrative teams of the House of People as well as House of Elders.

Duties of the administrative teams shall be determined by the Regulations on Internal Duties of each house.

#### **Article 88**

Each of the two houses of the National Assembly shall form commissions to study issues under discussion in accordance with the Regulations of Internal Duties.

#### **Article 89**

The House of People shall have the authority to establish a special commission, on the proposal of one third of its members, to review as well as investigate the actions of the Government.

The composition and method of operation of the aforementioned commission shall be determined by the Regulations on Internal Duties.

#### **Article 90**

The National Assembly shall have the following duties:

1. Ratification, modification or abrogation of laws or legislative decrees;
2. Approval of social, cultural, economic as well as technological development programs;
3. Approval of the state budget as well as permission to obtain or grant loans;
4. Creation, modification and or abrogation of administrative units;
5. Ratification of international treaties and agreements, or abrogation of membership of Afghanistan in them;
6. Other authorities enshrined in this Constitution.

#### **Article 91**

The House of People shall have the following special authorities:

1. Decide about elucidation session from each Minister in accordance with Article 92 of this Constitution;
2. Decide on the development programs as well as the state budget;
3. Approve or reject appointments according to provisions of this Constitution.

#### **Article 92**

The House of People, on the proposal of 20 percent of all its members, shall make inquiries from each Minister.

If the explanations given are not satisfactory, the House of People shall consider the issue of a no-confidence vote.

The no-confidence vote on a Minister shall be explicit, direct, as well as based on convincing reasons. The vote shall be approved by the majority of all members of the House of People.

### **Article 93**

Any commission of both houses of the parliament can question any Minister about special issues.

The individual questioned shall provide an oral or written response.

### **Article 94**

Law shall be what both houses of the National Assembly approve and the President endorses, unless this Constitution states otherwise.

In case the President rejects what the National Assembly has approved, the President shall send it back, within 15 days from the date it was presented, to the House of People mentioning the reasons for rejection, and, with expiration of the period or if the House of People re-approves it with two-thirds of all the votes, the draft shall be considered endorsed and enforceable.

### **Article 95**

The proposal for drafting laws shall be made by the Government or members of the National Assembly or, in the domain of regulating the judiciary, by the Supreme Court, through the Government.

Proposals for drafting the budget and financial affairs laws shall be made only by the Government.

### **Article 96**

If the proposal for drafting a law includes imposition of new taxes or reduction of state incomes, it shall be included in the work agenda of the National Assembly on condition the compensation source shall also be forecasted in the text of the proposal.

### **Article 97**

Proposals for drafting laws shall be first submitted to the House of People by the government.

The House of People shall consider the draft laws, including budgetary and financial affairs as well as the proposal for obtaining or granting loans, and, after debate, either approve or reject as a whole.

The House of People shall not delay more than one month the draft proposal.

The House of People, after approving the proposed draft, shall send it to the House of the Elders.

The House of Elders shall decide on it within 15 days.

In deciding about the proposed laws, the National Assembly shall give priority to treaties and development programs of the state that, according to the proposal of the government, require urgent consideration.

If the proposal for drafting a law is made by ten members of either of the two houses, it shall be, after approval of one fifth of the House where it was initiated, included in the work agenda of that House.

#### **Article 98**

The state budget and development program of the government shall be submitted, through the House of Elders to the House of People along with its advisory views.

The decision of the House of People shall be implemented without presentation to the House of Elders, after endorsement by the President.

If for some reasons the budget is not approved before the beginning of the new fiscal year, the budget of the year before shall be applied pending the passage of the new budget.

The Government shall present during the fourth quarter of the financial year the budget for the next year, with the brief account of the current year budget, to the National Assembly.

The precise account of the previous year financial budget shall be presented to the National Assembly during the next 6 months according to the provisions of the law.

The House of People shall not delay approval of the budget for more than 1 month after receiving it and give permission to obtain or grant loans not included in the budget, for more than 15 days.

If the House of People during this period does not decide on obtaining or granting loans, the proposal shall be considered approved.

#### **Article 99**

If, during the sessions of the National Assembly, the annual budget, or development program, or issues related to national security, territorial integrity and independence of the country is under discussion, the sessions of the Assembly shall not end pending decision of the matter.

#### **Article 100**

If one House rejects decisions of the other, a joint commission comprised of an equal number of members from each House shall be formed to solve the difference.

The decision of the commission, after endorsement by the President, shall be enforced. If the joint commission does not solve the difference, the decision shall be considered rejected. In such situation, the House of People shall pass it with two-thirds majority in its next session.

This decision, without submission to the House of Elders, shall be promulgated once endorsement by the President.

### **Article 101**

No member of the National Assembly shall be legally prosecuted for reasons of voting or views expressed during performance of duty.

### **Article 102**

If a member of the National Assembly is accused of a crime, the responsible official shall inform the House of which the accused is a member, and the accused shall be legally prosecuted.

In case of an evident crime, the responsible official shall legally pursue and arrest the accused without the permission of the House of which the accused is a member.

In both cases, if the legal prosecution requires detention, the responsible official shall immediately inform the respective House and obtain its approval.

If the accusation takes place during an Assembly recess, the permission for arrest or detention shall be obtained from the administrative board of the respective House, and the issue shall be referred to the first session of the aforementioned House for decision.

### **Article 103**

The Ministers can participate in the sessions of either House of the National Assembly. Either House of the National Assembly can demand the participation of the Ministers in its session.

### **Article 104**

Both Houses of the National Assembly shall convene their sessions concurrently, but separately.

Sessions of the two Houses shall be held jointly under the following circumstances:

1. When the legislative term or annual sessions are inaugurated by the President;
2. When deemed necessary by the President.

The President of the House of People shall preside over the joint sessions of the National Assembly.

### **Article 105**

The sessions of the National Assembly shall be open unless the President of the Assembly or at least 10 members of the National Assembly request their secrecy and the Assembly grants their request.

No one shall enter the National Assembly building by force.

### **Article 106**

The quorum for voting of each House of the National Assembly shall be complete with the majority presence of members and decisions shall be taken with the majority of votes of members present, unless this Constitution states otherwise.

#### **Article 107**

The National Assembly shall hold two regular sessions annually.

The term of both regular sessions shall be 9 months every year, and when needed, the Assembly shall extend its term.

Extraordinary sessions of the Assembly during recess shall be convened by Presidential order.

#### **Article 108**

In cases of death, resignation, and dismissal of a member of the National Assembly or disability or handicap, which impedes permanent performance of duty, the placement of the new representative for the remaining period of the legislative term shall be in accordance with provisions of the law.

Matters related to the presence and absence of members of the National Assembly shall be regulated by the Internal Duties Statute.

#### **Article 109**

Proposals for amending elections law shall not be included in the work agenda of the National Assembly during the last year of the legislative term.