



[HeinOnline](#)

Citations:

Bluebook 20th ed.

English translation of the Arabic original text of the Constitution of 1952 as amended to 1960 537 (1952) Part II: Rights and Duties of the Jordanian People

ALWD 6th ed.

Chicago 7th ed.

, "Part II: Rights and Duties of the Jordanian People," The Constitution of the Hashemite Kingdom of Jordan (1960): 537-540

McGill Guide 9th ed.

, "Part II: Rights and Duties of the Jordanian People" [1960] 537.

MLA 8th ed.

"Part II: Rights and Duties of the Jordanian People." The Constitution of the Hashemite Kingdom of Jordan, , 1960, p. 537-540. HeinOnline.

OSCOLA 4th ed.

, 'Part II: Rights and Duties of the Jordanian People' (1960) 537

Provided by:

Harvard Law School Library

-- Your use of this HeinOnline PDF indicates your acceptance of HeinOnline's Terms and Conditions of the license agreement available at

<https://heinonline.org/HOL/License>

-- The search text of this PDF is generated from uncorrected OCR text.

# THE CONSTITUTION of the HASHEMITE KINGDOM OF JORDAN<sup>1</sup>

November 7, 1951

## PART I

### GOVERNMENT AND FORM OF REGIME

1. The Hashemite Kingdom of Jordan is an independent Sovereign State. The Kingdom is indivisible and no part of it may be ceded. The people of Jordan form part of the Arab nation. The form of Government shall be parliamentary with an hereditary monarchy.

2. Islam shall be the religion of the State and Arabic shall be its official language.

3. The city of Amman shall be the capital of the Kingdom. The capital may be transferred to another place by a special law.

4. The Jordan flag shall be of the following form and dimensions:

“Its length shall be double its breadth, and it shall be divided horizontally into three parallel and equal stripes, the uppermost being black, the center white, and the lowest green. It shall have superimposed at the flag-staff end a red triangle, of which the base shall be equal to the breadth of the flag and the height equal to half the length of the flag. In the triangle shall be a white seven-pointed star of such a size that it may be contained within a circle of which the diameter is one-fourteenth the length of the flag and so placed that its centre is at the intersection of the lines bisecting the angles of the triangle, and the axis through one of its points is parallel to the base of the triangle.”

## PART II

### RIGHTS AND DUTIES OF THE JORDANIAN PEOPLE

5. Jordanian nationality shall be defined by law.

6. (i) No discrimination of any kind shall be made before the law

<sup>1</sup> Unofficial English translation printed by Greek Convent Press, Jerusalem. Supplied August 1965 by Ministry of Foreign Affairs. Ed.

between Jordanians in regard to their rights and obligations, on the ground of race, religion or language.

(ii) The Government shall ensure work and education within its possibilities and shall also ensure satisfaction and equal opportunities to all Jordanians.

7. Personal freedom shall be safeguarded.

8. No person shall be detained or imprisoned except in accordance with the provisions of the law.

9. (i) No Jordanian shall be exiled from the territory of the Kingdom:

(ii) No Jordanian shall be prevented from residing anywhere, or shall be obliged to reside in any specified place except in the circumstances prescribed by the law.

10. Dwelling houses shall be respected. No one may enter these houses except in the circumstances and in the manner prescribed by the law.

11. No property may be expropriated except for purposes of public utility and on payment of fair compensation as may be prescribed by the law.

12. No forced loan may be imposed and no property, movable or immovable, may be confiscated except in accordance with the law.

13. No compulsory labor shall be exacted from any person, but exaction or work or service from any person may be applied in circumstances prescribed by law in the case of:

(i) an emergency, that is to say, in the event of war, or the occurrence or threat of fire, flood, famine, earthquake, violent epidemic, invasion of animal, insect or vegetable pest or any other like calamity, or in any other circumstances which would endanger the well-being of the whole or part of the population;

(ii) in conviction by a court, such work or service being carried out under the supervision and control of an official authority, and the person convicted not being hired to, or placed at the disposal of, any private individual, company or association.

14. The State shall ensure the free exercise of all form of worship and religious Rites in accordance with the custom observed in the Kingdom, subject only to the maintenance of public order and morals.

15. (i) Freedom of opinion is safeguarded and every Jordanian is free to express his opinion verbally and in writing and in other forms of expression within the limits of the law.

(ii) The press and forms of publication shall be free within the framework of the law.

(iii) Publication of newspapers may not be suspended, nor may their licence be withdrawn except in accordance with the provisions of the law.

(iv) A limited censorship on newspapers, pamphlets, books and broadcasts affecting the public safety or national defence may be imposed by legislation in the event of a declaration of a state of martial law or an emergency.

(v) The law shall specify the manner of censoring the material for publication in the newspapers.

16. (i) Jordanians shall have the right to hold meetings within the limits of the law.

(ii) Jordanians shall have the right to form societies and political parties provided their objects are lawful, their means are peaceful, and their internal regulations do not contravene the provisions of the Constitution.

(iii) The law shall regulate the manner of forming societies and political parties and controlling their resources.

17. Jordanians are entitled to address the public authorities regarding matters affecting their persons, or concerning public affairs, in such manner and under such conditions as may be prescribed by the law.

18. All postal, telegraphic and telephonic communications shall be treated as secret, and shall not be subject to censorship or to interruption except in the circumstances prescribed by the law.

19. The communities shall have the right to establish and maintain their own schools for the education of their own members while conforming to the general requirements of the law and submitting to Government supervision regarding their curricula and educational policy.

20. Elementary education shall be compulsory for Jordanians and shall be free in government schools.

21. (i) Political refugees shall not be extradited on account of their political principles or for their defence of liberty.

(ii) International agreements and laws shall regulate the procedures for extraditing ordinary criminals.

22. (i) Every Jordanian shall be eligible for appointment to a public office on terms specified in any law or regulation.

(ii) Appointments to a governmental office or to any institution attached to the Government, or to a municipal office, whether such appointment be permanent or not, shall be made on the basis of merit and qualification.

23. (i) Every citizen has the right to work, and it is the duty of the State to provide opportunities for work for Jordanians by directing the national economy and raising its standard.

(ii) The State shall protect labor and legislate for it with the following principles in view:

(a) the workman's pay shall be proportionate to the quantity and quality of work produced;

(b) limiting the number of hours of work per week and the grant to laborers of weekly and yearly holidays with pay;

(c) the fixing of special compensation to workmen supporting families and on account of retrenchment, illness, old-age and emergencies arising out of the nature of the work;

- (d) defining the special conditions for the employment of women and juveniles;
- (e) making factories and workshops subject to health rules;
- (f) the free formation of trade unions within the limits of the law.

### PART III

#### POWERS OF THE STATE - GENERAL PRINCIPLES

24. (i) The people shall be the source of all powers.  
 (ii) The people shall exercise those powers in the form prescribed by the Constitution.
25. The legislative power is vested in the National Assembly and the King. The National Assembly consists of the Senate and of the House of Representatives.
26. The executive power is vested in the King who exercises his powers through his Ministers in accordance with the provisions of this Constitution.
27. The judicial power shall be exercised by the different courts, and all judgments shall be given in accordance with the law and pronounced in the name of the King.

### PART IV

#### THE EXECUTIVE POWER

##### **Section I. The King and His Rights**

28. The Throne of the Hashemite Kingdom devolves by inheritance in the dynasty of King Abdullah Ibn Al Hussein in direct line through his male heirs after him as provided in the following paragraphs:
- (a) The Royal Power is transferred from the King to his eldest son, and thereafter to the eldest son of that son and by similar process thereafter. If the eldest son should die prior to the transfer of the Throne to him, this Power devolves upon his eldest son notwithstanding the existence of brothers of the deceased son.
  - (b) Should the person entitled to the Throne die without heir, this right shall pass to his eldest brother. If he has no elder brothers, then this right shall pass to the elder sons of the other brothers according to their seniority in age.
  - (c) In the absence of brothers and nephews, the right of the Throne shall pass to the uncles on the male side and their descendants in accordance with the order prescribed in paragraph (b) above.
  - (d) Should the last King die without heir in the manner prescribed

above, the Throne devolves upon the person whom the National Assembly chooses from among the descendants of the founder of the Arab Revolt, the late King Hussein Ibn Ali.

(e) No person shall ascend the Throne unless he be sane, a Moslem, and the son of Moslem parents born by a lawful wife.

(f) No person shall ascend the Throne who has been excluded by *Irada* (Royal Decree) from the succession on the ground of unsuitability. Such exclusion shall not of itself include the descendants of such a person.

Such a decree should be signed by the Prime Minister and by at least four other Ministers including the Ministers of Justice and Interior.

(g) The King shall attain his majority upon the completion of his eighteenth year, calculated in accordance with the lunar calendar; and if the Throne is inherited by a minor, the powers of the King shall be exercised by a Regent or by a Council of Regency. Such Regent or Council of Regency may be appointed by *Irada* by the reigning King, but if he dies without making such an appointment, the same shall be made by the Council of Ministers.

(h) In the event of the King being incapacitated by illness from performing his duties, his powers shall be exercised by a Deputy or by a Council of the Throne. Such Deputy or Council of the Throne may be appointed by *Irada* by the King, and if he shall be incapable of so appointing, then by the Council of Ministers.

(i) The King before his departure from the country shall appoint by *Irada* a Deputy or Council of the Throne to exercise his powers during his absence, subject to such conditions as may be therein imposed. If the absence of the King is extended to more than four months, the House of Representatives will be summoned immediately to review the matter if it is not in Session.

(j) A Regent, or Deputy, or member of the Council of Regency or of the Throne shall not act or enter upon his office until he has taken the oath, set out in Article 29 hereof, before the Council of Ministers.

(k) If a Regent, or Deputy, or member of the Council of Regency or of the Throne, shall die or become incapable of acting, the Council of Ministers shall appoint a suitable person to act in his stead.

(l) A Regent, or a Deputy, or a member of the Council of Regency or of the Throne must not be less than thirty lunar years of age, but a male relative of the King who has completed his eighteenth lunar year, may be appointed.

(m) In the event of the King being incapacitated by insanity, the Council of Ministers, on confirmation of this, shall immediately invite the National Assembly to a session. If this illness is definitely confirmed, the National Assembly shall decide on deposing the King and the transfer of the Royal Prerogative to his heir as prescribed in the provisions of

the Constitution. If the House of Representatives should be dissolved at the time, or its period of duration should have ended and no new house been elected, the former house of Representatives shall be invited to meet for this purpose.

29. Upon the accession of the King to the Throne and before the National Assembly which will be convened under the chairmanship of the Senate, the King will take the oath to respect and observe the provisions of the Constitution and be loyal to the nation.

30. The King is the head of the State and shall be immune from all liability or responsibility.

31. The King approves of the laws and promulgates them. He directs the enactment of rules and regulations for the enforcement of these laws, provided that such rules and regulations are not inconsistent with the provisions of these laws.

32. The King is the Supreme Commander of the Navy, Army and Air Force.

33. (i) The King declares war, concludes peace and signs treaties.

(ii) Treaties of peace, alliance, trade, navigation, and treaties involving territorial changes or adversely affecting sovereignty, or incurring financial commitments, or affecting the general or private rights of Jordanians shall not be brought into force unless approved by the National Assembly. In no circumstances shall a secret clause in a treaty be contradictory to its published clauses.

34. (i) The King issues orders for the holding of elections to the House of Representatives in accordance with the provisions of the law.

(ii) The King convenes the House of Representatives, inaugurates it, adjourns it, and prorogues it in accordance with the provisions of the Constitution.

(iii) The King dissolves the House of Representatives.

35. The King appoints the Prime Minister, dismisses him or accepts his resignation from office. Ministers are appointed, dismissed or their resignations accepted by the King on the recommendation of the Prime Minister.

36. The King appoints the President and members of the Senate, and accepts their resignation from office.

37. (i) The King grants and withdraws military and civil ranks. He confers decorations and other honorary distinctions and may delegate this authority by special law.

(ii) Money is minted in the name of the King in the execution of the law.

38. The King may grant a special pardon or remit a sentence. General pardon shall be decided by a special law.

39. No death sentence shall be carried out except after confirmation by the King. Every such sentence shall be passed to him by the Council of Ministers with an expression of their opinion.

40. The King exercises his jurisdiction by *Iradas*. The *Irada* shall be signed by the Prime Minister and the Minister or Ministers concerned. The King expresses his concurrence by putting his signature above the other signatures.

## Section II. Ministers

41. There shall be constituted a Council of Ministers consisting of the Prime Minister, who shall be President, and such number of Ministers as necessity and the public interest may demand.

42. No person shall be appointed to a ministerial office unless he is a Jordanian.

43. The Prime Minister and Ministers shall, before assuming their duties, take the following oath before the King:

“I swear by Almighty God to be loyal to the King, uphold the Constitution, honestly serve the nation and perform the duties entrusted to me.”

44. No Minister shall purchase or hire any Government property even if the sale or hire thereof has been offered in a public auction. He shall have no right, while holding his ministerial post, to become a member of any company or board of directors thereof or participate in any financial act of trade or receive a salary from any company.

45. (i) The Council of Ministers is entrusted with the conduct of all affairs of the State, whether internal or external, other than those which have been entrusted by this Constitution or by any law or regulation enacted thereunder to any other person or body.

(ii) The respective duties of the Prime Minister, of the Ministers and of the Council of Ministers shall be prescribed by regulations made by the said Council and approved by the King.

46. To the Minister shall be assigned the charge of one or more departments in accordance with the provisions of the *Irada* of his appointment.

47. (i) The Minister is responsible for the conduct of all matters pertaining to his Ministry. He shall refer to the Prime Minister any matter not within his powers.

(ii) The Prime Minister shall dispose of all matters within his powers and shall refer other matters to the Council of Ministers for the necessary decisions.

48. Decisions of the Council of Ministers shall be signed by the Prime Minister and members of the said Council and shall be submitted to the King for approval where this Constitution, or any law, or regulation enacted thereunder so requires. Such decisions are implemented by the Prime Minister and each Minister within the limit of his jurisdiction.

49. Oral or written orders of the King shall not release the Ministers from responsibility.



50. In the event of the resignation or the dismissal of the Prime Minister, all Ministers are automatically considered to have been dismissed or to have resigned as the case may be.

51. The Prime Minister together with the Ministers are collectively responsible before the House of Representatives for matters of general policy of the State. In addition each Minister is responsible before the House of Representatives for matters affecting his Ministry.

52. The Prime Minister, or a Minister who is a member either of the House of Representatives or the Senate has the right of voting in his House, and the right of speaking in both House of Representatives and Senate. But the Ministers who are not members of either can speak in both of them without having the right of voting. The Ministers or their deputies in their absence have the right of priority over all members in addressing the House of Representatives and the Senate. A Minister who receives ministerial salary is not entitled to the emoluments for membership of either as well.

53. (i) A vote of confidence in the Council of Ministers or in any one of the Ministers is cast by the House of Representatives.

(ii) If the House of Representatives should withhold confidence in the Council of Ministers by an absolute majority of the members, the Council of Ministers is then bound to tender its resignation.

(iii) When the vote of "no confidence" concerns an individual Minister, he is then bound to resign his office.

54. (i) A session to consider a vote of confidence in the Council of Ministers or any individual Minister will be held either at the request of the Prime Minister or at the signed request of not less than ten members of the House of Representatives.

(ii) The vote of confidence in the Council of Ministers or in any single Minister may be postponed once for a period not exceeding ten days, either upon the request of the Minister concerned, or of the Council of Ministers.

(iii) Every newly formed Council of Ministers shall within one month of its formation, if the House of Representatives should be in session, or within two calendar months if the House is not in session at the time, present to the House of Representatives a statement of its program and ask for a vote of confidence in that program. If the House of Representatives is not in session at the time or dissolved, the speech of the throne shall be considered a statement of its program for the purpose of this clause.

55. Ministers shall be tried by a High Tribunal for offences committed by them in the course of the performance of their duties.

56. The House of Representatives is entitled to impeach Ministers, but a decision of impeachment shall only be made by two thirds of the numbers composing the House. The House of Representatives shall appoint,

from among its members, those persons who shall conduct the impeachment and support it before the special High Tribunal.

57. The High Tribunal for the trial of Ministers shall consist of the president of the highest civil court as President and eight other members—four from among the members of the Senate to be appointed by the Senate by ballot, and four members in order of seniority from the said court. In case of necessity, the number shall be completed from the Presidents of Courts, also by seniority.

58. The High Tribunal shall apply the provisions of the penal code in force in the case of offences specified therein, and shall provide by a special law for the offences resulting from the responsibility of the Ministers in cases where such offences are not included in the penal code.

59. Judgements shall be passed by the High Tribunal by a majority of six votes.

60. The High Tribunal shall lay down its own rules of procedure in trying Ministers until such time as a special law for this purpose is promulgated.

61. The Minister accused by the House of Representatives shall be suspended from work until his case is decided by the High Tribunal. His resignation, however, shall not prevent the taking of criminal proceedings against him, or the continuance of his trial.

## PART V

### THE LEGISLATIVE POWER THE NATIONAL ASSEMBLY

62. The National Assembly shall consist of two Houses—a Senate and a House of Representatives.

#### Section I. The Senate

63. The number of Senators, including the President, shall not exceed one half the number of the members of the House of Representatives.

64. In addition to the requirements stated in Article 75 of this Constitution, a Senator must have completed his fortieth calendar year and must be one of the following:

Present and past Prime Ministers and Ministers, persons who held appointments of Ambassador or Minister Plenipotentiary, Presidents of the House of Representatives, President and members of the Court of Cassation, and of the Civil and Sharia Courts of Appeal, retired officers of the rank of General and above, former Members of the House of Representatives who have been not less than twice elected to that House and

other similar personalities who enjoy the confidence and trust of the people for their services to the nation and country.

65. (i) The period of membership in the Senate is four years. Any Senator who serves his term of membership may be reappointed.

(ii) The period of the President of the Senate is two years and he may be reappointed.

66. (i) The Senate shall meet at the same time as the House of Representatives. The holding of sessions shall be the same for both.

(ii) If the House of Representatives is dissolved, the sessions of the Senate shall be suspended.

## Section II. The House of Representatives

67. The House of Representatives shall consist of members, elected by secret ballot, in a general direct election carried out in accordance with the provisions of the Electoral Law which shall fulfil the following principles:

(i) The validity of the elections.

(ii) The right of candidates to supervise the process of election.

(iii) The punishment of those interfering with the will of the electors.

68. (i) The period of membership in the House of Representatives is four calendar years commencing from the date of the announcement of the result of the general elections in the Official Gazette. The King shall have the power, by the issue of *Irada*, to prolong the term of the House for a period of not less than one year and not exceeding two years.

(ii) A general election shall take place during the four months which precede the end of the term of the House. If for some reason an election is delayed after the termination of the period of the House, that House shall remain in power until the election of a new House.

69. (i) The President of the House shall be elected at the beginning of each ordinary session by secret ballot for a period of one calendar year, and may be re-elected.

(ii) If the House of Representatives should hold an extraordinary session and have no President, the House shall elect a President whose term will end at the beginning of the ordinary session.

70. In addition to the requirements stated in Article 75 of this Constitution, the member of the House of Representatives must have completed his thirtieth calendar year of age.

71. The House of Representatives shall have the right to decide on the validity of the election of its members. Each voter shall have the right to present a petition to the Secretary of the House within 15 days of the announcement of the results of the elections in his area, setting out the legal reasons for invalidating the election. No election shall be considered

invalid unless it has been so decided by a majority of two-thirds of the members.

72. Any member of the House of Representatives may resign his seat by notifying the President of the House of Representatives in writing, and the President shall submit this resignation to the House to decide whether to accept or refuse it.

73. (i) If the House of Representatives is dissolved, a general election shall take place, and the new House shall assemble in extraordinary session not more than four months after the date of the dissolution.

Such session shall be deemed to be an ordinary session as prescribed in Article 78 of this Constitution subject to any prolongation or adjournment thereof.

(ii) In the event of an election not being concluded after the elapse of four months, the dissolved House shall have its full constitutional powers restored and assemble forthwith as if its dissolution had not taken place and shall continue its work until the election of a new House.

(iii) In any event, this session shall be prorogued on the 30th day of September so that the first ordinary session of the House may assemble on the 1st day of October. If such extraordinary session shall be convened in the months of October and November, it shall be regarded as the first ordinary session of the said House of Representatives.

74. If the House of Representatives is dissolved for any reason, the new House shall not be dissolved for the same reason. A minister who intends to nominate himself for the elections shall resign, at least, fifteen days before the beginning of the nomination.

### **Section III. General Provisions for the Senate and House of Representatives**

75. (i) No person shall become a member of the Senate and of the House of Representatives:

- (a) Who is not a Jordanian.
- (b) Who claims foreign nationality or foreign protection.
- (c) Who has been adjudged bankrupt and has not been discharged.
- (d) Who has been interdicted for any reason and the interdiction has not been removed.
- (e) Who has been sentenced for a term of imprisonment exceeding one year for a non-political crime and has not been pardoned.
- (f) Who has a material interest in any contract other than a contract of lease of land and property with a Government department. This does not apply to a member who is a shareholder in a company of more than ten members.
- (g) Who is insane or an imbecile.

(h) Who is related to the King within such degree of consanguinity as shall be prescribed by special law.

(ii) Should any Senator or member of the House of Representatives become disqualified during the term of his membership; or should it appear after the election of that member that he lacks one or more of the qualifications stated in the preceding paragraph, his membership shall, by a resolution of two thirds of the members of the Senate or the House to which he belongs, be considered extinct and vacant. Such a resolution, if passed by the Senate shall be submitted to the King for approval.

76. Subject to the provisions of Article 52 of the Constitution, no person is allowed to be a member of either House of Representatives or Senate and a holder of a public office at one and the same time. Public office means every office whose holder receives his salary from the public funds, and it includes municipal offices. Likewise, no one is allowed to be a member of both House of Representatives and Senate at one and the same time.

77. Subject to the provisions for dissolution contained in this Constitution, the House of Representatives shall hold one ordinary session during each year of its life.

78. (i) The King shall summon the National Assembly to meet for its ordinary session on the first day of October of each year, or if such day is an official holiday, then on the first day following which is not an official holiday; but the King may, by *Irada* published in the Official Gazette, postpone for a period not exceeding two months, the summoning of the Assembly to a date to be fixed by the *Irada*.

(ii) If the National Assembly is not summoned in accordance with the preceding paragraph, it shall assemble of its own accord as if it had been so summoned.

(iii) The ordinary session of the National Assembly shall begin on the date upon which it is summoned to assemble in accordance with the two preceding paragraphs, and shall last for four months unless, the House of Representatives be dissolved by the King before the expiration of that period; the session may be prolonged by the King for a further period not exceeding three months to allow for the despatch of business. At the expiry of the said four months or any such prolongation thereof, the King shall prorogue the Assembly.

79. The King opens the ordinary session of the National Assembly with a Speech from the Throne to both Senate and House of Representatives. He may depute the Prime Minister or one of the Ministers to perform the opening ceremony and deliver the Speech from the Throne. The House of Representatives and the Senate shall each submit a petition which shall include its reply thereto.

80. Every Senator and member of the House of Representatives shall, before taking his seat, take an oath in the presence of his Chamber thus:

"I swear by Almighty God to be loyal to the King and to the country and uphold the Constitution, serve the nation and perform the duties entrusted to me."

81. (i) The King may by *Irada* adjourn the sessions of the National Assembly three times only, or two times only if he shall have postponed the meeting of the National Assembly under paragraph (i) of Article 78, provided that during any one session the period of such postponement shall not exceed two months in the aggregate. In computing the term of the session, the periods covered by any such adjournments shall not be taken into account.

(ii) Each of the Senate or of the House of Representatives may adjourn its session from time to time in conformity with its rules of order.

82. (i) Whenever necessary the King may convene the National Assembly to meet in extraordinary sessions for an unspecified period in each session for the purpose of deciding certain matters specified in the *Irada* when the summons is issued. Each extraordinary session shall be dissolved by *Irada*.

(ii) The King also convenes the National Assembly to meet in extraordinary session at the signed petition of an absolute majority of the members of the House of Representatives specifying the matters which it is desired should be discussed.

(iii) The National Assembly shall only discuss in its extraordinary session the specified matters stated in the *Irada*.

83. The Senate and House of Representatives shall make standing orders for the regulation of their own proceedings and submit these to the King for his confirmation.

84. (i) No sitting of either the Senate or House of Representatives shall be considered legal except if it be attended by two thirds of the members of either. The sitting shall continue to be considered legal as long as an absolute majority of the members of either are present.

(ii) Decisions of each of the Senate and House of Representatives shall be given by the majority of votes of the members present other than the President, who shall not vote except in the case where it is provided otherwise in this Constitution, and in the case of an equality of votes when he shall have to exercise a casting vote.

(iii) If the voting is connected with the Constitution, or confidence in the Council of Ministers, or in an individual Minister, the votes shall be taken by calling the members by their names in a loud voice.

85. The sessions of each of the Senate and the House of Representatives shall be public. Secret sessions may be held at the request of the Government or at the request of five members. Thereupon the Senate or House shall decide whether to accept or refuse the request.

86. (i) No member of the Senate or the House of Representatives shall be detained or tried during the sessions of the National Assembly unless

the Senate or the House of which he is a member shall, by a majority resolution, decide that there is sufficient reason for his detention or trial or unless he is apprehended in the act of committing a crime. In the event of his arrest in this manner, the Senate or the House must be notified immediately.

(ii) If a member is for any reason detained during the period when the National Assembly is not sitting, the Prime Minister shall notify the Senate or the House to which the member belongs when it reassembles of the action taken, accompanied by the necessary explanation.

87. Every member of the Senate and the House of Representatives shall have complete freedom of speech and expression of opinion within the limits of the rules of the Senate or House of which he is a member, and no legal proceedings shall be taken against him in respect of any vote or opinion expressed or speech made by him during the deliberations.

88. When a seat becomes vacant in the Senate or in the House of Representatives by death or resignation or other causes, his place will be filled by appointment in the case of a member of the Senate and by a bye-election in the case of a member of the House of Representatives within the period of two months from the date on which the Government is notified by the said House. The membership of the new member shall be for the duration of the remaining term of his predecessor.

89. (i) In addition to the conditions under which the Senate and House of Representatives assemble as prescribed in Articles 29, 79 and 92 of this Constitution, they may also assemble in a joint session at the request of the Prime Minister.

(ii) When the Senate and House of Representatives assemble in joint session, it shall be presided over by the President of the Senate.

(iii) Decisions taken by the Senate and House of Representatives correctly assembled in accordance with this Article shall be considered valid if taken by a majority of the members present.

90. No member of either the Senate or the House of Representatives shall be disqualified except by a decision of the House of which he is a member, except in the instances of disqualification and combination between memberships laid down in this Constitution and in the Electoral law. A decision to disqualify a member may be adopted by a two-thirds majority of the members. If the decision to disqualify a member concerns a Senator, the decision shall be submitted to the King for approval.

91. The Prime Minister shall lay every proposal for a law before the House of Representatives which has the right to accept, amend, or reject it; but in all cases, the House shall refer the proposal to the Senate and it shall not be promulgated as a law unless both Senate and House of Representatives approve it and the King confirms it.

92. If either the Senate or the House of Representatives should twice reject any proposal for a law and the other accept it, whether in a revised

form or otherwise, both Senate and House shall convene in a joint session under the presidency of the President of the Senate to discuss the disputed points, and the joint session shall adopt a decision by a two-thirds majority of members present. If the proposal for a law is rejected in the manner described above, it shall not be resubmitted during the same session.

93. (i) Every proposal for a law passed by the Senate and the House of Representatives shall be submitted to the King for approval.

(ii) A law shall become effective upon its decree by the King and after 30 days from the date of its publication in the Official Gazette unless it is specially provided in the said law that it shall come into force on any other date.

(iii) If the King shall withhold approval of the said law, he may, within the space of six months from the date on which the law is submitted to him, return it with a statement of the reasons for his veto.

(iv) If the proposal for a law, excepting the Constitution, is referred back within the period specified in the preceding paragraph and is accepted for the second time by two thirds of the members of each of the Senate and House of Representatives it shall then be promulgated. Should the law not be returned in an approved form within the period prescribed in paragraph (iii) above, it shall be considered as promulgated and in force. Should the proposal for a law fail to obtain the two-thirds majority in that session it may not be resubmitted during the same session. However, the National Assembly may reconsider the proposal during the next ordinary session of the Assembly.

94. (i) The Council of Ministers, with the approval of the King, shall have the power, when the National Assembly is not sitting, to make provisional laws to deal with the emergencies described hereunder:

(a) A general calamity.

(b) A state of war or an emergency.

(c) Urgent expenditure which cannot be delayed.

These provisional laws which shall not contravene the terms of the Constitution, shall have the force of law provided that they be submitted to the Assembly at the beginning of its next session. In the event of such interim laws not being approved, the Council of Ministers with the sanction of the King shall announce their immediate cancellation and from the date of notification such provisional laws shall cease to be in force. Such cancellation shall not affect any contract or other rights that may have been acquired thereunder.

(ii) The provisional laws shall have the force of laws promulgated in accordance with Article 93 of this Constitution.

95. (i) Any one or more members of the Senate or House of Representatives may propose the drafting of a new law provided that such proposal is referred to the *ad hoc* committee in either Senate or House for examination and reporting. If the proposal is accepted, it shall be referred



to the Government for drafting and submission either during the same session or in the following session.

(ii) Any proposal for a new law proposed by a member of either the Senate or the House of Representatives and rejected by either, shall not be presented for the second time during the same session.

96. Every member of the Senate and the House of Representatives may ask questions of the Ministers concerning any general matter as prescribed in the Internal Regulations of the Senate or the House of which he is a member. The question shall not be debated before the expiry of eight days from the date of its receipt by the Minister, except in an urgent case and with the agreement of the Minister on the curtailment of the period.

## PART VI

### THE JUDICIARY

97. Judges are independent, and in the exercise of their Judicial function they are subject to the authority of the law only.

98. Judges of the Civil and *Sharia* Courts shall be appointed or dismissed by *Irada* in accordance with the provisions of the law.

99. The courts shall be divided into three categories:

1. Civil Courts.
2. Religious Courts.
3. Special Courts.

100. The establishment of the different courts, their stages, their jurisdiction and their administration shall be determined by a special law which shall provide for the constitution of a High Court of Justice.

101. (i) The courts shall be open to all and shall be free from interference in their affairs.

(ii) The sittings of the courts shall be public except where the court decides that it should be held *in camera* in the interest of public order or morals.

102. The Civil Courts in the Hashemite Kingdom of Jordan shall have jurisdiction over all persons in all matters civil and criminal, including cases of claims by, and against the Government, except in such matters, which by the provisions of this Constitution, or of any law for the time being in force, shall be assigned to the Religious Courts or the Special Courts.

103. (i) The civil and criminal jurisdiction of the Civil Courts shall be exercised in accordance with the law for the time being in force provided that, in matters regarding the personal status of foreigners, or in other matters of a civil and commercial nature in which it is customary by international usage to apply the law of another country, such law shall be applied in a manner to be prescribed by law.

(ii) Matters of personal status are those matters which by law are within the exclusive jurisdiction of *Sharia* Courts where the parties are Moslems.

104. The Religious Courts shall be divided into:

(i) The *Sharia* Courts.

(ii) The Councils of other Religious Communities.

105. The *Sharia* Courts shall have exclusive jurisdiction in the following matters in accordance with its special laws:

(i) Matters of personal status of Moslems.

(ii) Matters of *diyyet* where the two parties are Moslems or where one of the parties is a non-Moslem and the two parties consent to jurisdiction of the *Sharia* Courts.

(iii) Matters concerning Moslem *wakfs*.<sup>1</sup>

106. The jurisdiction of the *Sharia* Courts shall be exercised in conformity with the principles of the *Sharia* Law.

107. The organization of the Moslem *wakfs*, the administration of its financial affairs and other related matters shall be defined by a special law.

108. The Councils of Religious Communities shall be the councils of such non-Moslem religious communities as are, or shall be recognised by the Government as being established in the Hashemite Kingdom of Jordan.

109. (i) Councils of Religious Communities shall be established in accordance with laws to be enacted for that purpose. Such laws shall define the jurisdiction of the Councils regarding matters of personal status and *wakfs* constituted for the benefit of the community concerned. The matters of personal status for these communities shall be the same matters as those which in the case of Moslems are within the jurisdiction of the *Sharia* Courts.

(ii) Such laws shall determine the procedure to be followed by the Councils of the Religious Communities.

110. Special Courts shall exercise jurisdiction in accordance with the terms of the laws pertaining thereto.

## PART VII

### FINANCE

111. No tax or duty shall be levied except by law. These taxes or duties shall exclude the various kinds of fees which the Treasury collects either in respect of services rendered for the members of the public by Government Departments, or in return for benefits accruing to them from State Domain. In imposing taxes, the Government shall be guided by the principle of progressive taxation provided that it ensures equality and social

<sup>1</sup> *Wakfs* = real estate belonging to religious communities. Ed.

justice and provided that this taxation shall not overburden the capacity of taxpayers or exceed the State's requirements for funds.

112. (i) The General Budget for revenue and expenditure shall be submitted to the National Assembly for debate in accordance with the provisions of this Constitution at least one month prior to the beginning of the financial year.

(ii) Voting in respect of the budget shall be made head by head.

(iii) No part of the expenditure in the General Budget shall be transferred from one head to another except by law.

(iv) The National Assembly, when debating either the General Budget or the interim laws related to it, may reduce the expenditures under the different heads according to what it considers is in the public interest. The National Assembly may not, however, increase such expenditure either by amendment or by making separate proposals. The National Assembly may, however, after the debate, propose laws for the creation of new expenditure.

(v) No proposal shall be accepted during the debate on the General Budget for the repeal of an existing tax or the creation of a new tax or for increasing or reducing existing taxes which had been fixed financial laws in force. No proposal shall be allowed for amending income or expenditure fixed by contract.

(vi) The estimates of national revenue and expenditure for the financial year shall be approved by a General Budget law. This law may allocate special sums for a period exceeding one year.

113. If no law is passed for the General Budget prior to the beginning of the new financial year, the General Budget for the previous year shall remain in force. If the expenditure proposed in the new budget is less than in the previous budget, the expenditure shall be made within the limits of the proposed new General Budget until it is approved.

114. The Council of Ministers, with the approval of the King, may make regulations for the control of the appropriations and expenditure of public funds, and for the control of Government stores.

115. All receipts from taxes and other sources of revenue of the Government shall be paid into the Treasury and included in the Government Budget save where otherwise provided by the law. No part of the funds of the Treasury shall be appropriated or expended for any purpose whatever unless sanctioned by a law.

116. The Civil List of the King shall be a charge on the revenue, and shall be fixed in the General Budget law.

117. Any concession granting a right to the exploitation of mines, minerals or public utilities must be sanctioned by law.

118. No person shall be exempted from the payment of taxes and duties in circumstances other than those prescribed by the law.

119. There shall be constituted by a law a State Comptroller's Office

to audit the State's revenue and expenditure and the manner of payment.

(i) The State Comptroller's Office shall submit to the House of Representatives at the beginning of every ordinary session, or whenever the said House requests him to do so, a general report embodying his views and comments, indicating any irregularities committed and the responsibilities arising therefrom.

(ii) The said law shall prescribe for the immunity of the State Comptroller.

## PART VIII

### MISCELLANEOUS

120. The administrative divisions in the Hashemite Kingdom of Jordan, the organization of the Government departments, their classification, designation, and program of work, rules and regulations for the appointment of civil servants, their dismissal, discipline, definition of their jurisdiction and specialization shall be governed by regulations made by the Council of Ministers with the approval of the King.

121. Municipal and local council affairs shall be administered by municipal or local councils in accordance with special laws.

122. The High Tribunal provided for in Article 57 has the right to interpret the provisions of the Constitution either at request of the Council of Ministers or by a decision taken by one of the constituents of the National Assembly by an absolute majority. Its interpretation shall be applicable after its publication in the Official Gazette.

123. (i) It shall be the right of the *Diwan Khas* (Special Council) to interpret the text of any law which has not been interpreted by the Courts if the Prime Minister shall demand the interpretation thereof.

(ii) The *Diwan Khas* shall consist of the President of the highest Civil Court as chairman, two other members from among its judges and another senior administrative official who shall be appointed by the Council of Ministers. It shall also include a member who is delegated by the Minister from among the senior officials of the Ministry concerned with the required explanation.

(iii) The *Diwan Khas* shall give a decision on the question submitted, if it considers that the question is a matter which deserves a ruling.

(iv) The decision made by the *Diwan Khas* and published in the Official Gazette shall have the force of law.

(v) All other questions concerning the interpretation of laws shall be decided as they arise by the courts of law in the ordinary way.

124. In the event of an emergency necessitating the defence of the realm, a Defence Law shall be enacted giving power to such person as the Law may specify to take those necessary actions and measures including

the suspension of the ordinary laws of the State in order to ensure the defence of the realm. This Defence Law shall come into force when proclaimed by an *Irada* based on a decision of the Council of Ministers.

125. (i) In the event of the emergency being of so serious a nature that action under the preceding Articles of this Constitution would be considered insufficient for the defence of the Kingdom, the King may, by *Irada*, issued on the basis of a decision of the Council of Ministers, declare martial law in all or any part of the Kingdom.

(ii) When martial law is declared, the King may, by *Irada*, issue such instructions as may be necessary for the defence of the Kingdom, notwithstanding the provisions of the law. Persons acting under such instructions shall be legally liable for all acts done by them against the law of the country until they have been relieved of that responsibility by a special law passed for the purpose.

126. (i) The rules described in this Constitution concerning the proposals of laws apply to any proposal for the amendment of this Constitution. Such revision may be decided by a two-thirds majority of members of both the Senate and House of Representatives separately. In the case of a joint session of the Senate and the House in accordance with Article 92 of this Constitution, the revision may be decided by a two-thirds majority of members of both, provided that in each case the amendment shall not come into force unless approved by the King.

(ii) No amendment to the Constitution concerning the rights of the King and his heirs shall be passed during a period of regency.

127. The duties of the Army shall be restricted to the defence of the realm and its safety.

(i) Recruitment into the Army, its organization and the rights and duties of its personnel shall be defined by a law.

(ii) The organization of the Police and Gendarmerie and their duties shall be defined by a law.

## PART IX

### REPEALS

128. All laws and regulations and existing legislation procedure of the Hashemite Kingdom of Jordan shall be the laws applicable at the date of the coming into force of this Constitution, until such laws are repealed or amended by legislation.

129. (i) The Jordan Constitution issued on 7th December, 1946, and all amendments thereto, are hereby repealed.

(ii) The Palestine Order in Council 1922, and all amendments thereto are hereby repealed.

(iii) Such repeals as are described in the preceding two paragraphs shall

not affect the validity of any law or regulation made or anything done in virtue thereof, prior to the coming into force of the provisions of this Constitution.

*130.* The provisions of this Constitution become effective from the date of its publication in the Official Gazette.

*131.* The Council of Ministers shall be responsible for the execution of the provisions of this Constitution.