

By the name of Allah



USSOLE ASSASI (THE MAIN PRINCIPLES)

GOVERNMENT OF AFGHANISTAN

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BY THE NAME OF ALLAH  
THE MOST COMPASSIONATE, MOST MERCIFUL

# THE MAIN PRINCIPLES OF AFGHANISTAN GOVERNMENT

## **GENERAL PRINCIPLES**

### Article 1.

Islam is the sacred religion of Afghanistan and the religious rites performed by the state shall be according to the provisions of the Hanafi doctrine. The King of Afghanistan should be from Hanafi sect, other religious followers (Hindus, Jewish.....) can live in Afghanistan and their rights will be protected as a citizen unless they harm and interrupt society.

### Article 2.

The Afghanistan government independently manages all internal and external governmental affairs and all organizations in all over Afghanistan function according to the instructions and guidance of the Afghanistan government as one nation.

### Article 3.

Kabul is the capital of Afghanistan and all citizens of Afghanistan have equal rights and there will be no extra privileges for Kabul citizens than those in any other provinces in Afghanistan.

### Article 4.

The Afghanistan flag is tri color (Black, Red and Green), having in the middle the insignia of the Mehrab (an arch in a mosque where the praying congregation stands, facing the Kaba in Mecca) and the Member (a many tiered pulp placed to the right of the Mehrab in a mosque from which messages are delivered) in white flanked by two flags and ensconced in two sheaves of wheat.

# **Privileges and Rights of the King**

## Article 5.

To appreciate the patriotism, devotion and performances of his Majesty and patriot Muhammad Nadir Shah has given Afghanistan on independence and survival and overthrowing the foundation of brutality in Afghanistan, the nation of Afghanistan considers him a meritorious and deserving King and also because his Excellency is committed to act according to the Islamic Shariae and Hanafi sect as well as main principles of the Afghanistan government and will consider the independence of Afghanistan as one of his top priorities and will be honest to the Afghanistan nation, Afghanistan is committed in transferring the Kingdom of Afghanistan to the family of this patriot King in accordance to the selection of his Excellency and the nation of Afghanistan.

## Description.

The King's family will be considered successor and should be his Excellency's son or brother and must be 18 years or older.

## Article 6.

The King of Afghanistan should take the following oath in National Assembly in presence of the National Assembly members.

“In the name of Allah, the great, I swear to be conscientious of his omnipresence in all my actions, that I shall protect the sacred principles of the religion of Islam, shall guard the Constitution, shall protect the independence and territorial integrity of the country as well as the laws of the state and the rights of the people; and, invoking divine assistance, shall reign in accordance with the provisions of the Constitution of Afghanistan and devote my efforts to the well being and progress of the Afghan nation.”

## Article 7.

The name of the King is mentioned in khutbas (the khutba is an address delivered as a religious rite on occasions specified in the Islamic religion). Coins shall be minted in the name of the King, His majesty the King appoints the prime Minister, approves the appointing of Ministers, declares war and armistice, approves the principles drafted by the National Assembly and remits and pardons sentences according to the holy Shariae.

## Article 8.

The royal expenditures shall be fixed in the state budget according to the law of the royal expenses.

# **The Basic Rights of the People of Afghanistan**

Article 9.

The people of Afghanistan, without any discrimination or preference, have equal rights.

Article 10.

All Afghanistan citizens are obligated to obey all state principles and laws on religious and political affairs. Liberty is the natural right of the human being. This right has no limitations except the liberty of others and public interests as defined by the law.

Article 11.

Liberty is the natural right of the human being. No one may be punished except by the order of a competent court. No one may be detained except on order of a competent court.

Article 12.

Trade, Industry and Agriculture is the right and privilege of every Afghan in accordance with the provisions of the law.

Article 13.

The people of Afghanistan have the equal right against the Islamic Shariea and religious related principles.

Article 14.

The citizens of Afghanistan are admitted to the service of the state on the basis of their qualifications and in accordance with the provisions of the law.

Article 15.

Property is inviolable. No one's property can be confiscated except in accordance with the provision of the law. Expropriation is allowed only for securing the public interest.

Article 16.

A person's residence is inviolable. No one, including the state, can enter or search a residence without the permission of the resident or the orders of a competent court and in accordance with the conditions and procedures specified by the law.

Article 17.

No one's property can be confiscated except for those persons who live in a foreign country and act against the Afghanistan government.

Article 18.

Forced labor, even for the benefit of the state, is not permissible but labor and service during war is an exceptional factor.

Article 19.

Punishments and other kinds of insults are prohibited. No one may be punished except by the order of the Shariea and Islamic Constitution of Afghanistan.

Article 20.

Primary education is compulsory for all children in Afghanistan.

Article 21.

Every Afghan can teach Islamic education. Every Afghan citizen is allowed to teach Islamic studies. Foreigners are not allowed to establish and manage madrasas (Islamic schools) except for those instructors who are in Afghanistan to teach language literature, arts and industrial techniques.

Article 22.

In order to make sure that all educational institutions conduct their programs in accordance with Islamic principles, all educational institutions shall be monitored and inspected by the Afghanistan Islamic government.

Article 23.

Internal medias and publications which function in accordance with the rules and policies developed for medias and publications and all external publications which do not harm the Afghanistan religion, politics and culture have the permission to operate.

Article 24.

Resolving personal conflicts is a responsibility of the Ministry of Justice related courts and if the conflict is not resolved in court the case shall be sent to the related Ministry and if the case is not resolved at the Ministry level then it should go to the Prime Minister's office and if the case holder is not satisfied, the case should go to the Kings office.

Article 25.

The rate of tax and duty as well as the method of payment shall be determined by law with consideration for social justice.

Article 26.

No duty or tax of any kind shall be levied without the provisions of the law.

## **The Shura (National Assembly)**

Article 27.

The Shura (National Assembly) in Afghanistan manifests the will of the people and represents the whole of the nation. The Shura was established by his Majesty Hamayooni and was approved by the 1309th Jerga session in Kabul (Capital of Afghanistan).<sup>1</sup>

Article 28.

The people of Afghanistan participate through the Shura in the political life of the country. Although elected from a particular constituency, each member of the Shura shall at the time of expressing his opinion take the general interest of the whole of Afghanistan as the basis for his judgment.

Article 29.

The Shura shall consist of the elected representatives of Kabul and all Afghanistan provinces. The National Assembly will meet in Kabul.

Article 30.

The number of people who shall participate in the National Assembly is determined in approved election regulations.

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<sup>1</sup> For this English translation, the term “National Assembly” was used based on the writings of Mir Gholan Mohammad Ghoobar in his book “Afghanistan in the Course of History, Volume Two” published by All Prints Inc., Herndon, VA 20170, February 2001. See Page 82, “Domestic Policy.” The term “Shura” is used interchangeably with the phrase “National Assembly” and no attempt was made to alter the original writings unless necessary for clarity in English, which was done sparingly.

Article 31.

The work period for elected National Assembly members is 3 years. The period starts from the date of establishment of the National Assembly and every 3 years an election will take place to reelect the National Assembly members. The electoral (the people of Afghanistan) are authorized to elect their favorite candidate even if the candidate is a former National Assembly member.

Article 32.

Leave times and the restarting of the Shura will be specified in internal plans and policies of the National Assembly. If during their time off the state of Afghanistan requires a law or policy, the state is authorized to develop a temporary policy and implement it in accordance with the Kings directions.

Article 34.

Emergency National Assembly meetings can take place while National Assembly members are on leave and if the situation is really urgent and the National Assembly cannot wait for provincial representatives, the meeting can take place with the presence of the representatives from the capital and neighboring provinces.

Article 35.

After the opening ceremony of the National Assembly, each member of the National Assembly shall take an oath in the presence of his Majesty the King.

Article 36.

Each member of the National Assembly shall take the following oath and also sign the sworn statement of oath.

## **Sworn Statement of Oath**

Article 37.

“In the name of Allah, the great, because of the Afghanistan people’s trust, I swear to be honest and loyal to the people and the government of Afghanistan.”

Article 38.

No legal proceedings can be brought against a member of the Shura for expressing an opinion or idea while performing his duty inside or outside of the Shura.

# Missions

Article 40.

The National Assembly shall conduct its internal functions (election of the first and second chiefs, recording officer and other principles) in accordance with the internal rules and regulations of the National Assembly.

Article 41.

All rules and regulations which are effective in accelerating the betterment of the current conditions and for the betterment of the government shall be approved by the National Assembly.

Article 42.

Approval of financial affairs, acceptance or rejection of new rules and regulations are National Assembly authorities.

Article 43.

The state budget shall be evaluated and approved by the National Assembly after it is developed and recommended by the Ministry of Finance.

Article 44.

Applying, revising and terminating new rules and regulations, whether they are recommended by the National Assembly or Ministers, will take place after they are approved by National Assembly.

Article 45.

All privileges, organizational structures of companies, and any other companies shall be approved by National Assembly.

Article 46.

Conclusion of agreements, commitments (trade, industrial, etc.) both internal and external shall be approved by National Assembly.

Article 47.

Receiving governmental loans, whether they are internal or external and for any reason, shall take place only after approval by the National Assembly.

Article 48.

The extension of rail roads or highways using the state budget or internal or external companies can occur only after approval by the National Assembly.

Article 49.

The National Assembly can request to meet his majesty the King but the delegation should contain 6 National Assembly members from different sections.

Article 50.

The Ministers are authorized to participate in National Assembly meetings and are also authorized to, if required, give explanations regarding specific issues. The subject shall be pre-specified to the Ministers.

Article 51.

All new laws which are required by state will be prepared and signed by the related Ministry, shall be taken to National Assembly by Ministers or Prime Ministers and after approval of National Assembly shall be presented for the King's signature and shall be implemented.

Article 52.

The head of the National Assembly is authorized to hold secret meetings (if necessary) by his own decision or they shall be recommended by ten (10) members of the National Assembly or by a Minister. The secret meeting shall be held without the presence of the media and reporters. The content of the meeting shall be uncovered or revealed when the issue is discussed with three quarters (3/4) of the National Assembly members and is accepted by the majority of the three quarters (3/4), and if it is not accepted the issue shall not be uncovered and shall not be mentioned to any other members of the National Assembly.

Article 53.

Whenever a secret session is requested by the head of the Shura, any member is authorized to release the information to the public; but if the secret session is requested by a Minister then the Minister shall be authorized to release the information to the public (if reasonable).

Article 54.

Whenever an idea which is raised by a Minister is not accepted by the Shura the Minister shall update the idea and the idea shall be presented to the Shura when the Minister accepts or rejects the comments made by the Shura members.

## **Presentation of an issue by Shura (National Assembly) Members**

Article 55.

Whenever, an issue is raised by Shura members it shall be negotiated when it is approved by at least a quarter of the Shura members. The written issue shall be presented to the head of the Shura and the issue shall be discussed and investigated by the Investigation Committee.

Article 56.

The number of Shura members who are selected by the Shura and approved by head of the Shura shall be called the Investigation Committee.

Article 57.

Whenever, an idea is raised by a Shura member (Article 55) and it relates to a Minister then the Minister shall be informed and shall be asked for his/her or his/her deputy presence.

Article 58.

If the Minister does not agree with the ideas raised by a Shura member he/she shall present the facts and reasons to satisfy the Shura member.

Article 59.

Whenever, a Minister is asked for more clarification of an issue, the Minister must prepare and provide additional clarification to the Shura members unless prohibited by reasonable fact.

Article 60.

All citizens shall resolve their problems through the related ministries and departments and whenever the problem is not resolved, the issue (problem) shall be sent to the Shura through the provincial council members and if necessary, it shall be sent to the Prime Ministers office.

Article 61.

In case of death of the King, if the Shura is not in session it shall hold back and holding of Shura shall not be delayed more than 20 days after the King's death.

Article 62.

If the Shura member period is over before the death of the King and by death of the King new National Assembly members are not assigned, the Shura shall be held by current members of the Shura.

Article 63.

All rules, regulations and laws approved by the Shura should not be in conflict with Islamic religion and state internal policies.

Article 64.

All regulations, laws and decisions approved by the Shura shall be implemented after they are signed by his majesty the King.

## **Elders Council**

Article 65.

The Elder's Council consists of experienced and qualified individuals who shall be elected and appointed by his majesty the King. All Elders Council meetings shall be held in Kabul.

Article 66.

Approval of related regulations is the responsibility of both the National and Elder's Councils and all the recommendations raised by Ministers shall be discussed in the Elder's Council and shall be sent to the National Council session for approval and vice versa all regulations for the National Council shall be reviewed and shall be approved by the Elder's Council.

Article 67.

The National Council opening shall not be delayed if the Elder's Council is not held but it shall be approved by his majesty the King.

Article 68.

The issues which are approved by Elder's Council shall be sent to the National Council session and if it is not acceptable for the National Council a different combined session consisting of the National Council members and Elders Council members will be developed. The members of the combined session (20 people) will be selected equally from both sides (National Council and Elders Council) and if the issue is not resolved it shall be presented to his majesty the King.

## **Provincial Council Sessions**

Article 69.

In all the major provinces one provincial council shall be established.

Article 70.

A special regulation shall be developed for election, number of members and mission of provincial councils.

## **Ministers Rights and Missions**

Article 71.

All executive affairs shall be conducted by state Ministers who shall be selected by the Prime Minister and shall be approved by his majesty the King.

Article 72.

The prime Minister is the head of Ministers' delegation and in his absence the authority shall be delegated to one of the Ministers to act as a head of the delegation.

Article 73.

No one can occupy a Ministerial position unless he/she is a Muslim and an Afghan citizen.

Article 74.

All the Ministers are collectively responsible to the national council for the general policy of the state and individually for their prescribed duties.

Article 75.

All their responsibilities and policies shall be specified in a specific regulation.

Article 76.

All Ministers can execute their rights and missions in accordance with their delegated authorities and all the performances which are beyond their authority shall be presented to the prime Minister and his majesty the King.

Article 77.

Whenever there is a suspicion about a Minister's official activities he/she will be sent to the Supreme Court for trial. On personal or unofficial matters the Minister shall be sent to the Court of Justice.

Article 78.

If a Minister is found accused, he/she shall be suspended until the final verdict by the court.

Article 79.

In the absence of the Minister, the Deputy Minister or any appointed Acting Minister shall have the full authority of the Minister.

Article 80.

To inspect and evaluate the general situation of all ministries, an inspection delegation shall be selected and assigned by the National Assembly and a special position description shall be developed for that delegation.

Article 81.

The number of ministries, their organizational structure and position descriptions shall be mentioned in the regulation of fundamental organizational structures.

# **Soldiers**

Article 82.

Recruiting soldiers shall take place in accordance with special principles and all military rights and promotions will be in accordance with specific principles.

Article 83.

Rights and ranks of the soldiers shall be never taken away unless there is a reasonable fact or reason to do so.

Article 84.

Foreigners shall not be accepted as soldiers in Afghanistan, except, medical officers and operations advisors and mentors.

# **Financial Affairs**

Article 85.

All governmental taxes shall be charged in accordance with specified regulations.

Article 86.

A governmental budget for expenditures and imported items shall be developed in accordance with article 43. This particular budget shall be used for governmental expenditures and imported items and all expenditures shall be accounted for in accordance with this budget.

Article 87.

After implementation and execution of an annual budget, a final calculation shall take place for the exact amount of imported items and annual expenditures.

Article 88.

For better management of a budget and expenditures and also for better implementation a specific

Article 89.

Any kind of financial discount and exempt shall take place in accordance with the specified regulation.

## **Miscellaneous Principles**

Article 90.

Postal and document security is a responsibility of the Post Office and until there is a court order for searching such documents and posted materials no one can open them and they shall be delivered to the addressee in a secure manner.

Article 91.

Whenever, there is a verbal order given by his majesty the King or the Prime Minister to a Minister or any other state employee the signature of his majesty the King or Prime Minister shall be taken as a written order.

Implementation and execution of this Main Principle is ordered.

Written 8 Aqrab 1310/ 19 Jamadi ulsani / 28 Sep 1931