

By the name of Allah



USSOLE ASSASI (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 religion 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 the any other provinces in Afghanistan.

Article 4.

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 Kaaba in Mecca) and the Member (a many tiered pulpit 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 and 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 Sharia and Hanafi sect, as well as maintain the principles of the Afghanistan government and will consider the independence of Afghanistan of one of his top priorities and will be honest to the Afghanistan nation, the Afghanistan nation 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 the successor 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 the National Assembly in the presence of 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, remits and pardons sentences according to the holy Sharia.

Article 8.

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

The Basic Right 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 obliged 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, 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 Sharia 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 foreign country and act against 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 Sharia 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 madrassas (Islamic schools) except 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 the Islamic principles, all educational institutions shall be monitored and inspected by 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 publication which do not harm Afghanistan religion, politics and culture have the permission to operate.

Article 24.

Resolving personal conflicts is a responsibility of 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 in the Ministry level, then it should go to 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 on 1309th Jerga in Kabul (Capital of Afghanistan).

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.

Article 31.

The work period for the 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 (people of Afghanistan) are authorized to elect their favorite candidate even if the candidate is one of the former National Assembly members.

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 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 and outside of the Shura.

Missions

Article 40.

The National Assembly shall conduct its internal functions (electing 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 current conditions and for the betterment of the government shall be approved by the National Assembly.

Article 42.

Approval of financial affairs and acceptance or rejection of new rules and regulations are the National Assembly's 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 the National Assembly.

Article 45.

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

Article 46.

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

Article 47.

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

Article 48.

The extension of rail roads or highways using the state budget or internal or external companies can take place after approval of 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 also are 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 the 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 a secret meeting (if necessary) by his own decision or they shall be recommended by ten (10) members of the National Assembly or 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 of the National Assembly members and is accepted by the majority of the three quarters, and if it is not accepted the issue shall not be uncovered and shall be not mentioned to any members of the National Assembly.

Article 53.

Whenever, a secret session is requested by the head of the Shura, he or she 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.

Ministers are authorized to reject or ignore other stated comments, but if the comment was made in accordance with the Council members, than it requires the agreement of Council members.

Article 55.

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

Article 56.

All issues shall be voted on by Council members as accepted or rejected. No one can stop them or threaten them for accepting or rejecting an issue. Rejecting or accepting ideas shall be done by using black and white papers.

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

Article 57.

Whenever, an issue is raised by Shura members, the issue 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.

Article 58.

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

Article 59.

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

Article 60.

If the Minister is not convinced with the ideas raised by Shura members, he/she shall present the facts and reasons to convince the Shura members.

Article 61.

Whenever, a Minister is asked for more clarification of an issue, the Minister must prepare and give the clarification to the Shura members unless there is a factual reason not to.

Article 62.

All citizens shall resolve their problems through the related Ministries and departments and whenever the problem is not resolved, the issue or problem shall be sent to the Shura through the provincial Council members and if necessary, it shall be sent to the Prime Minister's office.

Article 63.

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

Article 64.

If the Shura member period expires 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 65.

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

Article 66.

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

Elders Council

Article 67.

The Elder's Council consists of experienced and qualified individuals who shall be elected and appointed by his majesty the King. The meeting place for the Elder's Council shall be in Kabul.

Article 68.

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

Article 69.

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

Article 70.

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

Provincial Council Sessions

Article 71.

In all the major provinces one Provincial Council shall be established.

Article 72.

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

Ministers Rights and Missions

Article 73.

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 74.

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 75.

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

Article 76.

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

Article 77.

All the responsibilities and policies for Ministers shall be specified in a specific regulation.

Article 78.

All Ministers can execute their duties 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 79.

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

Article 80.

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

Article 81.

In the absence of the Minister, the deputy Minister or any appointed individual as the acting Minister shall have the full authority of the Minister.

Article 82.

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 83.

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

Government Employee Rights

Article 84.

All government employees shall be assigned base on their proficiency and eligibility and in accordance with the special rules and principles. None of the employees shall be fired or replaced without a reason and the good discipline and qualified employees shall get promotions and rewards for their efforts in accordance with the special regulation for promotions and rewards.

Article 85.

All government employees are obligated to obey the orders which are given to them by their superiors in accordance with the issue related regulations and no one can take an action which is in conflict with that specific regulation. Whenever a subordinate employee is forced to act against the specific regulation, the subordinate employees shall report the situation to their related Ministry or to the Prime Minister's office.

Article 86.

All position descriptions shall be published in separate regulations for each Ministry so employees can be held responsible for their assigned position and mission.

Courts

Article 87.

All justice courts shall be used as the public forum.

Article 88.

In all justice and Sharia courts all the decisions shall be made in accordance with the rules and regulations of the Hanafi sect.

Article 89.

All courts shall be free from any kind of influence.

Article 90.

All forums shall take place in a public forum except for those cases which are ordered to take place in secret.

Article 91.

Anyone who has a forum in the court can recommend any kind of legal possibilities to defend his/her case.

Article 92.

Justice courts can not delay or postpone any cases except when there is a legal reason for that specific case to be postponed.

Article 93.

No one can carry out an exceptional court outside of the justice court. This rule applies on any kind of forum.

Article 94.

Classifications and the levels of authorities of each court shall be published as a special courts regulation.

Supreme Court

Article 95.

The Supreme Court shall be in session temporarily and only when there is a case at the Ministerial level and after the forum is completed, the Supreme Court session shall be out of session.

Article 96.

A specific regulation shall be published for conducting cases in the Supreme Court as well as conducting the internal procedures and principles of the Supreme Court.

Financial Affairs

Article 97.

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

Article 98.

A governmental budget for expenditure and imported items shall be developed in accordance with the 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 99.

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

Article 100.

A specific regulation shall be used for better management, spending and implementation of budgets.

Article 101.

Any kind of financial discount and exemption shall take place in accordance with specific regulations.

Governing the Provinces

Article 102.

There shall be three main principles for governing the provinces; Developing subordinate relationships, Division of work and Assigning Responsibilities. All responsibilities for provincial employees shall be assigned in accordance with the above mentioned principles and also all subordinates shall be held accountable for their superiors.

Article 103.

All provinces shall have separate departments which shall represent different Ministries and all the provincial Afghan citizens shall refer to those departments whenever they have a problem to solve.

Article 104.

Whenever there is an insurgency or revolution against the government of Afghanistan, the Afghanistan government is authorized to react against those insurgencies and revolutions and maintain the peace.

Article 105.

A provincial municipality's departmental structure, as well as its responsibilities, shall be developed in accordance with specified regulations.

Soldier

Article 106.

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

Article 107.

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

Article 108.

Foreign citizens shall not be accepted as soldiers in Afghanistan except medical officers and operations advisors/mentors.

Miscellaneous Principles

Article 109.

Postal and document security is a responsibility of the Post Office and until there is not a court order for searching the documents and posted materials, no one can open them and they shall be delivered to the receiver securely.

Article 110.

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.

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