

Constitution (Basic Law) of the Republic of Tajikistan

The Constitution of the Republic of Tajikistan was adopted on 6 November 1994 and amended two times, in September 26, 1999 and June 22, 2003. The Constitution has the highest legal power, direct application (Article 10) and supremacy on the whole territory of Tajikistan. The Constitution proclaims the establishment of a democratic, legal, secular and unitary State (Article 1), where the State power is based on the principle of separation of powers (Article 9). As the fundamental law of the State, the Constitution defines the structure of the government, basic rights, liberties and responsibilities of its citizens, as well as the powers of the legislative, executive and judicial branches.

The bicameral Supreme Assembly (the parliament) adopts constitutional laws (Article 61), laws (Article 60) and resolutions (Articles 56-57), while the President adopts decrees and orders (Article 70) and the Cabinet of Ministers (the highest body of the executive branch) adopts resolutions and orders (Article 74).

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CHAPTER ONE THE FUNDAMENTALS OF THE CONSTITUTIONAL SYSTEM

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Article 9. State power shall be exercised on the basis of the separation of the legislative, executive, and judiciary branches.

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CHAPTER THREE THE MAJLISI OLI

Article 48. Majlisi Oli (the Supreme Assembly) - Parliament of the Republic of Tajikistan shall be the supreme representative and legislative body of the Republic of Tajikistan. Majlisi Oli shall consist of two Majlises (Assemblies) - the Majlisi Milli (the National Assembly) and the Majlisi Namoyandagon (the Assembly of Representatives). The empowered term of the Majlisi Milli and the Majlisi Namoyandagon shall be 5 years. The Majlisi Mili and Majlisi Namoyandagon of new convocation shall stop the empowered term of the Majlisi Milli and Majlisi Namoyandagon on the day of beginning of its activity. The Constitutional Law shall regulate the creation and activity of Majlisi Oli.

(...)

Article 58. The members of the Majlisi Milli, deputies of the Majlisi Namoyandagon, the President of the Republic of Tajikistan, the Government of Tajikistan, Majlis of people's deputies of the Badakhshan Mountainous Autonomous Region shall have the right of legislation initiative.

Article 59. Draft laws shall be submitted to the Majlisi Namoyandagon. The President of the Republic of Tajikistan shall present the draft of Amnesty law to the Majlisi Namoyandagon.

The draft budget law, laws on introduction of taxes and their elimination shall be presented to the Majlisi Namoyandagon by the Government of the Republic of Tajikistan.

Article 60. The Majlisi Namoyandagon shall adopt laws. The majority of the total number of deputies shall pass laws, unless otherwise specified by the Constitution.

The laws adopted by the Majlisi Namoyandagon shall be presented to the Majlisi Milli, except for the State budget and Amnesty laws.

The Majlisi Milli shall approve a law by the majority of the total number of its members. In case of failure by the Majlisi Milli to approve the law, the Majlisi Namoyandagon shall consider it repeatedly. In case of disagreement by the Majlisi Namoyandagon with the decision of the Majlisi Milli, the law shall consider to be passed if the Majlisi Namoyandagon approves it repeatedly by not less than two thirds of the total number of deputies.

Only the Majlisi Namoyandagon shall pass the State budget and Amnesty laws. The Majlisi Namoyandagon shall supervise the State budget implementation.

Article 61. The constitutional laws shall be adopted concerning issues identified by the Constitution. The constitutional laws shall be confirm by no less than two thirds of the total number of deputies of the Majlisi Namoyandagon and shall be approved by no less than two thirds of the total number of the members of the Majlisi Milli. In case of disagreement by the Majlisi Namoyandagon with the decision of the Majlisi Milli, the constitutional law shall be considered passed if the Majlisi Namoyandagon adopted it repeatedly by no less than two thirds of the total number of deputies. The Majlisi Oli shall interpret the Constitution in the said order and adopt it in the form of Constitutional Law.

Article 62. Laws shall be submitted to the President of the Republic of Tajikistan for signing and publication. Should the President disagree with the laws, or part thereof, it shall be returned during fifteen days to the Majlisi Namoyandagon supplied with comments and proposals. The Majlisi Milli and the Majlisi Namoyandagon based on the procedure established by the Constitution shall ravishingly consider the said law. Should the law be repeatedly approved in its previous version by the majority of two thirds of the total number of the members of the Majlisi Milli and deputies of the Majlisi Namoyandagon, the President shall sign the law within ten days and publish it.

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CHAPTER FOUR THE PRESIDENT

Article 69. Powers of the President:

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15. Shall sign laws;

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Article 70. The President shall adopt decrees and give orders within the framework of his authority, inform the joint session of the Majlisi Milli and Majlisi Namoyandagon about the

country's situation, and submit important and necessary issues for discussion to the joint session of the Majlisi Milli and Majlisi Namoyandagon.

(...)

CHAPTER FIVE THE GOVERNMENT

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Article 74. The Government shall issue resolutions and orders in accordance with the Constitution and laws of the republic, the implementation of which is compulsory in the territory of Tajikistan.

The Government shall lay down its power before the newly elected President.

The Government shall ask the President for its resignation if it deems necessary that it cannot function normally. Every member of the Government shall have the right to resign.

The Constitutional law shall determine the structure, activity, and authority of the Government.

CHAPTER SIX LOCAL GOVERNMENT

Article 76. Local government shall consist of representative and executive authorities and function within the framework of its authorities. They shall ensure the implementation of the Constitution, laws, joint resolutions of the Majlisi Milli and Majlisi Namoyandagon, resolutions of the Majlisi Milli, resolutions of the Majlisi Namoyandagon, acts of the President and the Government of the Republic of Tajikistan.

(...)

Article 79. The representative authority and the chairman shall adopt legal documents within the framework of their authorities, the implementation of which is compulsory in that territory. In case of not conforming the documents of the representative authorities and the Chairman to the Constitution and laws, the higher bodies, the bodies themselves, Chairman and the court shall revoke them.

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CHAPTER SEVEN THE BADAKSHAN MOUNTAINOUS AUTONOMOUS REGION

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Article 82. The Majlis of People's Deputies of Badakhshan Mountainous Autonomous Region shall have the right of legislation initiative.

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