

**The Law of The Shura Council and The  
Parliament**

**Issued by Law By Decree No. 14 for the  
year 2002**

## **I: Shoura (Consultative) Council**

### **Article 1**

The shoura Council comprises of 40 members appointed and dismissed by a Royal Order.

### **Article 2**

The tenure of the Shoura Council will be 4 years beginning from the first meeting of the Council, and members whose tenure has expired can be re appointed.

### **Article 3**

The following conditions apply to the members of the Council with out contradicting the principles of the Law of political rights:

- 1- the candidate should be a bahraini citizen enjoying full political and civil rights
- 2- the candidates name should be on the list of nominations
- 3- the person's age on the day of his appointment should not be less than 30 years
- 4- the selected person must either be experienced and (or) one of those who have performed distinguished service(s) to the Country in one of the following fields:
  - Members of the ruling Family
  - Former minister

- Those who have worked at the post of ambassadors and ministers pleni- potentiary
- Former Members of the judicial bodies
- Retired security officials
- Former Senior Government officials
- Senior Scholars, business men and professionals
- Former members of the Parliament
- Those who have exceptional popular trust and support

#### **Article 4**

His Majesty the King appoints the chairman of the council for the term of the council and the council then elects the deputies to the chairman for every session

#### **Article 5**

Any member of the council will lose his membership if he fails to meet the conditions of the membership or loses the trust and eminence or fails to perform his duties.

In this case a vote should be held to nullify his membership with a 2/3<sup>rd</sup> majority of the members of the council and the resolution will be forwarded to the King for his approval (endorsement).

#### **Article 6**

Any member of the Shoura Council can ask to be relieved of this membership with a request forwarded to the Chairman of the council who in return forwards it to the King. The member's tenure does not end until the day the king accepts his request.

**Article 7**

If the seat of any member is vacant for any reason what so ever befor the end of his tenure another will be appointed by a Royal Order with in a month from the date of vacancy announced by the council.

The term of the new member will be till the end of his predecessor's term.

## **II: The Parliament**

### **Part 1 Composition and Term of the parliament**

#### **Article 8**

The Parliament comprises 40 members elected in a direct and secret General Election in accordance with the law by decree 14 for the year 2002 with regards to Exercising Political Rights.

#### **Article 9**

The election of the members of the parliament will comply with the regulations of the individual candidate elections.

#### **Article 10**

The duration of the Parliament is 4 years from the day of its first meeting, during the last 4 months of the session of parliament the elections for the next parliament are to be held in line with article 64 of the constitution, and it is permitted to elect a former member of parliament whose tenure has ended.

And it is for the King to decide on extending the legislative period of the parliament by not more than 2 years by a Royal Order.

### **Part 2 (Conditions for nominations to the Parliament )**

#### **Article 11**

Without contradicting the principles of the law on exercising political rights the following conditions apply to the candidates for the parliament:

- the candidate should be a Bahraini enjoying full civil and political rights

-the candidate's name must be on the list of nominees for the constituency the nominee represents

-the candidates age must not be less than 30 years on the day of election

-the candidate should be able to read and write arabic

-The candidate must not have been removed from a position on the shoura council or the parliament by the order of the the body he/she was a member of due to loss of trust or credibility or due to negligence of his duties as a member.

However the person who was removed can nominate himself if the statutory term during which he was removed ends or if the council he was a member of issues a cancellation of the cause of the candidate's removal only after the end of the term of the council during which the removal was passed.

## **Article 12**

Any person nominating himself to the parliament must apply in writing on a special form to the supervisory committee for verification of polls and elections according to the article 7 of The Law By Decree no.14 for the year 2002 with regards to The Law On Exercizing Political Rights. He/she has to mention in this application the constituency he will represent, the form must not contain any irrelevant information otherwise it will be negated

The application form must be accompanied by a receipt for a cash deposit from the treasury of The Ministry Of Justice And Islamic Affairs :

- which is non refundable
- must be 200 Bahraini dinars which will be used to fund social activities the Ministry of Justice and Islamic affairs patronizes
- the applications will be processed by date of issue in a special register

## **Article 13**

A list will be issued to be displayed in the electoral districts with the names of the candidates. This will be for a period of 3 days following the close of the nomination period.

Who ever has nominated himself and does not find his name on the list of candidates can request the above mentioned committee to add his /her name on the list or if he or she has any objections to any other candidate on the list to do so with in the 3 days of the display of the list.

The committee will then issue its response to the request and the objections with in 3 days from the date of request and in case there is no response from the committee it will be considered a rejection .

In this case the person in question can appeal the rejection in Civil Appellate High Court with in 3 days and with in 7 days form the date of appeal the court will give a ruling that cannot be appealed against .

Following which a final list of candidates will be issued in every constituency and these names will be publisehed in local media .

#### **Article 14**

After the publishing of the final list of candidates Every Candidate has the right to obtain 1 official copy of the table/list of candidates form his constituency .

#### **Article 15**

The candidate can withdraw his nomination by informing the committee mentioned in article 12 of this law in writing. This should be done atleast 10 days before the election day and his withdrawal will be put with his name on the list of candidates of his constituency. This decision will also be announced on the day of elections at the door of the the polling station of his constituency. The withdrawal will also be published by the ministry of Justice and Islamic affairs in any of the local media atleast 3 days before the day of the elections.

#### **Article 16**

Every employee who has nominated for the parliament will be granted leave without pay :

- if the person does not have enough leave in due
- beginning from the day after the closing of nominations upto the end of the election process , and the person is not allowed during this period to practice any activity related to his general occupation.

### **Article 17**

The nomination of ministers, judges and public prosecutors to the parliament will not be accepted unless they resign from their posts prior to the nomination.

### **Article 18**

In the case of Bahrain Defence Force, The Public Security and the National Guard members right to stand for elections to the parliament the rules, regulations and directives from their own service apply to them.

### **Article 19**

If in a particular constituency the number of candidates for the parliamentary elections does not exceed the allowed number of nominees, for what ever reasons, then the Minister of Justice and Islamic Affairs will declare them members to the parliament without the need to hold elections in that constituency.

### **Article 20**

The candidate with the outright majority of votes will be elected as member of parliament . If this Majority is not achieved by any of the candidates in the constituency then an person with equal number of votes he will also stand in the re-run. In this case the person taking the most votes in the re- run will be the winner.

In case two candidates get equal number of votes then the head of the election committee for the constituency will draw by lots between the two candidates.

In any case the Head of the committee will register the winners name in the election journal/ report and the number of votes each candidate received in the constituency and announce the result.

The Head of the the committee and the general secretary will then sign the journal and seal the ballot boxes.

### **Article 21**

Every candidate in an electorate has the right to contest in cassation court the results of the elections in his constituency with in 15 days from the date of announcement of the final election results.

And if it was proven to the court then

-The court will review the documents and hear the statements of both the plaintiff and the accused and any one else it sees fit to hear from.

-If the appeal is proven right then the membership of the accused candidate is negated in this case the court has the right to appoint the person who had actually won the election that is if the cause of the appeal or the complaint call for a re run .

-the case between the plaintiff and the accused will not interfere in the duties and responsibilities of the accused in the parliament during the trial until the court passes a judgment on the appeal. The judgement will render the membership of the accused void from hence forth but will not effect his actions before the judgement.

## **Part 3 Election Campaign**

### **Article 22**

The election campaign is free as per the rules contained in this law. Any candidate can campaign from the date the nominations are accepted as per the following :

The candidate is bound by the following during his election campaign:

- 1- to abide by the principles of the constitution and respect the rule of law .
- 2-to respect the freedom of opinion of others
- 3-to maintain the National Unity , and national security and to avoid any action that will cause disunity or create factions between citizens.
- 4-not to carry out any campaigning in Government Ministries and their administrative bodies & general organisations.
- 5-not to interfere in the campaign of other candidates personally or by other intermediaries. Federations, societies, workers unions are prohibited in carrying out or participating in any campaign for any candidate.
- 6-it is prohibited to organize and hold meetings for campaigns or to give speeches in places of worship, universities, educational institutes Government or private schools, public places roads or streets or buildings used by the ministries or their affiliates like general organisations and corporations.

### **Article 23**

-Each municipality will decide on the special locations where campaign posters, pictures and slogans are to be placed with each candidate given equal space .

-each candidate has to print posters, slogans .etc containing his/her aims, objectives and working agenda in the specialized places appointed for the purpose . The publications must have the full name of the candidate. These publications do not need permission and are free of any tax.

-it is prohibited to put up any notice or campaign statement including posters, pictures drawings or writings in places other than the authorised places, the head of the municipality has the right to order the removal of such items on the expense of the person without any notice.

It is prohibited to hold gatherings or festivals near the elections and ballot counting centers.

The use of the national emblem is not allowed at any gathering or meeting, campaign slogans pictures posters etc... the use of loud speakers and amplifiers is banned outside halls and on vehicles.

#### **Article 24**

Government officials, employees of public organizations, corporations and heads of the municipal councils and members are prohibited from campaigning for any candidate in their work places.

#### **Article 25**

Candidates are prohibited during their election campaign to present gifts, donations or any financial or complementary aid in person or through someone else to any ordinary person or one holding a rank .

It is prohibited to ask for such gifts or donations in return for votes.

Candidates are also banned from taking or receiving any funds for their elections campaign from who so ever it be.

#### **Article 26**

The mass media is required to treat all candidates equally .

#### **Article 27**

All election campaigning has to stop all over the kingdom 24 hours before the date of elections.

## **Part 4 End of membership and Vacancy**

### **Article 28**

The membership of any member of the Parliament is cancelled if the person does not meet one or any of the conditions of membership, or loses the trust or confidence, or neglects his/her duty. Also if it is proved that the candidate did not meet the requirements at the time of elections.

An order is to be issued cancelling the membership with a 2/3<sup>rd</sup> majority of the members of parliament, in this case the vote will be taken by calling each member by name.

### **Article 29**

Any member of the parliament can resign in writing forwarded to the chairman of the parliament. The resignation will be valid from the date the parliament accepts it. The member's seat will then be vacant from that day onwards. The member has the right to withdraw his resignation before the parliament issues its acceptance.

### **Article 30**

If the seat of a member of parliament is vacant for whatever reason, then a supplementary vote will be held to choose a replacement within one month of the announcement of vacancy.

The new member will continue the term of his predecessor.

If the vacancy occurs 6 months before the end of the term of the parliament then there will be no election for replacement.

## **Part 5 Penalties**

### **Article 31**

With out violating any penal law or other law a person violating articles 22,23,24,25,26,27, of this law will be jailed for a period of not more than 6 months and fined not more than 500 dinars or any one of the above penalties.

### **Article 32**

It is not allowed to discontinue the above penalties mentioned in article 31.

### **Article 33**

The criminal suite will be passed over and a civil suite will not be heard in the crimes mentioned above in article 31 after 6 months from the issuance of the election results or from the last date of judicial procedures in this matter

### **III : Common Rules For Both The Parliament And The Shura Council**

#### **Article 34**

It is not allowed to have joint membership of the Shura council and the Parliament as it also not allowed to have joint membership of any of the 2 councils and the municipal council or hold an government job.

#### **Article 35**

The person elected to the Parliament or chosen to the Shura council will automatically be disqualified from his other position and his government job as soon as he assumes his duties in either of the councils

#### **Article 36**

A member of either the Shura council or the Parliament will be considered resigned if he accepts a job or a position that he is barred from holding simultaneously with his membership. His position will be vacant with the decision of that respected council but in the case of the Shura Council the position is not considered vacant until a Royal Order is issued.

#### **Article 37**

Any member of either the Shura Council or the Parliament is banned from being appointed to the board of directors of any company or participate in the activities of the Government or public establishments except under conditions stated in a law. And it is prohibited for a member during his tenure to buy or lease state assets or to rent or sell to the state or to exchange it, unless it is through a public tender or open bidding or through the system of appropriation for public interest.

#### **Article 38**

The chairman of the Shura Council and the chairman of the Parliament, are prohibited from practising a commercial or non commercial occupation, from the moment he is chosen as the chairman.

### **Article 39**

Members of the Shura and the Parliament are not awarded medals during their tenures.

### **Article 40**

The Members of the Shura and the Parliament earn a monthly salary of 1000 bahraini dinars from the day they begin the membership.

### **Article 41**

The Chairmen of the Shura and the Parliament earn a salary equivalent to a Minister's salary beginning from the day of they are chosen.

### **Article 42**

The vice chairmen of the Shura and the Parliament earn a salary of 2500 dinars starting from the day they are elected.

### **Article 43**

The Shura Council and the Parliament are each financially independent and their allocated funds are on top of the National budget .

Each of the councils has its own internal regulations on how to work out a balance its budget and keeps its accounts and make and approve a balance sheet at the end of the year without being restricted by the government's rules and regulations.

### **Article 44**

Each of the councils will create its own organizational framework for its staff affairs abiding by, if there is no exception in the framework, the rules of the civil service regulations.

Until the framework mentioned above is implemented the staff are governed by the rules of the Civil Service .

**Article 45**

Scrutiny of each the Shura Council and the Parliament is limited to the the work and actions of the members of The Executive Authority from the date of first session of the councils in the first legislative term.

They are not accountable for any work or actions before that date .

**Article 46**

The chairman of the Shura Council takes over the all administrative and financial affairs during the dissolution of the Parliament .

**Article 47**

All statements contravening this law are hitherto void .

**Article 48**

The Prime Minister and concerned ministers have to execute this law from the day it is published in the official Gazette