

CONSTITUTIONAL LAW OF TURKMENISTAN

On Khalk Maslakhaty (People's Council) of Turkmenistan

In accordance with the Constitution of Turkmenistan the given Law determines legal foundations for activities and powers of Khalk Maslakhaty of Turkmenistan and its officials.

Chapter I. General Provisions

Article 1. Khalk Maslakhaty of Turkmenistan is a permanently acting supreme people's representative body. It possesses the jurisdictions of the supreme government and administration. Its activities shall be carried out in accordance with the Constitution of Turkmenistan and the present Law.

Article 2. Khalk Maslakhaty includes:

President of Turkmenistan;

Mejlis deputies, Chairman of the Supreme Kazyyet (court), General Prosecutor, members of the Cabinet of Ministers, velayats' khyakims (heads of regions), and Khyakim (Mayor) of the City of Ashgabat;

Khalk vekilleri (people's representatives);

Leaders of parties, Youth Organization, trade unions, Women's Union, which are the members of the Nation-wide movement "Galkynysh" (revival); leaders of state public organizations, representatives of elders of Turkmenistan;

Khyakims of cities being the administrative centers of velayats and etraps; archins (heads town and village council) of towns and townships being the administrative centers of etraps;

Khalk Maslakhaty consists of 2507 members.

Article 3. Election of elders' representatives for the participation in Khalk Maslakhaty, as well as the invitation of respected persons to Khalk Maslakhaty through their nomination from place of work, study or residence, shall be organized and held by the Central Committee for Elections and Referenda in Turkmenistan in compliance with the Regulations approved by the Chairman of Khalk Maslakhaty.

Article 4. The Khalk Maslakhaty activities shall be based on free discussions and joint problem solving, as well as on responsibility and accountability of officials to Khalk Maslakhaty; on publicity and responsiveness of public opinion.

Article 5. The Khalk Maslakhaty activities can be suspended only by Khalk Maslakhaty itself.

Khalk Maslakhaty can discontinue authorities of khalk vekilleri, Mejlis, Gengeshi before the appointed time.

CHAPTER II. ORGANIZATION OF WORK OF KHALK MASLAKHATY

Article 6. The work of Khalk Maslakhaty shall be organized through sessions.

Article 7. Khalk Maslakhaty shall be convoked by the Chairman of Khalk Maslakhaty or the President of Turkmenistan as required, but not less than once a year under the initiative of the Chairman of Khalk Maslakhaty, the President of Turkmenistan, Mejlis or one third of members of Khalk Maslakhaty.

Article 8. Representatives of government bodies, public unions, scientific institutions, mass media and other persons can be invited to the session of Khalk Maslakhaty under the order defined by its Regulations.

Article 9. The right to introduce a motion for consideration of Khalk Maslakhaty shall belong to the Chairman of Khalk Maslakhaty, the President of Turkmenistan, Mejlis, the Cabinet of Ministries, as well as to not less than one third of members of Khalk Maslakhaty.

Article 10. Khalk Maslakhaty shall adopt the Constitution of Turkmenistan, constitutional laws of Turkmenistan, decrees and other legislative acts. They shall be adopted at the sessions of Khalk Maslakhaty by open vote.

The session of Khalk Maslakhaty shall be authorized if not less than two thirds of its members are present at the session.

The Constitution of Turkmenistan, constitutional laws shall be adopted by the majority of not less than two thirds of the established members of Khalk Maslakhaty.

Decrees and other legislative acts of Khalk Maslakhaty shall be adopted by the simple majority of votes of members of Khalk Maslakhaty.

Decisions adopted by Khalk Maslakhaty shall be of binding force on the whole territory of Turkmenistan.

Decisions of Khalk Maslakhaty can be changed or reversed only by Khalk Maslakhaty.

Article 12. The publication of decisions of Khalk Maslakhaty is the obligatory condition for them to be applied.

An order of publication and coming into effect of Khalk Maslakhaty decisions shall be determined by a relevant law.

Article 13. The Chairman of Khalk Maslakhaty shall guide activities of Khalk Maslakhaty. A citizen of Turkmenistan, born in Turkmenistan, not younger than 55, speaking the fluent state language, permanently living in Turkmenistan and working in the supreme state power and administration bodies, with high prestige, being a member of Khalk Maslakhaty, elected by open vote by two thirds of members of Khalk Maslakhaty can become the Chairman of Khalk Maslakhaty. The Chairman of Khalk Maslakhaty shall be elected for a term of five years and shall be accountable to Khalk Maslakhaty.

The proposal for anticipatory termination of powers of the Chairman of Khalk Maslakhaty, at his/her instance, because of illness or in other cases connected with inability to carry out his/her duties, can be introduced for consideration by not less than one third of votes of members of Khalk Maslakhaty.

A decree on anticipatory termination of powers of the Chairman of Khalk Maslakhaty shall be adopted by open vote by two thirds of members of Khalk Maslakhaty.

Article 14. The First Deputy and Deputy of the Chairman of Khalk Maslakhaty shall be elected from members of Khalk Maslakhaty, under the proposal of the Chairman of Khalk

Maslakhaty, through open vote by two thirds of members of Khalk Maslakhaty; they are accountable to the Chairman of Khalk Maslakhaty.

The First Deputy and Deputy of the Chairman of Khalk Maslakhaty shall carry out duties entrusted by the Chairman of Khalk Maslakhaty.

The proposal for dismissal of the First Deputy and Deputy of the Chairman of Khalk Maslakhaty at his/her instance, and in other cases connected with their inability to carry out his/her duties, can be introduced for consideration by not less than one third of votes of members of Khalk Maslakhaty. A decree on dismissal shall be adopted by Khalk Maslakhaty under open vote by two thirds of members of Khalk Maslakhaty.

Article 15. An order for submitting proposals on election to the post and relief of the post of the Chairman of Khalk Maslakhaty shall be determined in Regulations of Khalk Maslakhaty.

CHAPTER III. COMPETENCE OF KHALK MASLAKHATY AND OF THE CHAIRMAN OF KHALK MASLAKHATY

Article 16. Competence of Khalk Maslakhaty shall include:

- 1) adoption of the Constitution of Turkmenistan, constitutional laws, introduction of amendments and addenda to them;
- 2) establishing the Central Committee for Elections and Referenda in Turkmenistan, introduction of changes in its structure;
- 3) considering issues on conducting nation-wide referenda;
- 4) appointing elections of President of Turkmenistan, Mejlis deputies, khalk vekilleri, and members of Gengeshi;
- 5) considering and approving programs for main political, economic and social developments of the country;
- 6) changing the state border and administrative-territorial division of Turkmenistan;
- 7) hearing of information of the President of Turkmenistan on situation in the country, main important issues of domestic and foreign policy;
- 8) hearing of activity reports of Mejlis of Turkmenistan, Cabinet of Ministers, Supreme Kazyet, General Prosecution;
- 9) announcement of some of illegal actions to be parricide; announcement of persons found guilty and convicted for such actions to be parricides, and making decisions on the application of extreme penalty in the form of life imprisonment. The right for application of the extreme penalty as life imprisonment shall belong to Supreme Kazyet of Turkmenistan with the following approval of such sentences made by Kazyet at the session of Khalk Maslakhaty;
- 10) ratification and denouncement of treaties on interstate unions and any other formations;
- 11) considering peace and security issues;
- 12) other issues within its competence under the Constitution and laws.

Article 17. Competence of the Chairman of Khalk Maslakhaty shall include:

- 1) management of Khalk Maslakhaty activities;
- 2) chairmanship at sessions of Khalk Maslakhaty;
- 3) control of fulfillment of decisions of Khalk Maslakhaty;
- 4) interactions between Khalk Maslakhaty and governmental bodies and public organizations;

- 5) signing of decrees adopted by Khalk Maslakhaty;
- 6) control of activities of Khalk Maslakhaty personnel, designation of the personnel and their dismissal;
- 7) solving of other issues related to the competence of the Chairman of Khalk Maslakhaty under the decision of Khalk Maslakhaty.

Article 18. The Chairman of Khalk Maslakhaty can commission the members of Khalk Maslakhaty, the governmental and administrative authorities with investigation of issues of particular national importance, and with preparation of draft decisions.

The Chairman of Khalk Maslakhaty shall issue decrees and instructions obligatory for execution all over the territory of the country.

CHAPTER IV. SUPPORT OF ACTIVITIES OF KHALK MASLAKHATY

Article 19. Organizational, technical and any other provision of activities of Khalk Maslakhaty, its officials and members shall be carried out by the personnel of Khalk Maslakhaty.

Executive officer manages the personnel of Khalk Maslakhaty.

Article 20. Main functions of the personnel of Khalk Maslakhaty include:

- 1) organizational and logistical support of sessions of Khalk Maslakhaty and its other events;
- 2) preparation of issues to be considered at Khalk Maslakhaty and preliminary consideration of drafts;
- 3) control of fulfillment of decisions of Khalk Maslakhaty by governmental bodies and public organizations;
- 4) account and summarizing of proposals and remarks got during discussions at sessions of Khalk Maslakhaty, as well as of issues submitted for referenda;
- 5) preparation of proposals against requests and questions submitted by governmental bodies and public associations to Khalk Maslakhaty;
- 6) organizational-methodological management and control of activities of local Khalk Maslakhats;
- 7) consideration of proposals, petitions and complaints submitted to Khalk Maslakhaty by citizens, their investigation and summarizing;
- 8) publication of documents of Khalk Maslakhaty, issuing of “Bulletin of Khalk Maslakhaty of Turkmenistan”;
- 9) preparation of necessary documents for elucidating activities of Khalk Maslakhaty in mass media;
- 10) solving of other issues related to the competence of the personnel of Khalk Maslakhaty.

Personnel of Khalk Maslakhaty, for the due fulfillment of their duties, shall have the right to obtain the necessary information and documents from the government, public organizations and officials about their activities,.

Article 21. Expenses for logistical support of activities of Khalk Maslakhaty shall be provided for in the State Budget of Turkmenistan approved by Mejlis of Turkmenistan.

Salary of the Chairman of Khalk Maslakhaty and other employees of Khalk Maslakhaty shall be determined by the President of Turkmenistan.

Social, domestic and any other servicing for employees of Khalk Maslakhaty necessary for the fulfillment of their duties shall be provided within financing allocated for the support of Khalk Maslakhaty.

CHAPTER V. RELATIONS OF KHALK MASLAKHATY WITH EXECUTIVE AUTHORITIES, PUBLIC ASSOCIATIONS AND RELIGIOUS ORGANIZATIONS

Article 22. Khalk Maslakhaty shall consider reports of heads of central and local executive authorities on fulfilling programs of regional economic and social development, and in case of need, can introduce a proposal to a relevant official on relieving them from their posts.

Article 23. Khalk Maslakhaty shall make relations with political parties, public associations and religious organizations on issues under its competence within existing legislation.

CHAPTER VI. FINAL PROVISIONS

Article 24. Khalk Maslakhaty shall inform the community about its activities. Representatives of mass media shall be invited to the sessions of Khalk Maslakhaty, and meetings of preparatory and working groups.

Saparmurat TURKMENBASHI
President of Turkmenistan

City of Turkmenbashi
15 Alp Arslan (August) 2003