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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW

Draft Constitution of the Republic of Georgia

Georgian Constitution

Chapter One: General provisions

Article 1

1. Georgia is an independent, unified and indivisible, law-based state.
2. The form of government is a democratic Republic.
3. As the name of the state can be equally used "GEORGIA" or the "REPUBLIC OF GEORGIA".

Article 2

1. The people are the only source of the state power in Georgia. The state power is exercised only in the framework of the Constitution.
2. Power is exercised by the people through referendum and through their representatives.
3. Neither person, nor group of people has right unlawfully to seize national or state power.
4. The State exercises its functions on the basis of the principle of the separation of power.

Article 3

1. The Constitution is the supreme law of the state. All other legal acts shall be issued in accordance with its provisions.
2. Georgia recognizes and observes generally recognized norms and principles of international law. Legally signed and published international treaties are part of domestic laws. They have juridical force superior to other normative acts.

Article 4

Republic of Georgia recognizes and will defend generally recognized human rights and freedoms as supreme and constant values. The people and the State exercise their power restricted by these rights and freedoms.

Article 5

Transfer of the national territory is not permitted. Disputed state borders can be changed only by the mutual agreement of neighboring states. The procedures for resolving such disputes shall be determined by organic law.

Article 6

The Georgian Language is the State Language of the Republic of Georgia, except within Abkhazia, where the state languages are Georgian and Abkhazian.

Article 7

The State and the Church are independent and separate.

Article 8

Tbilisi is the capital of Georgia.

Article 9

The State symbols of Georgia are determined by organic law.

Chapter Three: The Parliament of Georgia

Article 46

The Parliament of Georgia exercises the legislative power and other functions enumerated in the Constitution.

Article 47

1. The Parliament of Georgia consists of two chambers - the Council of the Republic and Senate.
2. The procedure of electing deputies and senators is determined by the Constitution and organic law.
3. The internal structure of each chamber, the order of work and the organization are determined by the Constitution and by the rules of procedures adopted by the majority of the total number in each chamber.

Article 48

1. The Council of the Republic consists of 120 deputies elected by proportional system on the basis of free, universal, equal and direct suffrage by secret ballot.
2. A Citizen having reached the age of 23 (alternative: 25) with the right to vote may be elected as a deputy.
3. The right of participation in the elections is given to a political party which has not less than 5 members in the Council of the Republic, or to a party upon an initiative confirmed by the signatures of not less than ten thousand voters.
4. Political party or bloc of political parties who receives less votes than four (alternative:5) percent, do not get a mandate of a deputy.
5. Elections of the Council of the Republic are held in May of the fourth year after holding the previous elections and out of term elections are held in not less than 45 days after dismissing the Council of the Republic. If the date of holding elections falls during a state of emergency or a state of war, elections are held in not less than 60 days after the end of this situation. The date of elections is set by the President of the Republic at least 60 days before the next elections. Out of term elections are set at least 30 days before.
6. The authority of the Council of the Republic ceases immediately after the first meeting of the newly elected Council of the Republic and in the case of its preterm dismissal - from this moment.

Article 49

1. Senate consists of Senators elected in the Lands for a term of six years by secret ballot by the members of representative bodies of local self-governments.

(version) The Former Presidents of the Republic become Senators with an indefinite term by right if their authority did not cease in accordance of

Article 78 (2) of the Constitution.

2. A citizen who has attained 30 years and has the right to vote can be elected as a senator, if before the elections he has lived for at least the previous year in the Land where he is a candidate of a member of the Senate and is a member of the representative body of local self-government of this Land or was elected as a senator from this Land.

3. Four Senators are elected from each Land (version: three Senators - from Tskhinvali Region), except that from Abkhazia, Adjara and Tbilisi, four additional senators are elected by their supreme representative bodies.

4. One third of the members of Senate are re-elected every two years. The President of the Republic announces such elections at least 30 days before the elections.

Article 50

The sitting of newly elected Council of the Republic shall be held within 25 days after the election. The day of the first sitting is appointed by the President of the Republic.

Article 51

1. A member of the Parliament of Georgia is the representative of the whole Georgia, uses free mandate and his call up is impermissible.

2. A member of the Parliament is not answerable for the ideas and opinions expressed in or out of Parliament, while performing his duties.

3. Bringing an action against a member of Parliament, his detention or arrest, or the search of his person or flat, is permissible only with the consent of the chamber of Parliament of which he is a member, except in cases when he is caught in the commission of a crime. In such a case, the appropriate chamber should be notified immediately. If the appropriate chamber of Parliament does not give its agreement, the member of Parliament must be immediately released.

4. A member of Parliament has the right not to give evidence on facts disclosed to him as a member of Parliament. To the extent that this right to refuse to give evidence exists, no seizure of documents may take place. A member of Parliament preserves this right after the expiration of his duties.

Article 52

1. A member of the Council of the Republic may not occupy any other position, carry out commercial activities, or receive another salary or compensation from any other occupation.

2. A person cannot simultaneously be a member of the Council of the Republic and the Senate, or a member of Parliament and a territorial representative body.

3. Demands of the first part of this article are spread on the chairman, the deputy chairman, and the secretary of Senate, and also upon the chairmen of the

4. The members of Parliament receive a salary determined by law. If a senator occupies any other post he may not receive the salary established for members of Parliament.

Article 53

1. The question of the recognition of the authority of a member of Parliament, or the preterm expiration of his duties, is decided the appropriate chamber. This decision may be appealed to the Constitutional Court.

2. The preterm expiration of duties of a member of Parliament is possible in the following cases:

- a) A member's resignation.
 - b) Recognition of the validity of charges by a court conviction against him.
 - c) His inability to work as recognized by a court.
 - d) Occupation of post incompatible with the status of a member of Parliament.
 - e) If he is declared by a competent body as dead.
3. Preterm expiration of duties of a member of the Council of the Republic also takes place in the case of dismissal of the Council of the Republic.

Article 54

1. The chairman of a chamber, the deputy chairman and the secretary of a chamber are chosen by secret ballot, and are elected by a majority of the total number of chamber members.
2. The chairman, the deputy-chairman and the secretary of the Council of the Republic are elected for a term equal to the term of authority for the Council of the Republic. The chairman, the deputy-chairman and the secretary of senate are elected for a term of two years, immediately after the renewal of one third of the senate members.
3. The Chairman of the Council of the Republic and the Chairman of Senate lead chamber work, guarantee free expression of opinions, sign acts adopted by their chamber, and perform other duties as required by the appropriate chamber regulations.
4. Obligations of a chairman of a chamber#016# of Parliament are performed by their deputy chairmen in the case his preterm expiration of his duties.
4. For a period determined by the regulations of each chamber, a deputy chairman shall assume the position of the chairman (1) when ordered by the chairman of the Council of the Republic, or leader of the Senate, or (2) upon the preterm expiration of the chairman.
5. The chairman of the Council of the Republic on behalf of both chambers carries out the complete administrative functions of Parliament. He guarantees the inviolability of Parliament, and without his permission no one has the right to search or arrest anyone within the Parliament house.

Article 55

1. Constant commissions are created in the Council of the Republic for the term of its authority, and in Senate, for a term of two years. The constant commissions shall prepare questions about legislative work, and help to fulfill the decisions of the legislature, and carry out common control of executive body activity.
2. Each chamber of Parliament has the right to create investigative and other temporary commissions in the cases considered by the Constitution and laws, and a chamber of Parliament is obligated to create such a commission if requested by one fourth of the total number of the chamber. The representatives of the parliamentary majority shall not compose more than one half of the total number of members of such a commission. always?
3. Investigative commissions shall function in accordance with the procedures of the penal law. Their conclusions are not binding on courts.

Article 56

1. A Parliamentary faction in the Council of the Republic may be constituted

by not less than twelve members of the Council.

2. A faction is provided with appropriate conditions for work which are determined by regulations.
3. The creation of factions in the Senate is impermissible.

Article 57

1. **The Right to Question:** A member of Parliament has the right to ask questions of any representative of state power, and shall receive complete answers to his questions. The right can be applied to courts and judges only according to the provisions of Article 101.2 of the Constitution.
2. **The Right of Interpellation:** A group of at least 12 deputies, or a Parliamentary faction, has the right to interpellate the Prime Ministers or separate members of the cabinet. The Prime Minister shall answer such questions at the sitting of the Council of the Republic. After the debate the Council of the Republic adopts a resolution.
3. **Question Period:** One sitting per week is devoted to listening and to the discussion of questions and answers to the questions.

Article 58

1. Chambers hold their sittings separately.
2. Chambers sit jointly in the following cases:
 - a) In the cases of the announcement or the ratification of an announcement of the state of war, or in the case of the ratification of an announcement of a state of emergency.
 - b) For the discussion of a questions of amnesty.
 - c) Taking the oath by the President.
 - d) For hearing Presidential reports.
 - e) In other cases determined by the Constitution and Law.
3. Joint sittings are held by regulations passed jointly by the Council of the Republic and the Senate, and are presided over by the chairman of the Council of the Republic.

Article 59

1. Sittings of Parliament and its chambers are public. By a vote of the majority of all members of a chamber, a sitting or a part of it may be closed.
2. Members of each chamber have right to attend sittings of the other chamber, or joint sittings, without obstacle. Executives that are elected, appointed and confirmed by a chamber are authorized, and may be required, to attend sittings of their respective chambers and their commissions. They may address their chambers and commissions, and are to be granted the right to speak at their first request.
3. Voting is always open or name except cases envisaged by the Constitution.
4. Chambers just keep a journal of their proceedings, and publish them periodically, except for its secretly known issues.

Article 60

1. The Council of the Republic by its rights gathers for the following session twice a year. The fall session opens on the first Tuesday of September and closes on the third Friday of December and Spring session opens on the

third Tuesday of January and closes on the last Friday of June.

2. The President of the Republic by the request of the Prime Minister, the chairman of the Council of the Republic and not less than one fourth deputies or on own initiative convenes out of term session within the sessions and during the following session - out of term sitting. If after submitting the written request within 24 hours the act of convocation was not published the chamber gathers by its right.
3. The out of term sitting is held only by the determined agenda and closes at its expiration.
4. The announcement of war and state of emergency or state of war causes meeting of both chambers of Parliament by its rights at the out of term joint sitting within 24 hours and continuation of work of the Council of the Republic until the end of the situation.

Article 61

1. Decisions on war and peace and emergency situations are adopted at the joint sitting of the chambers of Parliament by a vote of the majority of the members of each chamber.
2. If the Council of the Republic is dismissed the duties of Parliament which are determined by this article and Articles 44 and 68 of the Constitution are carried out by the Senate, who makes denoted decisions by the majority of two-third of total number of the Senate.

Article 62

1. In the cases envisaged by the article 77(2) of the Constitution, the Senate decides on the issue of impeachment upon the submission of a charge by the Council of the Republic.
2. The submission of charge by the Council of the Republic is considered if it is signed by at least one fourth of total number of the Council of the Republic. The chairman of the Council of the Republic convenes immediately the sitting of chamber which appoints the date for consideration of charge. The decision of chamber about submission of a charge is considered adopted if supported by at least two third of total number of chamber. A charge must be considered promptly after its submission, but in no case shall the charge be resolved later than 30 days after its submission.
3. In the cases of passing the decision of submitted charge to the President by the Council of the Republic the decision is passed to the Senate within 5 days which is obliged to hold a sitting immediately after its adoption. The sitting of the Senate is convened by its chairman. The decision of the Senate about confirmation of the submitted charge to the President of the Republic and his removal from the post is considered adopted if supported by at least two third of the total number of the Senate. The decision by the Senate must be made promptly after its submission, but in no case shall it be resolved later than 30 days after its submission.
4. If within in the time established for the procedures of either chamber under this Article that chamber does not act, proceedings under this Article shall be terminated, and the same charge may not be brought again for at least six months.
5. Discussion of the submitted charge to the President of the Republic and passing of the decision is impermissible in Parliament in the case of situation envisaged by the articles 82, 84.4 and 85.3 of the Constitution.
6. No court has jurisdiction over the procedures governed by this article.

Article 63

1. Ratification and Denunciation of International agreements and treaties

are performed by the law.

2. It is obligatory to ratify such International agreements and treaties which:

a) are of political or military character.

b) concern territorial integrity, citizenship or human rights and freedoms pointed in the second chapter of the Constitution.

c) charge the state with financial duties.

d) require a change of the internal legislation or adoption of necessary laws and acts possessing the power of law for fulfillment of charged obligations.

3. The Parliament must be immediately notified about conclusion of other International agreements and treaties.

4. Those provisions of International agreements and treaties which contradict the Constitution enter into force only after revision of the Constitution. Conclusion whether there is any contradiction to the Constitution is made by the Constitutional Court after appealing to it.

Article 64

1. Except for those bills and resolutions required by the Constitution to be passed by a qualified majority, a bill or resolution is considered passed in the Council of the Republic if supported by the absolute majority of all those present, but not less than one fourth of total number of the Council of the Republic.

2. As referred to in this Constitution, an "organic law" shall be considered passed in the Council of the Republic if supported by a majority of the total number of the Council of the Republic.

3. The decision of the chambers on revision of the Constitution and submission of an appropriate bill for referendum is considered passed if supported by at least two-thirds of the total number of each chamber.

4. The decision of the Senate on the renunciation of a bill and amendments in it, passed either according to the procedures of Article 64.1 or according to the procedures of Article 64.2, is considered passed if supported by the majority of total number of the chamber.

5. Except for those resolutions required by the Constitution to be passed by a qualified majority, a resolution is considered passed in the Senate if supported by the absolute majority of all those present, but not less than one fourth of total number of the Senate.

6. The order of adoption of the other kinds of decision is determined by the regulations of the chambers.

Article 65

1. The adoption of law by Parliament begins with submission of the bill to the Council of the Republic.

2. The right of legislative initiative is vested in a group of five (version 1: fifteen) deputies (version 2: in a deputy), a Parliamentary faction of deputies, a commission of the Council of the Republic, the Senate, the President of the Republic, the Cabinet of Ministers, a representative body of a region, or 15 thousand voters.

3. A bill submitted by the Cabinet of Ministers takes priority over other bills. If required by the Cabinet of Ministers the Council of the Republic shall consider a bill in accelerated way.

Article 66

1. The approved bill by the Council of the Republic is passed to the Senate within 5 days.
2. If the Senate does not renounce the entered bill within 30 days, it is passed to the President of the Republic. In case of a bill adopted by the Council of the Republic by an accelerated procedure, this time is reduced to 15 days.
3. The renounce bill by the Senate is returned to the Council of the Republic with its remarks within 5 days. The Council of the Republic votes on the Senate remarks and passes the final wording of the bill to the President of Republic.
4. The President of the Republic either signs and issues the law within ten days or returns it to the Council of the Republic with his remarks.
5. If the President returns the law to the Council of the Republic, the Council then votes on the President's remarks. Adoption of the law requires the same number of votes as for the initial approval of the given bill. The Council of the Republic then passes the final wording of the bill to the President of the Republic, who is required to sign and publish the law within 7 days.
6. If the President of the Republic does not publish the law within determined period, then the law is signed and published by the chairman of the Council of the Republic by right.
7. The law enters into force only on the 15th day after its official publishing, unless another date is provided.

Article 67

1. In order to carry out its program, and upon the consent of the President of the Republic, the Cabinet of Ministers may request that Parliament authorize it, by an organic law to issue law-decrees. The purpose, content, and scope of the powers conferred must be set forth, as well as the period for which the power is conferred.
2. The period of conferral may not exceed 12 months. In the event of a preterm dismissal of the Council of the Republic, this period ends at the moment the Council is dismissed.
3. The period of conferral may be extended, or an additional delegation under paragraph 1 may be granted, only upon the presentation of a new program which is accepted according to the procedures established in Article 84.
4. The decree enters into force only if submitted to the Council of the Republic, and then from the moment of its publication, unless a later date is indicated. During the period indicated under paragraph 1, the Parliament retains the power only to abrogate decrees by law in part or in whole.
5. At the expiration of the time limit referred to in the paragraph one, the decrees may be abrogated or modified only by law.

Article 68

1. During the state of emergency or state of war law the Cabinet of Ministers is authorized to enact decrees which have the power of law. Such decrees must be immediately submitted to the Council of the Republic. The President presides over the Cabinet of Ministers during the discussion and adoption of such decrees, which go into effect if signed by the President of the Republic, and countersigned by the Prime Minister or an appropriate minister.

2. The Council of the Republic is obliged to discuss and adopt the decision within 15 days after publication of the decrees. If the Council of the Republic does not ratify the decree it is considered nullified from the day of its adoption.

3. The decree enters into the force from the day of its publishing and period of its action ends simultaneously with the end of the state of emergency or state of war.

Article 69

The Council of the Republic may not delegate to the Cabinet of Ministers legislative authority that this Constitution requires to be determined by organic law, nor may the Cabinet of Ministers issue decrees within the domain of subjects required to be determined by organic law.

Article 70

1. After an initial failure of a bill brought by the Cabinet of Ministers, the Cabinet of Ministers may authorize the Prime Minister to resubmit to the Council of the Republic the same bill, and join to it a question of confidence in the Cabinet of Ministers.

2. If within 48 hours after raising the question of confidence, a vote of non-confidence has not been submitted to the Council of the Republic, or if a vote has been submitted and the Council did not vote no confidence, the bill is considered approved and is passed to the Senate. After one such vote, raising a question of confidence on the same bill is impermissible.

3. Submission of this question on non-confidence and the passing of a decision takes place by the procedures of Article 85(4), and Article 86 of this Constitution.

Chapter Four: The President of the Republic

Article 71

1. The President of the Republic is the head of State, and a guarantor of the constitutionality of the activities of the State.
2. The President of the Republic represents the Republic within the country and in foreign relationships.

Article 72

1. The President shall be elected in free, universal, equal and direct suffrage by secret ballot with a term of five (version: four) years. One and the same person can only serve two consecutive terms as President.
2. Any citizen of Georgia may be elected President of the Republic, who is eligible to vote, has attained thirty-five years of age, has lived in Georgia for at least fifteen years and is living in Georgia on the day the elections are scheduled.
3. The right to nominate a candidate to the President of the Republic is vested in a Political party or an initiative group, the initiative confirmed by the signatures of 25 thousand electors, at least 50 members of Parliament among them. Each member of Parliament has the right to support several nominated candidates.
4. A candidate is considered elected who received the absolute majority of votes of the participants, on condition that more than a half of the total number of electors have participated in the elections.

5. If elections are considered having held, but none of the candidates received the necessary votes, then the second round of the elections is held in two weeks' time.
6. The second round of the elections is held with the two candidates who had the best results in the first round. The candidate who receives more votes will be considered elected President on condition that at least one-third of total number of electors had participated in the elections.
7. In the case elections are acknowledged unheld or are held but the only candidate balloting in the first round couldn't receive enough votes, new elections are to be held.
8. During the state of emergency or state of war, no elections can be held.
9. The first round of the regular elections of the President is held on the second Sunday of April in five (version: four) years time since previous elections.
10. The orders and means of the elections of the President of the Republic are determined by organic law.

Article 73

1. Before the authority of the newly elected President begins on the day of May, 26, he must make his program speech and swear a solemn oath, before a joint sitting of Parliament:

"I, The President of the Republic of Georgia, solemnly pledge before my Nation and my Home country to defend Constitution of Georgia, independence, unity and inseparability of my country. I will honestly perform the duties of a President. I will protect the welfare and security of my people, and will care for the renascence and power of my nation and my homeland".

2. In the event of special elections the ceremony mentioned in the first paragraph of this article is hold on the third Sunday after the day of President election.

Article 74

1. The President can hold no other position, cannot carry out commercial activity or receive another salary or compensation from any other occupation.
2. The President has no right to be in any political party.

Article 75

1. In fulfillment of his functions under Article 71, the President:
 - a) Concludes international agreements and treaties, negotiates with foreign states; with consent of Senate appoints ambassadors and other diplomatic agents; receives and accredit ambassadors and other diplomatic representatives of foreign states and international organizations;
 - b) Appoints and relieves, submits to the Council of the Republic or Senate high-ranking officials in cases determined by the Constitution and law;
 - c) Shall call a referendum in those cases envisaged by the Constitution;
 - d) In the events of war-state, massive disorder, military coup, armed rising - declares a state of emergency throughout the whole territory of the State or its parts and immediately submits it to Parliament for approval;

e) In case of an armed assault on the Republic, he declares war, and when appropriate, concludes the peace, and immediately submits these decisions to Parliament for confirmation;

f) Signs and issues laws in the order determined by the article 66 of the Constitution;

g) In cases determined in the Constitution presides over sessions of the Cabinet of Ministers.

h) Dissolves the Council of the Republic in cases determined by the Constitution. It is impossible to dissolve the Council during a state of emergency or state of war; also in case defined in the article 62 of the Constitution, from the moment Parliament was proposed to incriminate the President to the moment Parliament makes decision;

i) The right of pardon;

j) Awards state honors, awards high-ranking military and special titles, and highest diplomatic ranks;

k) Is the commander-in-chief of the military forces, presides over the National Security Council created in accordance with an organic law;

l) Carries out other duties vested in him by the Constitution.

2. The President of the Republic, in the cases determined by the Constitution and within the Constitution, issues legal acts, and signs decrees passed at the Cabinet of Ministers.

3. At least once a year reports to the joint sitting of the chambers of Parliament on major domestic and foreign affair issues situation in the country.

4. The expenses to keep the President and his staff are determined by the law on the budget.

Article 76

[referendum]

Article 77

1. The President has personal immunity during his term and it is prohibited to arrest him or to institute criminal proceedings against him.

2. The Parliament has the right to relieve the President according to the procedures of Article 62 of the Constitution and according to the order determined by an organic law, for gross or continuing violation of the Constitution and laws, or high treason.

Article 78

1. In cases the President is unable to perform his official duties or pre-term expiration, the powers of the President are delegated to the chairman of Senate and in cases he is also unable to perform the duties or pre-term expiration the powers are delegated to the Prime Minister.

2. A person holding the Position of President of the Republic cannot use the rights formulated by the article 75(1), items c,d,h.

3. Chairman of the Council of the Republic ensures to hold the elections of the President within 60 days since the date he began to perform his duties.

Chapter Five: The Cabinet of Ministers

Article 79

The Cabinet of Ministers of the Republic of Georgia, in the frame of the Constitution and laws, leads the executive power, and exercises domestic and foreign policy.

Article 80

1. The Cabinet of Ministers is composed of the Prime Minister and Ministers. Prime Minister is the head of the Cabinet of Ministers and is responsible for its activities to the Council of the Republic. Ministers are responsible jointly for activities of the Cabinet of Ministers and individually for the activities of their institutions.

2. A citizen who has a right to be elected in the Council of the Republic, can be nominated to the position of Prime Minister or minister. Only civil persons can be appointed as the Prime Minister and ministers, except for the position of minister of defense; former military serviceman or persons can be appointed only if they have resigned from their offices at least one year before appointment.

3. The Prime Minister and member of the Cabinet of Ministers may not occupy any other position carry out commercial activities, or receive another salary or compensation from any other occupation.

Article 81

1. The structure, design and activities of the Cabinet of Ministers should be determined by cabinet regulations.

2. The armed forces, the state security forces, and the police shall not be united.

Article 82

1. Within 5 days after the resignation of the Cabinet of Ministers or after the authority of the newly elected Council of the Republic on the basis of a power determined by Article 71 of the Constitution is recognized, President of the Republic appoints the Prime Minister, who is in charge to set up the Cabinet of Ministers. Within 7 days after the nomination of the Prime Minister, President appoints Ministers, presented by the Prime Minister; the Prime Minister submits for confirmation whole personnel of the Cabinet of Ministers to the Council of the Republic. The Cabinet of Ministers has to receive confirmation by voting within 3 days after its submission.

2. In case of rejection of the Cabinet of Ministers for, the procedure for the formation of the Cabinet of Ministers is repeated according to the paragraph 1 of this article 84.

3. In case of second rejection of the Cabinet of Ministers for, within 7 days the Council of the Republic elects the Prime Minister, who is charged to set up the Cabinet of Ministers. In order to submit the candidate of the Prime Minister, he should be supported by at least 25 deputies. After the Prime Minister is elected, within 5 days he submits for confirmation the composition and members of the Cabinet of Ministers to the Council of the Republic. The confirmation should be voted not later than 3 days, since its submission.

4. In case if the Prime Minister is not elected by the Council of the

Republic, or if the Cabinet of Ministers is not receiving confirmation after the election, within following 3 days President dissolves the Council of the Republic and declares new elections.

Article 83

1. The Cabinet of Ministers is authorized to commence its work from the day of its confirmation till the confirmation of the new Cabinet of Ministers.
2. The Cabinet of Ministers is considered dissolved if it has not received confidence of the Council of the Republic or has received no confidence.
3. The resignation of the Prime Minister, death or inability to discharge his duties causes the resignation of the Cabinet of Ministers. Prime Minister or President shall inform this fact to the Council of the Republic.

Article 84

1. After confirmation of the Cabinet of Ministers the Prime Minister has a right to make a change in the composition of the cabinet after consultation with the President of the Republic; if more than one third of the Cabinet is changed, the Prime Minister, within 7 days, must submit the issue of confidence on the Cabinet of Ministers to the Council of the Republic.
2. The Prime Minister is authorized after discussions in the Cabinet of Ministers to submit the issue of confidence on the Cabinet of Ministers to the Council of the Republic, caused by its program or its general political declaration.
3. The voting must be held not earlier than 3 days and not later than 10 days after the issue of confidence is presented.
4. If the Cabinet of Ministers does not receive confidence and if after such decision within 15 days a new Cabinet is not formed by the Council of the Republic, according to the rule prescribed in Article 82.3 of the Constitution, the Prime Minister is authorized to appeal to the President for resignation of the Council of the Republic. Within 3 days the President of the Republic dissolves the Council of the Republic and fixes the date of the new elections.

Article 85

1. In the Council of the Republic at least 25 deputies have right to submit the issue of no confidence on the Cabinet of Ministers. On this issue the voting must be held not earlier then 3 days and not later then 10 days after its submission. Only votes supporting no confidence are counted. Each MP during one session has right to sign once the submission of no confidence, besides the case, prescribed in Article 70 of the Constitution.
2. The Council of the Republic is authorized to declare no confidence by the procedures of Article 85(1) on the Cabinet of Ministers if the Council simultaneously elects a Prime Minister.
3. Within 7 days after Prime Minister is elected, the Prime Minister shall submit, after consultation with the President of the Republic, the composition of the Cabinet to the Council of the Republic for confirmation. Not later then after 3 days after this submission, a vote on confirmation shall be taken.
4. If the Cabinet of Ministers does not receive confirmation, President of the Republic, within 3 days, dissolves the Council of the Republic and fixes the date of new elections of the Council of the Republic.

Article 86

Decisions on issues prescribed in Articles 82, 84, 85 of the Constitution, are adopted by the Council of the Republic by secret voting as resolutions.

Article 87

1. In order to ensure the performance of obligations defined by the Constitution and law the Cabinet of Ministers issues resolutions in order to carry into effect the laws.
2. The Prime Minister and Ministers within the frames of their competence, issue orders.

Article 88

1. Except as required by law, the Cabinet of Ministers is responsible for public administration.
2. Institutions, bodies or organs of government power are established by law only.
3. The Cabinet of Ministers has no power to recall rights vested in any administrative body by the Constitution and law, or to make decisions on questions that must be decided by these state bodies.

Chapter Seven: The Judiciary

Article 95

1. The judiciary power in Georgia is exercised by the Supreme Court of Georgia and by other courts, both general and specialized, which are under its supervision.
2. The creation of special or emergency courts is prohibited.
3. Specialized courts which adhere to the basic procedures and fundamental constitutional norms governing the general courts may be authorized.
4. Organization, competence and legal procedure of all courts is determined by an organic law.

Article 96

1. All courts make their decision in the name of Georgia, and execution of these decisions are binding the whole territory of the country.
2. A court decision can be suspended, changed or abolished only by the decision of a court.

Article 97

1. Consideration of a case at every court is public. Court decisions in every case are to be made public. Exceptions may be authorized by an organic law.
2. Parties enjoy equal and competitive rights when considering a case in court. Restriction of any rights granted by law to participants in any proceeding is prohibited.

Article 98

1. Proceedings in any court shall be in Georgian, except within Abkhazia, where proceedings shall be in Georgian and Abkhazian.

2. Every person participating in a case who does not have command of the legal language of the court is provided with an interpreter, at the expense of the state.

Article 99

A state prosecution at the court is controlled by the General Prosecutor of Georgia, and by other prosecutors subordinated him. The General Prosecutor is responsible to the Minister of Justice. His competences shall be defined by an organic law.

Article 100

1. A judge can be citizen of Georgia who has attained the age of 30, who has higher legal education, at least five years experience in this field, and is in command of the legal state language.
2. The office of the judge cannot be combined with any other offices or paid activities, except pedagogical activities. A judge cannot be a member of a political party, or participate in political activities.

Article 101

1. A judge is independent in carrying out his activities, and adheres only to the Constitution and law. He conducts the trial by his inner convictions on the basis of valid evidence and in accordance with the Constitution.
2. Judges may not provide any explanation or justification for a decision other than that which appears in the judgment and decision itself. Any effort to require such an explanation shall be punished according to law. Any pressure or other interference with a judge to influence a decision is forbidden and shall be punished according to law.
3. An organic law shall establish a special rule of election, appointment, and discharge of the judges. The period of service should not be less than 10 years.
4. Dismissal of a judge from the consideration of a case, his discharge, and removal before the appointed period may be allowed only in the cases stipulated in an organic law.
5. The state is obliged to supply to the judge terms of labor and remuneration which guarantees his independence. There must be singled out as a single article in the state budget the charges necessary for the appropriate functions of the courts.
6. The reduction of the judge salary and reduction of his privileges is not permitted.

Article 102

1. The judges are immune from criminal prosecution, and cannot be detained or arrested without the consent of the Board of Justice, except in cases when he is caught in the commission of a crime, in which case the facts of the detention or arrest must be immediately communicated to the Board of Justice.
2. The judge must be immediately released if the Board of Justice does not agree to his arrest, or detention, and cannot be indicted for these crimes.
3. The personal search of a judge, or his car, or his apartment, or office, is permitted only with the permission of the Prosecutor General of Georgia.

4. The state must provide safety of the person and family of a judge.

Article 102a

1. The Supreme Court of Georgia in accordance with a determined procedure supervises the enforcement of justice at every court of Georgia and considers the cases determined by law in the first instance.
2. The Supreme Court of Georgia has appellate jurisdiction over all cases arising in the lower courts of Georgia, under regulations prescribed by law, and has original jurisdiction in cases determined by law. It also supervises the enforcement of justice in such courts.
3. The Chairman and judges of the Supreme Court of Georgia can be removed before the appointed time from office only by impeachment.

(version 2)

3. Judges of other courts are appointed and submitted to the Senate for confirmation by the President of the Republic.

Article 103

1. For the preparation and selection of candidates for judges on the competitive basis, for the submission an issue of discharging the judges before the appointed time, for the consideration and resolution the issues of disciplinary responsibility of the judges and for the supporting of an another organizational, systematic and methodic activities of the courts the Board of the Justice has been created.
2. The Chairman of the Supreme Court of Georgia, who simultaneously is the chairman of the board of justice, The Chairman of the Supreme Court of Abkhazia and minister of justice of Georgia are members of the board of the justice by their office.
3. Five members of the board of the justice selected from lawyers and having appropriate experience in this field, after the recommendation of the President are appointed with the term of eight years by the Council of the Republic. The other five member are appointed by Senate. The Chairman of the Supreme Court of Georgia is chairman of the Board of the Justice.
4. Law determines the order and competence of the board of justice.

Chapter Eight: State Finances and Control

Article 104

1. The Parliament of Georgia annually passes the law on budget; There is reflected all incomes and expenses of the State, and also there balance.
2. The orders of making and passing of the budget of the Republic of Georgia are determined by the Constitution and by law.

Article 105

1. To submit the draft on budget to the Council of the Republic only the Cabinet of Ministers has a right.
2. The Cabinet of Ministry is obligated to submit the draft on budget to the Council of the Republic not later than 3 months before the end of the current budget year. At the same time the Cabinet if Ministry submits the preliminary accounts on the current budget year.

3. Introduction of changes to the draft on budget which result in an increase in expenses and reduction of incomes of the State without the consent of the Cabinet of Ministry is impermissible.

4. If Parliament can not to pass the law on budget by the beginning of the new budget year, the Cabinet of Ministry is authorized to cover necessary expenditures in accordance with the relative budget of the previous fiscal year to carry out state obligations, but these expenditures may be vetoed by the President.

5. In case Parliament neither proved the budget nor declared a vote of no confidence on the Cabinet of Ministers during the 60 days from the beginning of the budget year the President of the Republic dissolves the Council of the Republic and schedules the day of extraordinary elections to the Council of the Republic.

Article 106

1. It is prohibited to make any state loan or assume any financial obligation, without the agreement of the majority of members of the Council of the Republic. It is prohibited to make transfers of expenses from one part of the budget to another part without the agreement of the Council of the Republic.

2. The Cabinet of Ministry may demand a discharge of additional state expenditures from Parliament if it shows the sources of covering these expenses.

3. The Cabinet of Ministry submits the full report on fulfillment of the budget of the Republic to Parliament for confirmation not later than 90 days from the end of the budget year.

Article 107

1. All taxes are regulated by law, and the structures for taxing are established by law.

2. No expenditure from the state treasury is permitted without the approval of law.

Article 108.

1. The right to issue money is vested only in National Bank of Georgia and it determines the order of circulation of money and payments.

2. The name and units of money is determined by law.

Article 109.

1. The highest body of the National Bank is the Board of the National Bank, one half of its members elected by the Council of the Republic, another half by the Senate upon the nomination of the President of the Republic for a term of 7 years. To relieve a member of the Board of the National Bank before term expiration is realized by the decision of the corresponding Chamber taken by the majority of the total number of its members upon the nomination of the President of the Republic.

2. The President of the National Bank is appointed and relieved by the President of the Republic, upon nomination of the board of the National Bank.

3. The National Bank submits the report on its activities to Parliament annually.

4. The arrangement, authority and order of activities of the National Bank,

also the bank system is determined by law.

Article 110.

1. Supreme financial-economic oversight of state revenues and expenditures of the state means is carried out by the Chamber of Control of Georgia.
2. The chairman of the Chamber of Control is appointed by the Council of the Republic, upon nomination of the President of the Republic, for a term of 5 years. He has the legal immunity just the same a members of Parliament do and his pre-term expiration is allowed by means of impeachment only.
3. The Chamber of Control is authorized to check:
 - a) the financial-economic activities of state enterprises, organizations and institutions, also of those enterprises part of belongings of which is a property of the state;
 - b) the state of usage and protection of state finances and other state material assets;
 - c) the activities of other financial-economic control bodies.
4. Twice an year- while submitting the preliminary and total report on fulfillment of the budget - the Chamber of Control submits report on his own activity to the Council of the Republic.
5. The arrangement and order of activities of the Chamber of Control is determined by an organic law.