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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW

DRAFT CONSTITUTION OF THE REPUBLIC OF GEORGIA

Communicated by Mr Demetrashvili
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The Constitution of Georgia

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 to seize the national power or unlawfully to take the 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.

Georgia observes universally recognized rights and freedoms of an individual as everlasting and the Most High values. The people and the state are bounded by these rights and freedoms as well as by directly acting legislature in exercising state power.

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 Two

A Man and State (Version: Basic Rights and Freedoms)

Article 10.

1. In Georgia Single citizenship there is established.
2. A man can not be a citizen of Georgia and a citizen of any foreign state at the same time (simultaneously).
3. The order of naturalization and loss of citizenship is determined by organic law.

Article 11.

1. The state shall protect its citizens irrespective of their location.
2. No one may be deprived of his citizenship.
3. Expulsion of a citizen of Georgia from its territory is prohibited.
4. Extradition of a citizen of Georgia to a foreign state is prohibited, except in hard criminal cases defined by international and agreement.

Article 12.

Every body is born free and is equal before a law, regardless of race, skin color, language, sex, religion, political and other beliefs, national, ethnic and social status origin property and title status or place of residence.

Article 13. (Version 1)

1. A person's life is inviolable.
2. Capital punishment is prohibited.

Article 13. (Version 2)

1. A person's life is inviolable.
2. Execution of a special punishment - capital punishment - can be permitted for extremely dangerous a crimes by a person, considered by a court to be extremely dangerous to the society.

Article 14.

Every body has the right of free personal development in accordance of his physical, moral and mental abilities.

Article 15.

1. A person's dignity is inviolable.
2. Torture, inhumane, brutal or degrading treatment or punishment is inadmissible.

Article 16.

1. The freedom of a person is inviolable.
2. Arrest or other kinds of restrictions of personal freedom is prohibited without substantiated and legal decision of the court.
3. In argent cases, determined by law and by the officials authorized the law a temporary detention of a person is permissible. The detained person must be conveyed to the nearest court for a hearing as soon as possible but not later than 48 hours. If the legality of the detention is not confirmed within the next 24 hours by the court the detained person must be released immediately.
4. Physical or moral coercion of a detained or otherwise freedom restricted person is punishable by law.
5. A detained person must be immediately made aware of his rights and the basis of his detention in a way understandable for him. The detained person may demand the assistance of an attorney: his demand shall be satisfied.
6. The maximum time of preliminary detention can not exceed a day period.

Article 17.

1. Everyone enjoys the freedom of thought, conscience, religion and belief, and may not be compelled to express any opinion on them.
2. Persecution of a person for reasons of religion or belief is prohibited. These rights may not be restricted unless the exercises of these rights encroaches on the rights of other persons.

Article 18.

1. The place of residence of a person is inviolable.
2. Inspection, search or restriction of access to a residence is admissible according the decision of the court or the cases and rules provided in the law.

Article 19.

1. Property is inviolable. rights to inheritance is recognized and guaranteed.
2. The state equally protects the right of ownership regardless of who is the owner.

3. Taking of property for public use is permissible by decision of a court only in cases determined by organic law without its decision in extreme necessities determined by organic law only if total and immediate compensation is made.

Article 20.

1. Everyone lawfully within the territory of Georgia is allowed to freely choose his place of residence and is free to move within that territory and to leave the country within the limits determined by law in order to insure security, health and justice.

2. Every citizen of Georgia has a right to leave Georgia and return if he follows his obligations under the law.

3. Restriction of these rights because of political or ideological motives is not permissible.

Article 21.

1. Freedom of intellectual creativity and intellectual property rights is guaranteed.

2. Arrest and prohibition of distribution of creative work is not permissible if the existence and distribution of such creative work does not encroach on the law-protected rights of other citizens.

Article 22.

Freedom and secrecy of private correspondence and any other forms of exchange of private information is guaranteed. Their restriction is possible only upon the decision of the court in cases and rules determined by law.

Article 23.

Everybody has the right to freely receive and spread the information, to express and disseminate his opinion orally, in the written or in any other form.

2. Mass media is free. Censorship is not permissible.

3. Monopolization of the mass media or the means of spreading information by the state, legal or natural persons is not permissible.

Article 24.

1. Everybody except for members of the armed forces, of the police or of the security service, has the right to hold a public assembly without arms either indoors or outdoors without prior permission.

2. (Version 1). Limitations can be determined by the law in case a public assembly are held outdoors.

2. (Reading 2) Prior notification of the authorities is necessary if a public assembly is planned to be held in a space for movement of people and traffic. The government may halt a public assembly only in the case when it get: to be of a criminal character.

Article 25.

1. Everybody has a right to create and join any association, including trade unions.
2. Citizens have the right to create and join political parties in accordance with law. A list of state bodies where the creation and functioning of political parties is prohibited as well as the list of offices in case of occupation of that a citizen does not allow to be members of any political party or take part in its activities is defined by law.

Article 26.

The rights given in Articles 23,24 and 25 of the constitution do not restrict the state to establish restrictions on the political activity of aliens.

Article 27.

1. Citizen who has achieved the age of 18 has a right to participate in referendums and elections of state and self-governing bodies.
2. Only a person who is confirmed to be incompetent by the court or a sentenced to prison by court decision is deprived of participation in elections and referendum while in prison.

Article 28.

1. Each citizen is allowed to hold any official state post if he satisfies established requirements.
2. The requirements of posts of state run institutions are defined by the law.

Article 29.

1. Each person is considered innocent until his guilt is proven in accordance with law and sentence is fixed by court decree entered into legitimate force.
2. No one is obligated to prove his innocence.
3. Everyone charged with a criminal offence has the right to examine or have examined witness against him and to obtain the attendance and examination of witness on his behalf under the same conditions as witness against him.
4. Evidence obtained by violating the law has no juridical power.
5. Nobody can be brought before the court twice for one and the same crime.
6. No one will answer for the action if it was not considered as the violation of the law at the moment it was performed. A law is not retroactive if it does not lessen the responsibility or remit a punishment.
7. No one is obligated to give evidence against himself or relatives defined by the law.
8. The right to adequate defence is guaranteed at every stage of a case.

9. Procedure of correction of court error is determined by the law.

Article 30.

1. Each citizen has the right in accordance with law to become acquainted with an information on himself existing at state institutions if they do not contain any state, professional or commercial secrecy as well as with official records existing there.

Article 31.

1. Labor is free.

2. The state is obligated to foster the development of free enterprise and competition.

3. On the basis of international agreements regulating labor relationships, the state guarantees the labor activities of immigrants and protects the labor rights of the citizens of Georgia abroad.

4. All employes are guaranteed safe and healthy working conditions. The conditions of minor and women's work is determined by law.

Article 32.

1. The state is obligated to help the unemployed citizens find work, and provide old and unable people with a minimum standard of living.

2. The conditions of provisions of minimum standard of living and the status of unemployed are determined by law.

Article 33.

The right of strike is recognized. Rules for realizing the right is determined by the law which also creates guarantees of activities of the jobs having vital importance.

Article 34.

1. Each citizen has the right to get an education. Freedom of choice in education is recognized.

2. Primary education is universal. The state provides free primary education. Citizens have the right to free secondary and high education at state educational institutes within the framework and by the rules established by law.

3. The state renders help to educational institutions and performs their certification according the rules established by law.

Article 35.

Marriage is based on equality of rights and freedom of will.

Articles 36.

1. Each citizen has the right to use natural and cultural environments and is obligated to protect them.

2. In order to protect the environment providing for the human health and taking into consideration ecological and economical interests of the society the state guaranties the defence of the environment and the rational use of nature.

Article 37.

1. The freedom of social economic and cultural development of the national minorities acknowledged and protected.

2. Every person has a right to use his native language in public. Within any local self-governing unit where any of the national minorities exceed 20 per cent of all citizens, in case there is a request of the national minority, their native language must be introduced as legal and administrative use together with the state language, in organs of a self-government and state offices that jurisdiction are extended only on this unit.

3. Within multilingual local self-governing units the distribution of the means for cultural-educational institutions is performed in accordance with the national structure.

Article 38.

1. Each citizen is obligated to defend Georgia.

2. Each male citizen is obligated to perform in military service or alternative service; the form of alternative service is determined by law.

3. The release from military service is possible only by religious or ethnical grounds by decision of a court.

Article 39.

Everybody is obligated to pay taxes in the amount and rule determined by law.

Article 40.

The state does not reject universally recognized rights, freedoms and guaranties of a man and a citizen: those not mentioned here are proceeded from the principles admitted in this constitution.

Article 41.

1. To protect his rights and freedoms, each person is allowed to appeal to an independent and unbiased court, which is obligated to create equal conditions for parties to the case.

2. Everyone must be judged only by the court having jurisdiction over his case.

3. Each person who suffers damage illegally caused by official bodies and officers is guaranteed to take full compensation through the court from the state resources.

Article 42.

Performance of one's own rights and freedoms shall not have an injurious effect on the rights of others.

Article 43.

Proceeded from their contents the main rights and freedoms given in the Constitution apply to legal persons as well.

Article 44. (Version 1)

1. During a state of emergency or a state of war to restrict the rights and freedoms given in articles 13, 14, 16, 18, 19, 20, 22, 23, 24, 29, 30 and 32 is allowed within the framework and by the rules established by the law.

2. If there exists a state of emergency or a state of war, elections of the Parliament, the President, regional and local self-governing bodies must be held after the state of emergency or martial law is removed.

Article 44. (Version 2)

1. During a state of emergency or martial law the Parliament is authorized by Article 62 of this Constitution to restrict the action of the articles 13, 14, 16, 18, 19, 20, 22, 23, 29, 30 and 32 of the Constitution either in the whole republic or in any part of it.

2. If there exists a state of emergency or martial law, elections of the Parliament, the President, regional and local self-governing bodies must be held after the state of emergency or martial law is removed.

3. If the Parliament does not hold a sitting during the state of emergency or martial law, President of the Republic, upon the demand of the government restricts the action of the rights and freedoms mentioned in the first paragraph of this article and immediately presents to the Parliament to approve.

Article 45.

1. Foreign citizens and persons not having status of the citizen of Georgia have the rights and obligations equal to the rights and obligations of citizens of Georgia with some exceptions which proceed from the Constitution and laws.

2. The Republic of Georgia gives shelter to foreign citizens and persons not having the status of a citizen of Georgia in accordance with the law and the norms of international justice, acknowledged universally.

3. (Version 1) Any political exile, finding refuge within the territory of the Republic of Georgia shall not be extradited to another state if he had not committed a terrorist or other act of violence (reading: serious criminal offence).

3. (Version 2) Any political exile, finding refuge within the territory of the Republic of Georgia shall be extradited to another state only in accordance with the law and international treaties.

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 the 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 appropriate chamber regulations adopted by the majority of the total number in each chamber.

Article 48.

1. The Council of the Republic consists of 120 Deputies elected for a term of four years 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 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 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 more 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 more 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 pre-term dismissal - from this moment.

Article 49.

1. The 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. The Former Presidents of the Republic become Senators with an indefinite term by right if their authority did not cease in accordance of Article 77.2 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, 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 the 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 first sitting of newly elected Council of the Republic shall be held within 25 days after the elections. 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 the Parliament, while performing his duties.

3. Bringing an action against a member of the Parliament, his detention or arrest, or the search of his person or flat, is permissible only with the consent of the chamber of the 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 the Parliament does not give its agreement, the member of the Parliament must be immediately released.

4. A member of the Parliament has the right not to give evidence on facts disclosed to him as a member of the Parliament. To the extent that this right to refuse to give evidence exists, no seizure of documents may take place. A member of the 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 the 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 the Senate, and also upon the chairmen of the constant commissions of the Senate. In such case, the chairman, the deputy chairman, the secretary, and the chairmen of the constant commissions of the Senate are considered in resignation from the position they occupied.

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

5. In case of requirements of this Article are violated, the question of the pre-term expiration of duties of a member of the Parliament is decided by the Constitutional Court.

Article 53.

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

2. The pre-term expiration of duties of a member of the 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 or activities incompatible with the status of a Deputy;
- e) If he is declared by a competent body as dead.

3. Pre-term 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 the 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 the 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. For a period determined by the regulations of each chamber, a deputy chairman shall assume the position of the chairman of the chamber when ordered by the chairman of the chamber or upon his pre-term expiration.

5. The chairman of the Council of the Republic on behalf of both chambers carries out the complete administrative functions of the Parliament. He guarantees the inviolability of the 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 the 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 the Parliament has the right to create investigative and other temporary commissions in the cases considered by the Constitution and the chamber regulations, and a chamber of the Parliament is obligated to create such a commission if requested by one fourth of the total number of the chamber. In such cases, the representatives of the parliamentary majority shall not compose more than one half of the total number of members of such a commission.

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. The competences, order of the creation and activities of a faction are determined by law and by the regulations of the Chamber.

3. The creation of factions in the Senate is impermissible.

Article 57.

1. The Right to Question: A member of the Parliament has the right to ask questions of any representative of a 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 and ministers shall answer such questions at the sitting of the Council of the Republic. After the debate the Council of the Republic adopts a resolution.

Article 58.

1. Chambers hold their sittings separately.

2. Chambers sit jointly in the following cases:

a) In the cases of the discussion of the questions on war and peace, and emergency situations;

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 the 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 the Parliament and its chambers are public. By a vote of the absolute 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 without obstacle. Officials 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 the state of emergency or the state of war causes meeting of both chambers of the 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 the Parliament by a vote of the majority of the total number of each chamber.

2. If the Council of the Republic is dismissed the duties of the 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 the chamber which appoints the date for consideration of a charge. 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. The decision of the chamber about submission of a charge is considered adopted if supported by at least two third of total number of the chamber.

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 on submitted charge must be considered promptly by the Senate after its submission, but in no case shall it be resolved later than 30 days after its submission. 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.

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 next six months.

5. Discussion of the submitted charge to the President of the Republic and passing of the decision is impermissible in the Parliament in the case of situation envisaged by the articles 82, 84.4 and 85.4 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 organic 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 the Parliament begins with submission of the bill to the Council of the Republic.

2. The right of legislative initiative is vested in a member of the Parliament, a Parliamentary faction of Deputies, a commission of the Council of the Republic, the President of the Republic, the Cabinet of Ministers, a representative body of a Land, or 15 thousand voters.

3. If required by the President of the Republic or by the Cabinet of Ministers the Council of the Republic shall consider a bill submitted by the President of the Republic or by the Cabinet of Ministers out of turn and/or 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 the 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 of the Republic returns the law to the Council of the Republic, the Council then votes on the President's remarks. Adoption of the remarks 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. This power ends at the moment the Cabinet of Ministers is dismissed or is resigned.
2. The period of conferral may not exceed 12 months. In the event of a pre-term 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 Article 67.1 may be granted, only upon the presentation of a new program which is accepted according to the procedures established in Article 64.
4. The law-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 Article 67.1, the Parliament retains the power only to abrogate law-decrees by law in part or in whole.
5. At the expiration of the time limit referred to in the Article 67.1, the law-decrees may be abrogated or modified only by law.

Article 68.

1. During the state of emergency or state of war 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 submit to the Council of the Republic the same bill, and join to it to 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 85.1, 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 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 renaissance 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 held on the third Sunday after the day of President election.

Article 74.

1. The President of the Republic can hold no other position, cannot carry out commercial activity or receive another salary or compensation from any other occupation.

2. The President of the Republic has no right to be in any political party.

Article 75.

1. In fulfillment of his functions under Article 71 of the Constitution, the President:

a) Concludes international agreements and treaties, negotiates with foreign states; with consent of the Senate appoints and relieves ambassadors and other diplomatic agents; receives and accredits ambassadors and other diplomatic representatives of foreign states and international organizations;

b) Appoints and relieves, submits to the Council of the Republic or the Senate 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 the 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 the 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 of the Republic during a state of emergency or state of war; also in case defined in the article 62 of the Constitution, from the moment the 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 rights and 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 the 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.

1. The President of the Republic declares the referendum within 90 days after received of request to hold referendum. Referendum can be held only in connection with:

a) introduction of amendments to the Constitution as determined in Chapter 11 of the Constitution;

b) changes in State borders as determined Article 5 of the Constitution;

c) cancellation of a law or its parts, upon request of no less than 300 thousand voters.

2. Holding of the referendum on budget and tax law, amnesty and pardon, laws on ratification or denunciation of international treaties and agreements, also on questions restricting basic human rights and freedoms protected by the Constitution is prohibited.

3. Holding of the referendum is prohibited if the Constitutional Court declares the subject to be submitted to the referendum unconstitutional.

4. Questions connected with declaration and holding of the referendum are determined by organic law.

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 of the Republic 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 the 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 the 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 of the Republic within 60 days since the date of expiration the duties of the President.

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 equated to them 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, the 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, the 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.

3. In case of second rejection of the Cabinet of Ministers for, within following 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 following 5 days he submits for confirmation whole personnel of the Cabinet of Ministers to the Council of the Republic. The confirmation should be voted not later then 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 of the Prime Minister, within following 3 days the 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 resigned 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. The Prime Minister or the President shall immediately 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 of Ministers 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 dissolution of the Council of the Republic. Within 3 days the President of the Republic dissolves the Council of the Republic and declares new elections.

Article 85.

1. In the Council of the Republic at least 25 Deputies have right to submit the motivated issue of no confidence on the Cabinet of Ministers. On this issue the voting must be held not earlier than 3 days and not later than 10 days after its submission. Each Deputy 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 new Prime Minister. The resolution on the election of a new Prime Minister and the issue of no confidence on the Cabinet of Ministers is passed by one voting.
3. Within 7 days after the Prime Minister is elected, the Prime Minister shall submit, after consultation with the President of the Republic, the whole personnel of the Cabinet to the Council of the Republic for confirmation. Not later than after 3 days after this submission, a vote on confirmation shall be taken.
4. If the Cabinet of Ministers does not receive confirmation, the President of the Republic, within following 3 days, dissolves the Council of the Republic and declares 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.
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 Six

The Constitutional Court

Article 89.

1. The Constitutional Court consists of eight members. Two of them are nominated for a term of nine years by the President of the Republic. The Council of the Republic, the Senate and the Supreme Court nominate the rest, by two each.

2. The Constitutional Court elects its chairman from its members with a term of four years and six months. Election of one and the same person as a chairman for the second term is prohibited.

3. A member of the Constitutional Court must be a citizen of Georgia who has attained the age of thirty five years, has higher legal education, at least five years of experience in this field, and is in command of the legal state language.

4. To nominate or to elect as a member of the Constitutional Court a person who has already once held this post is prohibited.

5. The office of a member of the Constitutional Court cannot be combined with any other offices or paid activities, except pedagogical activities. He can not be a member of a political party, or participate in political activities.

6. A member of the Constitutional Court is independent in carrying out his activities and makes decisions on the ground of the Constitution and his own trust. Impeachment shall be the only way to release a member of the Constitutional Court from his post.

Article 90.

1. The jurisdiction of the Constitutional Court covers the entire territory of Georgia and on the ground of any constitutional complaint received according to rules established by organic law, the Constitutional Court is authorized:

a) To recognize as unconstitutional normative acts of the Parliament, the President of the Republic, the Cabinet of Ministers, Land bodies, as well as the normative acts passed by corresponding bodies before the Constitution comes in force;

b) To recognize as unconstitutional an international agreements and treaties, within four months from the day of signing; also international agreements and treaties made before the Constitution comes in force;

c) to recognize as unconstitutional the question that shall be submitted to the referendum;

d) To settle quarrels between the state bodies and the state and local bodies about their authorities;

e) To make decisions about the Constitutional complaint of a private person whose rights listed in Chapter 2 of the Constitution having been violated;

f) To decide other questions it has to determine according the Constitution and organic law.

2. The decision of the Constitutional Court is final and obligatory for all. Any act or private norm recognized as unconstitutional loses its force from the moment the corresponding decision of the Constitutional Court is announced.

Article 91.

Allowed to make the Constitutional complaint to the Constitutional Court are:

- a) The President of the Republic, the Prime-Minister, one third (version: one fifth) of the members of the Council of the Republic and one third (version: one fifth) of the members of the Senate, the Commissar of the Republic concerning the questions meant in Article 90.1, paragraphs a,b,c,d;
- b) Land bodies in cases given under Article 90.1, paragraphs c,d;
- c) natural and legal bodies concerning questions meant by Article 91.1, paragraph e;
- d) other persons, determined by law, in cases meant by Article 90.1, paragraph f.

Article 92.

1. In case, a court discussing a special matter, on the base of the request from one of the sides of the legal action decides that the law or other act having the force of law, which the court has to use to solve the matter does not correspond the Constitution, the court stops the case and addresses the Constitutional Court. The legal action will continue after the Constitutional Court makes its decision.

2. To recognize a statement as unconstitutional doesn't mean that resolutions and decisions announced before on the base of the statement are removed.

Article 93.

The organization of the Constitutional Court, rules of Court proceeding, means of realizing decisions, as well as the status of the members of the Constitutional Court are determined by the organic law.

Chapter Seven: The Judiciary

Article 94.

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 and, competence of all courts is determined by an organic law, and legal procedure - by an organic law and other laws.

Article 95.

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 96.

1. Consideration of a case at every court is public. Court decisions in every case are to be made public. Exceptions may be authorized only 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 97.

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 98.

A state prosecution at the court is supported 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 99.

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 100.

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 and law.
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, election or 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 create to the judge worthy conditions of activities 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 101.

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 102.

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 organic 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.

3. The Chairman and judges of the Supreme Court of Georgia can be removed before the appointed time from office only by impeachment.

4. 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 methodical 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 Chairmen of the Supreme Courts of Abkhazia and Adjara 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, and the other five member are appointed by the Senate. The Chairman of the Supreme Court of Georgia is chairman of the Board of the Justice.

4. The order and competence of the Board of Justice is determined by organic law.

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 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 Ministers 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 of Ministers 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 Ministers is impermissible.

4. If the Parliament can not to pass the law on budget by the beginning of the new budget year, the Cabinet of Ministers 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 the 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 declares new elections.

Article 106.

1. It is prohibited to make any state loan or assume any financial obligation, without the agreement of the majority of total number 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 Ministers may demand a discharge of additional state expenditures from Parliament if it shows the sources of covering these expenses.

3. The Cabinet of Ministers submits the full report on fulfillment of ~~the~~ budget of the Republic to Parliament for confirmation not later than 30 days from the end of the budget year.

Article 107.

1. The state taxes and the structures and order ~~of~~ introduction of non-state taxes are established only by law.

2. No release from state taxes and no expenditure from the state treasury are 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 the 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 as members of the 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 institutions, enterprises, and organizations, 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.

Chapter Nine

Article 111.

1. Georgia has a sovereign right to wage defensive war in case of armed aggression.

2. Georgia has military forces for protection of the sovereignty of the Republic and its territory, and for fulfillment of international obligations.

3. The structure and amount of military forces and military statutes is approved by the Council of Republic upon the nomination of the National Defence.

Article 112.

1. The Council of the National Defence is created for military construction and to organize the defense of the Republic; is led by the President of the Republic.

2. The Council of the National Defense consists of the President of the Republic, the Prime Minister, minister of Defense, and three members appointed by the Council of the Republic, upon nomination of the President of the Republic.

3. The authority and the order of activity of the National Defense is determined by organic law.

Article 113.

The use of military forces during the state of emergency or when fulfilling international obligations without permission of the Parliament of Georgia is prohibited.

Chapter Ten: Territorial Settlement

Article 114.

1. Territorial units in Georgia are: a village, community, settlement, city, region, Land.
2. Titles and borders of the Lands, and the order of creation of other territorial units, into consideration social economic, historical and geographic conditions, are determined by organic law.

Article 115.

1. Citizens of Georgia permanently residing in the Lands of Abkhazia and Adjara autonomously manage state affairs as through their representatives so directly within the framework of the Constitution and laws.
2. The legal state of Abkhazia, territorial settlement, the order of creation of state bodies and their authorities, are determined by the basic law of Abkhazia which works out the highest representative body of Abkhazia and after its passing by the Parliament of Georgia confirms the population of Abkhazia by referendum.
3. The legal state of Adjara is determined by organic law on the status of Adjara which is passed by the Parliament of Georgia with the consent of the highest representative body of Adjara.

Article 116.

The frame and guarantees of autonomous self-government for citizens of Georgia residing in the Tskhinvali region determine organic law; it is necessary the agreement of Senators elected from Tskhinvali region for passing this law.

Article 117.

1. The highest representative body of the Land is the Council of the Land which consists:

(version 1) of representatives elected by the population of the Land on the basis of free, universal, equal and direct suffrage by secret ballot.

(version 2) of representatives elected by the members of the self-governing representative bodies among themselves in proportion to the number of the electorate of each electoral district.

2. The highest executive body of Land - executive committee - is headed by the chairman - one of the representatives, nominated by the President of the Republic with the consent of the Senate. All other members are appointed or relieved by the Council of the Land recommended by the chairmen.

3. On the Lands of Abkhazia and Adjara, also Tskhinvali region the President of the Republic, with the consent of the Senate appoints Commissars of the Republic, in order to guarantee the control of the Constitutional laws of Georgia and other normative acts being fulfilled and defended. The Commissars are responsible for realizing State Policy. Their authorities and order of activities are defined by organic law.

4. Orders of creation and activities of the Land bodies and their competence are determined by organic law.

Article 118.

1. The President of the Republic with the consent of the Senate has the right of pre-term expiration of the highest representative body of a Land when the action is motivated by State security or in cases when representative body:

a) is actually not acting or is regularly unable to make decisions;

b) regularly or roughly violates legislation of the Republic.

2. In case of pre-term expiration elections must be held in two-months term after such matter. The President of the Republic declares the elections not later than within 45 days before the elections.

Article 119.

It is impossible to include into the sphere of normative regulation of Lands the following items, which are in the special legislative competence of the Republic of Georgia:

a) legislative regulation of citizenship of Georgia, human rights and freedoms, emigration and immigration, enter and leave Georgia, foreign nationals and stateless persons temporarily or permanently residing on the territory of Georgia;

b) the status of State boundaries, regime and its protections; the status of territorial waters, airspace and of the continental shelf and their protection;

c) State defense and security; military forces; military industry and trade of arms;

d) the issues of war and truce; determination of legislative regime for a state of emergency and state of war and to give them force;

e) foreign policy and international relations;

f) custom and tariff regime, foreign trade;

g) State finances and State loans; issue of money; the basic principles of legislation on bank, credit and insurance;

h) standards and models; geodesy and cartography; fix the sharp time; State statistics;

i) universal system and regime of energy; communications; merchant fleet; flags of ships; the control of airspace, transit and air transport; meteorological service;

- j) railway auto routes of the whole State importance;
- k) fishing in ocean and open sea;
- l) boundary-sanitary cordon;
- m) legislation on pharmaceutical medicines;
- n) certification and accredit of secondary and high schools; academic, scientific and professional titles and honors;
- o) legislation on intellectual ownership;
- p) basic principles of law on administration, labor and land;
- q) legislation on trade; criminal law; civil law; penitence and procedure legislation;
- r) criminal police and investigation;

Article 120.

1. In order to lead State policy in the best way it is possible to create districts of schools, courts and other special functions.

1. (version 2): first sentence must be began with words: "After abolition regions - administrative - territorial units - ..." It must be added at the end: "The Head of the region is appointed and relieved by the President of the Republic with consent of the Senate."

2. Districts of special function, except of the district of courts, are created by the Council of the Land and approved by the Senate. They also determine orders and frameworks of passing them part of competence of governing bodies of appropriate Lands.

3. The Head and members of the administration of the special function districts are nominated by the executive committee of the Land.

4. The expenses to keep the administration and the staff of the special function district are defined in the Land budget.

Article 121.

1. Regulations of local affairs on the level of city, settlement, community and village - not included in community, is fulfilled by the self-governing of residents, without damaging the sovereignty of the state.

2. The population govern the processes themselves and at the same time with the assistance of the representative body, which they elect by free, universal, equal and direct suffrage, by secret ballot.

Article 122.

Bodies of self-governing govern municipal property independently, fix the local taxes and fees in the order, which is defined by the law, prove local budget, keep public order, solve problems of conditions of life, communal service and others.

Article 123.

The orders of creating and competence of self-governing bodies, their relation with the State bodies are determined by organic law, which envisages traditions and specific peculiarities of different parts of Georgia.

Article 124.

1. To remove the acts of the self-governing body is possible by means of court decision only.
2. To authorize self-governing bodies with other special duties is possible only in cases when necessary expenses are allotted from State budget in advance.

Chapter Eleven: Revision of the Constitution

Article 125.

1. To submit the bill on revision of the Constitution are allowed:
 - a) the President of Republic;
 - b) more than a half of the total number of any chamber of the Parliament;
 - c) 50 000 electors;
2. Any bill on revision of the Constitution shall be submitted to the Council of the Republic, that publishes it within two weeks. Discussing of the bill at the Parliament begins 6 months after it has been published.
3. The bill on revision of the Constitution is considered passed and the decision about the referendum is made if at least two-thirds of the total number of each chamber voted for. The decision must be made by the chambers not later than two months after the discussion begins. Otherwise the decision will be considered negative.

Article 126.

1. The bill approved by the Parliament comes into force and becomes a part of the Constitution when it is approved by the referendum also.
2. The referendum is considered held, if more than a half of the electors have participated in it. The bill is considered approved if more than a half of the participants of the referendum voted for.
3. Orders and period of the referendum shall be defined by organic law.

Article 127.

1. Revision of the Articles , , , of the Constitution is prohibited. To pass to the referendum bills not corresponding these Articles is also prohibited.

2. Announcement of a state of emergency or state of war stops the process of revision of the constitution until the end of such situation.

Chapter Twelve: Transitional Provisions

Article 128