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**Amendment to the Constitution of the Kingdom of Bahrain promulgated in 2018**

We, Hamad bin Isa Al Khalifa King of the Kingdom of Bahrain.

Having reviewed the Constitution;

The Shura Council and Council of Representatives have approved the following constitutional amendment, which we have ratified and enacted:

**Article One**

Article (91) of the Constitution shall be replaced with the following text:

"Each member of the Shura Council or the Council of Representatives shall have the right to address written questions to the Ministers to seek clarification on matters falling within their competencies. The questioner from the members of the Council of Representatives alone shall have the right to comment once on the answer, and if the Minister adds something new, the member's right to respond shall be renewed. Answers to questions from members of the Shura Council shall only be in writing.

Each member of the Council of Representatives shall have the right to address written questions to those not mentioned in the preceding paragraph of the Council of Ministers to seek clarification on matters falling within their competencies, excluding others. Answers shall only be in writing.

The question shall not be related to the private interest of the questioner or his relatives up to the fourth degree, or to any of his clients”.

**Article Two**

This constitutional amendment shall be published in the Official Gazette, and shall come into effect from the date of its publication.

**King of Kingdom of Bahrain**

**Hamad bin Isa Al Khalifa**

issued at Riffa Palace:

On: 12 Safar 1440 A.H.

Corresponding to: 21 October 2018

**Explanatory Memorandum**

**Amending Article (91) of the Constitution of the Kingdom of Bahrain**

**Promulgated in 2018**

The amendment to the Constitution of the Kingdom of Bahrain included replacing the text of Article (91) with a new text, which shall be as follows:

“Every member of the Shura Council or the Council of Representatives may address written questions to the ministers to clarify matters within their competence, and the questioner from the members of the Council of Representatives alone shall have the right to comment once on the answer. If the minister adds something new, the member’s right to comment is renewed. Answers to questions from members of the Shura Council shall only be in writing.

Each member of the Council of Representatives shall have the right to address written questions to those not mentioned in the preceding paragraph of the Council of Ministers to seek clarification on matters falling within their competencies, excluding others. Answers shall only be in writing.

The question shall not be related to the private interest of the questioner or his relatives up to the fourth degree, or to any of his clients”.

The amendment to Article (91) of the Constitution of the Kingdom of Bahrain aims to enhance the oversight powers of the Council of Representatives by expanding the scope of those subject to receiving questions to include all members of the Council of Ministers, and this is done with the objective of broadening the oversight role of the Council of Representatives and creating a greater balance between the legislative and executive branches provided that questions and answers are in writing for the other members of the Council of Ministers to save effort and time while serving the interests of the nation and its citizens due to the significant responsibilities held by those affected by the amendment, to whom the questions are addressed. In all cases, the questions shall seek clarification on matters falling within their competencies, excluding others, and shall not involve any form of criticism or blame. The questions shall pertain to matters of public importance. The questioning process shall conclude with the questioning member receiving a written response and having the opportunity to provide further comments, as determined by the internal regulation of the Council of Representatives.

The amendment also aims to grant members of the Shura Council the right to address written questions to ministers, with the ministers' responses being provided in written form only. Practical experience has revealed an urgent need to establish this right, enabling members to fulfil their responsibilities within the constitutional framework of the Shura Council's jurisdiction, and this allows them to inquire, clarify, and seek information from any minister concerning specific matters of public importance falling under their respective ministries' responsibilities.

This right granted to members of the Shura Council does not diminish the Council of Representatives' exclusive role in political oversight of the executive authority. The written format of the questions and answers ensures that there is no room for debate between the questioner and the minister. In this context, the questions shall not imply criticism, blame, or accountability, as stipulated in a specific framework determined by the internal regulation of the Shura Council. Both councils' internal regulations shall define all the detailed rules and procedures regarding the process of questioning.

As it is well known, the National Action Charter has adopted the system of having two separate councils, which is considered one of the most important constants established in it. The Constitution is not allowed to reconsider this system and revert to a single council, as that would be a clear violation of the explicit provisions stated in the Fifth Chapter of the National Action Charter, as confirmed by Clause (c) of Article (120) of Section Six of the Constitution.

Since the National Action Charter expressly stipulated the necessity of adopting the system of having two separate councils in a manner that is compatible with democratic and constitutional developments in the world, and the organization of the existing constitution for these two councils was compatible with these developments that prevailed at the time of its drafting, this does not prevent a review of what the constitution established in terms of the organization of these two councils, in accordance with the changes that have taken place in the political, economic, and social conditions, and within the framework of the controls established by the Charter for their organization.

Whereas the amendment reinstated the right for members of the Shura Council to address written questions to ministers, the responses to questions from members of the Shura Council shall also be in written form. Similarly, the amendment granted members of the Council of Representatives the right to address written questions to members of the Council of Ministers who were not mentioned in the first paragraph of the Article in order to seek clarification on matters within their jurisdiction. This shall include addressing questions to the President of the Council and his deputies. The responses to questions from members of the Council of Representatives in this case shall only be in writing.

It is established when interpreting constitutional texts to consider them as a unified unit, where each text complements the others, and no provision shall be interpreted in isolation from other provisions, but rather its interpretation shall be consistent and aligned with other provisions to avoid contradictions. Constitutional texts do not conflict, contradict, or oppose each other; instead, they harmonize within the framework of organic unity, achieved by reconciling all their provisions. Therefore, it shall not be permissible to interpret constitutional texts in a way that deviates from their ultimate objectives, nor shall they be viewed as floating in a vacuum. Instead, they must be regarded as a unified unit, where each part complements the other.

And since Article (34) of the Constitution of the Kingdom of Bahrain permits the Crown Prince to be a member of the esteemed Council of Ministers, it also stipulates specific provisions that are relevant to his position as the Deputy to His Majesty the King, where he exercises his authorities in case of His Majesty's absence and heads the three authorities. Consequently, applying the provisions of Article (34), as referred to, in conjunction with the amendment allowing questions to be directed to members of the Council of Ministers necessitates the explicit exclusion of the Crown Prince from being subject to such questions in case he assumes a ministerial position or serves as a Deputy Prime Minister. This exclusion is due to the unique position he occupies, which does not permit directing any inquiries to him if he is a member of the Council of Ministers. This is because he represents the King in an official capacity at all times when His Majesty is outside the country, unless this is not possible as an exception.