

Attorney General's Chambers

The Democratic Republic  
of the Sudan Gazette

**THE DEMOCRATIC REPUBLIC**

**OF THE SUDAN.** *Constitution*



**\* THE PERMANENT CONSTITUTION**

**OF THE SUDAN**

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**PREAMBLE**

In the name of God, the Compassionate, the Merciful, the creator of peoples and grantor of freedoms.

We, the people of The Sudan;

Inspired by the history of our struggle and guided by the values and ideals of our Nation,

Inspired by its conscience and passions,

In support of our victories in the twenty-fifth of May, 1969 Revolution,

In furtherance of our will of the twenty-second of July 1971,

In continuation of our struggle against imperialism, subordination and backwardness,

In solidarity with freedom and peace-loving nations,

In manifestation of our national unity,

In the belief of our pursuit of freedom, socialism and democracy to achieve the society of sufficiency, justice and equality,

In assurance of our sovereignty,

In determination of our will,

In codifying our determination,

In affirming our right to be sovereign and to choose our representatives who rule on our behalf,

Have firmly determined to lay the foundations of a new, democratic, socialist society, based on the alliance and solidarity of the working forces of the people.

We, believing in these principles, and by the will of God and his favour, do hereby promulgate this Constitution to regulate our institutions, and to be a law to which we shall all submit and trust our consciences, which we shall defend, and to which we shall render our allegiance and obedience.

PART I

**SOVEREIGNTY AND THE STATE**

ARTICLE 1

The Democratic Republic of the Sudan is a unitary, democratic, socialist and sovereign republic, and is part of both the Arab and African entities.

ARTICLE 2

Sovereignty in the Democratic Republic of the Sudan vests in the people and shall be exercised by them through their popular and Constitutional institutions and organizations.

ARTICLE 3

The Democratic Republic of the Sudan is founded on the alliance of the working forces of the people as represented by the farmers, workers, intellectuals, national capitalists and soldiers, in accordance with the Charter for National Action.

ARTICLE 4

The Sudanese Socialist Union is the sole political organization in the Democratic Republic of the Sudan. It is founded on the alliance of the working forces of the people as represented by the farmers, workers, intellectuals, national capitalists and soldiers. Its organs shall be established on the principles of democratic participation as prescribed in its Basic Rules.

The Sudanese Socialist Union shall enhance the values of democracy, socialism, and national unity and shall represent the authority of the alliance of the working forces of the people in the leadership of the National Action.

ARTICLE 5

The people shall exercise their democratic rights through elected people's councils and institutions, and through referendum as prescribed by law.

ARTICLE 6

The Democratic Republic of the Sudan shall be administered in accordance with the system of decentralization as prescribed by law.

ARTICLE 7

For the purpose of realising people's participation in government and the application of decentralization, the Democratic Republic of the Sudan shall be divided into administrative units, the numbers, boundaries and names of which shall be prescribed by law.

ARTICLE 8

Within the Unitary Sudan, there shall be established in the Southern Region a Regional Self-Government in accordance with the Southern Provinces Regional Self-Government Act, 1972, which shall be an organic law, and shall not be amended except in accordance with the provisions thereof.

ARTICLE 9

The Islamic Law and custom shall be main sources of legislation. Personal matters of non-muslims shall be governed by their personal laws.

ARTICLE 10

The Arabic language shall be the official language of the Democratic Republic of the Sudan.

ARTICLE 11

The Sudanese Nationality shall be regulated by law.

ARTICLE 12

The law shall prescribe the State Flag, its Emblem, National Anthem, Seal, Decorations and matters connected therewith.

ARTICLE 13

Khartoum shall be the capital of the Democratic Republic of the Sudan.

PART II

THE FUNDAMENTALS OF THE SUDANESE SOCIETY

CHAPTER I

GENERAL AND SOCIAL FUNDAMENTALS

ARTICLE 14

The Sudanese Society is established on national unity, on the solidarity of the people's forces, and on the principles of freedom, equality and justice.

ARTICLE 15

Family is the foundation of society, based on reciprocal responsibility and guided by religion, morals and citizenship, and shall be protected by the State against causes of weakness and disintegration.

ARTICLE 16

- (a) In the Democratic Republic of the Sudan Islam is the religion and the society shall be guided by Islam being the religion of the majority of its people and the State shall endeavour to express its values.
- (b) Christianity is the religion in the Democratic Republic of the Sudan, being professed by a large number of its citizens who are guided by Christianity and the State shall endeavour to express its values.
- (c) Heavenly religions and the noble aspects of spiritual beliefs shall not be insulted or held in contempt.
- (d) The State shall treat followers of religions and noble spiritual beliefs without discrimination as to the rights and freedoms guaranteed to them as citizens by this Constitution. The State shall not impose any restrictions on citizens or communities on the grounds of religious faith.
- (e) The abuse of religions and noble spiritual beliefs for political exploitation is forbidden. Any act which is intended or is likely to promote feelings of hatred, enmity or discord among religious communities shall be contrary to this Constitution and punishable by law.

ARTICLE 17

Self-help emanating from people's free will is an innate characteristic of the Sudanese Society and shall be consolidated and co-ordinated by the State.

ARTICLE 18

The State shall endeavour to develop and modernize the society through scientific planning and care for the promotion of skills, scientific research, and academic and applied studies.

ARTICLE 19

The State shall ensure academic independence for the universities and freedom of thought and scientific research therein. The State shall also direct the academic education and scientific researches towards the service of society and the requirements of development.

ARTICLE 20

Education is an investment in, and an advancement of, the individual and the society. The State shall plan, supervise and direct education to serve the national objectives.

ARTICLE 21

The State shall take care of the Sudanese rural areas and shall develop them economically, socially and culturally and in particular the State shall combat famine, thirst, epidemic and endemic diseases, and shall act towards the settlement of nomads.

ARTICLE 22

Youth is a creative energy which carries in the society the banner of activation and renovation. It shall be guided usefully and creatively on the basis of religion and morals.

ARTICLE 23

Military service is an honour and a duty and shall be regulated by law

ARTICLE 24

The State shall provide a system for social security against disasters sickness, orphanage, old age, unemployment and other causes of disability.

ARTICLE 25

The State shall maintain the national heritage, promote and disseminate culture, literature and arts.

ARTICLE 26

The State shall provide care for the young and protect them against exploitation and physical and spiritual negligence.

ARTICLE 27

The State shall provide care for mothers and children, and enact legislation necessary therefor.

ARTICLE 28

The State shall provide care for veteran fighters, families of martyrs and persons disabled by war.

ARTICLE 29

Eradication of illiteracy and promotion of adult education shall be a national duty towards which official and people's energy shall be mobilized.

CHAPTER II

ECONOMIC FUNDAMENTALS

ARTICLE 30

The Socialist system shall be the foundation of the economy of the Sudanese Society so as to realize sufficiency in production and fairness in distribution, and to secure decent living for all citizens and prevent any form of exploitation and injustice.

ARTICLE 31

The Sudanese economy shall be directed to realize the objectives of development plans in order to achieve the society of sufficiency and justice and the State shall own and manage the fundamental means of production in the economy.

ARTICLE 32

The Sudanese economy shall consist of the activities of the following sectors : —

**The Public Sector :**

Which shall be a pioneer sector and shall lead progress in all fields for the purpose of development, shall be based on public ownership and be subject to people's control.

**The Co-operative Sector :**

Which shall be based on the collective ownership by all members participating in co-operative societies. The State shall care for the co-operative societies and the law shall regulate their formation and management.

**The Private Sector :**

Which shall be based on non-exploiting private ownership. The State shall protect and encourage it and organize its functions to play a positive and active role in the national economy.

**The Mixed Sector :**

Which shall be based on the joint ownership between the State and the Private Sector.

ARTICLE 33

The right of private ownership shall be guaranteed for all citizens, unless it is against public interest and its inheritance and donation in accordance with the law are guaranteed. The State recognizes the useful social role played by private ownership in the field of production and in appreciation of its responsibility.

ARTICLE 34

No private property shall be confiscated except for a public interest, in accordance with the law, and on payment of a fair compensation.

ARTICLE 35

Public property shall be inviolable and it shall be the duty of every citizen to preserve and protect it and it shall be employed for the welfare of the people.

ARTICLE 36

Work is a right, a duty, and an honour. Every able citizen shall perform it with utmost honesty and the State shall endeavour to provide it. The State shall enact laws regulating working hours, holidays, compensation, and all other conditions of service in order to secure for those engaged in manual or intellectual activities the necessary guarantees during the service and in post-service benefits. No person shall, on grounds of need, be forced to perform work not suitable to his age, sex, or health.

ARTICLE 37

Natural wealth and resources under or above the ground or within territorial waters, shall be the property of the State and the State shall secure their appropriate exploitation.

PART III

FREEDOMS, RIGHTS AND DUTIES

ARTICLE 38

All persons in the Democratic Republic of the Sudan are equal before Courts of law. The Sudanese have equal rights and duties, irrespective of origin, race, locality, sex, language or religion.

ARTICLE 39

Punishment is personal provided that blood-money (Diya), compensation or collective fine may be imposed in accordance with custom or local social order.

ARTICLE 40

No Sudanese shall be deported from Sudanese lands or be prevented from entering them.

ARTICLE 41

Freedom of movement and residence shall be guaranteed for all citizens, except for reasons of security and public health as prescribed by law, provided that the period and extent of any restriction thereon shall be fixed.

ARTICLE 42

The private life of citizens is inviolable. The State shall guarantee the freedom and secrecy of postal, telegraphic and telephonic communications in accordance with the law.

ARTICLE 43

Dwellings are inviolable and they shall not be entered or searched without the permission of their occupants, except in the cases, and in the manner, prescribed by law.

ARTICLE 44

Political refugees in the Democratic Republic of the Sudan shall not be extradited to another State, except within the limits permitted by the principles of International law and laws of the Sudan.

ARTICLE 45

Every citizen shall have the right to participate in elections and referendums when he attains eighteen years of age and fulfils conditions of eligibility as prescribed by law.

ARTICLE 46

The right of citizens to participate in public life and in nomination of themselves for public posts and offices, in accordance with the provisions of the Constitution and the law, is guaranteed.

ARTICLE 47

Freedom of belief, prayer and performance of religious practices, without infringement of public order or morals, is guaranteed.

ARTICLE 48

Freedom of opinion is guaranteed. Every Sudanese shall have the right to express his opinion in writing or verbally or by other means of expression in accordance with the law.

ARTICLE 49

The press shall be free within the limits of the law, as a means to educate and enlighten the people, and it shall be directed to serve the objectives of the people.

ARTICLE 50

The Sudanese shall have the right to hold peaceful meetings and to take part in quiet and peaceful processions in accordance with the provisions of the law.

ARTICLE 51

The right to form trade unions, associations and societies is guaranteed for Sudanese, in accordance with the provisions of the law.

ARTICLE 52

The State shall prohibit conscript labour. Forced labour shall only be allowed for a military or civic necessity, or in execution of a criminal penalty in accordance with the provisions of the law.

ARTICLE 53

Education is a right of every citizen and the State shall endeavour to spread and provide it free in all stages.

ARTICLE 54

Health care and medical treatment are a right of every citizen and the State shall endeavour to spread and provide it free.

ARTICLE 55

Mothers and children shall be accorded care and attention and the State shall ensure adequate guarantees for mothers and the working women.

ARTICLE 56

The State shall ensure equality of opportunities for all Sudanese and prohibit any discrimination in work opportunities or conditions or pay on the grounds of origin, sex, or geographical affiliations.

ARTICLE 57

The defence of the country, upholding of the Constitution and protection of the revolutionary achievements shall be a sacred duty of every citizen.

ARTICLE 58

Subject to Article 111 hereof, any person aggrieved by any law passed by any legislative authority may institute a civil suit before the Supreme Court to declare such law void on the ground of its violation of the freedoms and rights guaranteed by this Constitution.

PART IV

**SUPREMACY OF THE RULE OF LAW**

ARTICLE 59

The State is subject to the Rule of Law and the Supremacy of the Rule of Law shall be basis of Government.

ARTICLE 60

The State shall recognize and provide effective means for the protection and enjoyment of the established legal rights of all persons.

ARTICLE 61

Judges, in the exercise of their judicial functions, shall be guided by the rule of law and shall protect its supremacy without fear or ill-will and shall not allow any encroachment by the Executive or any other authority upon their independence in the exercise of their judicial functions.

ARTICLE 62

Advocates shall defend the Constitutional rights of the citizens and shall adhere to the ethics of the profession in accordance with the law.

ARTICLE 63

Every citizen has an absolute and unfettered right to obtain independent legal advice, and to be represented in legal proceedings by a pleader of his own free choice in accordance with the law.

ARTICLE 64

An accused person shall be brought for trial without delay and shall have the right of a fair trial in accordance with the legal process.

ARTICLE 65

The law shall prescribe methods of interrogating accused persons who shall not be tortured, enticed or intimidated. Any confession or statement given by the accused or a witness or any other person as a result of torture, enticement or intimidation shall be void and without legal effect. Any person who tortures, intimidates or entices the accused shall be guilty of an offence punishable by law. The accused person so tortured, enticed or intimidate shall be entitled to reasonable compensation.

ARTICLE 66

Any person arrested or interned shall immediately be informed of the reasons of such arrest or internment. A citizen shall not be arrested without a valid warrant of arrest issued by a competent court having jurisdiction save where the law otherwise provides.

Any person arrested shall be brought before the competent court within the period prescribed by the law and the court may, when necessary, renew the period from time to time, and no person shall be remanded in custody awaiting trial for a period exceeding the period prescribed by the law; and no person shall be held in custody when fine is the only punishment for the offence committed by him.

ARTICLE 67

Release on bail is a right in cases prescribed by law and the sum demanded for release on bail shall not be excessive.

ARTICLE 68

In all criminal trials the accused shall be entitled to be confronted with witnesses for the prosecution and shall also be entitled to have his defence witnesses compelled by law to appear before the court to testify; and their transport expenses shall be borne by the State.

The accused shall also have the right to choose his advocate and in serious offences where he is unable to retain an advocate, the State shall appoint and pay the fees of such advocate. All the above shall be in accordance with the law.

ARTICLE 69

An accused person is presumed innocent until his guilt is proved beyond reasonable doubt and he shall not be required to prove his innocence.

ARTICLE 70

No person shall be punished for an act which was not an offence at the time he committed that act and no punishment shall be inflicted upon any person which exceeds that prescribed by the law in force at the time such offence was committed.

ARTICLE 71

No person shall be subjected to double jeopardy in respect of the same criminal act except where the law so provides.



ARTICLE 72

No person shall be subjected to an unusual or inhuman treatment or punishment.

ARTICLE 73

Capital punishment shall not be carried out unless a final judgement has been passed by a competent court and confirmed by the President of the Republic.

ARTICLE 74

Any person sentenced to death is entitled to apply for pardon or commutation of that sentence. Mercy, pardon and commutation of death sentence may be granted in all cases.

ARTICLE 75

No person under eighteen years of age shall be sentenced to death and such sentence shall not be executed on women who are pregnant or suckling their babies unless two years of suckling have lapsed.

ARTICLE 76

Accused persons shall be kept separate from convicted persons and shall be treated in manner compatible with their status as persons not yet convicted.

ARTICLE 77

Juveniles accused of offences shall be kept separate from adults and shall be brought for trial as soon as possible.

ARTICLE 78

Rehabilitation and reform of the prisoners shall be the underlying principle of their treatment.

Juveniles detained in reformatories or prisons shall be kept separate from adult prisoners and shall be accorded treatment compatible with their legal status and age.

ARTICLE 79

Any law restricting the freedoms and fundamental rights guaranteed by this Constitution shall only be in accordance with its provisions and such restrictions cannot be justifiable unless intended to protect the rights and freedoms of others and necessitated by the exigencies of public security and public welfare.

PART V

THE PRESIDENT OF THE REPUBLIC

ARTICLE 80

The President of the Republic is the Head of the State. In him vests the executive powers and he participates in making laws. He acts on a direct mandate of the people through a plebiscite prescribed by law. The President shall be nominated by the Sudanese Socialist Union in accordance with its Basic Rules.

ARTICLE 81

The President of the Republic is responsible for maintaining the Constitution; he shall be responsible for the protection and independence of the country, safety of its territory and protection of the integrity of the State, and guarantees the proper conduct of the public authorities.

ARTICLE 82

The President of the Republic is the symbol of sovereignty and national unity, and representative of the people's will.

He shall be responsible for protecting the victories of May Revolution, the achievements of the people, the consolidation of solidarity of the working forces of the people, the preservation of freedom, justice and welfare of the people.

ARTICLE 83

The President of the Republic shall be a Sudanese, born of Sudanese parents, and have, at the date of his nomination, attained the age of thirty five years and be enjoying his political and civil rights.

ARTICLE 84

The term of Presidency shall be six Gregorian years computed from the date of taking oath and the same President is eligible for re-election for another term or successive terms.

ARTICLE 85

The President of the Republic, before assuming office, shall take the following oath before the People's Assembly :—

“ I swear by Almighty God to preserve loyally the Republican Revolutionary, Socialist Regime established by the May Revolution, respect the Constitution and the law, perform my duty as a President of the Republic diligently, loyally and honestly, preserve the independence of the country, unity and safety of its territory and serve the people and act for their welfare.”

ARTICLE 86

The law shall determine the emoluments and privileges of the President and Vice-Presidents. Such law shall not be amended or repealed without the consent of the President of the Republic.

ARTICLE 87

The President and Vice-Presidents during their term of office shall not practise any profession or commercial business, and shall not accept any financial gift or enter into commercial transactions with the State.

ARTICLE 88

The President of the Republic may appoint Vice-Presidents and shall determine their order of precedence and responsibilities; he may relieve them from office.

On appointment, the Vice-Presidents shall take the following oath before the President of the Republic:—

“ I swear by Almighty God to preserve loyally the Republican, Revolutionary, Socialist Regime established by the May Revolution, respect the Constitution and the law, perform my duties as Vice-President diligently, loyally and honestly, preserve the independence of the country, unity and safety of its territory and serve the people and act for their welfare.”

ARTICLE 89

The President of the Republic may appoint a Prime Minister to assist him in the discharge of any functions assigned to him by a Presidential Order, and the President shall have the right to remove the Prime Minister from office or accept his resignation whenever he deems this fit.

ARTICLE 90

The President of the Republic shall appoint Ministers to run the Ministries assigned to them by a Presidential Order. The President may remove the Ministers or accept their resignations. Ministers shall take the following oath before the President:—

“ I swear by Almighty God to preserve loyally the Republican, Revolutionary, Socialist Regime established by the May Revolution, respect the Constitution and the law, perform my duty as a Minister diligently, loyally and honestly, preserve the independence of the country, unity and safety of its territory and serve the people and act for their welfare.”

ARTICLE 91

The Minister is the highest executive authority in his Ministry. He is responsible for framing and directing the policy of his Ministry within the limits of the general policy of the State. Every Minister is answerable to the People's Assembly for the activities of his Ministry.

ARTICLE 92

Subject to the provisions of Article 145 of this Constitution, the Prime Minister is individually responsible to the People's Assembly for his acts in any specified matter.

ARTICLE 93

The Prime Minister and Ministers shall be responsible to the President of the Republic for the performance of their duties.

ARTICLE 94

Ministers shall appear before the People's Assembly or its Committees to answer questions, enquiries or interrogations by its members. They shall also deliver any statements required by the People's Assembly or its committees in accordance with its Regulations.

Deputy Ministers may answer questions, enquiries or interrogations or deliver statements on behalf of their respective Ministers.

ARTICLE 95

Where the President appoints a Prime Minister the provisions of Article 94 of this Constitution shall apply to the latter.

ARTICLE 96

Membership of the People's Assembly and Ministerial office may be held at the same time by the same person.

ARTICLE 97

The President of the Republic shall fix, by a Presidential Order, the emoluments and privileges of the Prime Minister, the Ministers and their Deputies.

ARTICLE 98

While in office, the Prime Minister, the Ministers and their Deputies shall not practise any profession or engage themselves in any commercial business with the State or any other persons. When assuming office they shall inform the President of any contracts or commercial business they entered into prior to their appointments.

ARTICLE 99

The President is the Supreme Commander of the People's Armed Forces and Security Forces. He is the Supreme Head of the Public Service. He shall exercise these functions in accordance with the law.

ARTICLE 100

The President of the Republic appoints and removes Officers of the People's Armed Forces, Heads of Diplomatic Missions, and Senior Officials in the Public Service, Public Corporations, and Security Forces, in accordance with the law.

ARTICLE 101

The President of the Republic approves Ambassadors of Foreign States and their Diplomatic Representatives to the Democratic Republic of the Sudan.

ARTICLE 102

Subject to Article 106 and Article 107 of this Constitution, a Bill passed by the People's Assembly shall become law from the date of the signature of the President.

ARTICLE 103

The President of the Republic concludes and ratifies treaties ; he communicates them to the People's Assembly, together with any relevant information. Upon ratification by the President the treaties shall come into force. Peace treaties, alliance treaties, and all treaties concerning change of boundaries or pertaining to sovereignty or affecting the Regime or imposing new obligations on the State or requiring an expenditure not provided for in the budget or requiring legislative amendment or affecting the civil rights of individuals, shall not come into force until ratified by the People's Assembly.

ARTICLE 104

The President of the Republic may grant pardon and commute sentences. General amnesty shall only be by law.

ARTICLE 105

The President of the Republic declares war with the assent of the People's Assembly and he may send the Peoples Armed Forces on any mission abroad if the public interest or the country's obligations so demand.

ARTICLE 106

If at any time when the People's Assembly is not in session or in cases of importance and urgency, the President of the Republic may issue Provisional Republican Orders having the force of law. Such Provisional Orders shall be submitted to the People's Assembly within fifteen days from the date of issue if the People's Assembly is in existence, or at the first meeting in case of dissolution, or prorogation or end of session.

If such Provisional Orders are not submitted as prescribed above or are submitted but not passed by the People's Assembly they shall cease to be law without retrospective effect.

ARTICLE 107

If the President of the Republic objects to a Bill passed by the People's Assembly, he shall send it back together with reasons for his objection within thirty days from the date it has been presented to him. If such a Bill is not sent back within the aforesaid period or if it was sent within the period above mentioned and the Assembly passed it again with a two-thirds majority of its members it shall become law.

ARTICLE 108

When the President of the Republic considers that the public interest and the circumstances necessitate new elections, he may, after consultation with the Speaker, dissolve the People's Assembly.

In the Dissolution Order there shall be included a call for new elections to be held within sixty days from the date of dissolution.

The new Assembly shall be convened within fifteen days from the date of the declaration of the election results and the President shall not dissolve it before the expiry of one calendar year from the date of its election.

ARTICLE 109

The People's Assembly may, by a two-thirds majority of its members, request the President of the Republic to refer to a public referendum his policy in several matters or in a particular matter if the Assembly is of the opinion that such policy is against the public interest or is not supported by public opinion. The President shall accede to such request within sixty days from the date the request is presented to him.

ARTICLE 110

The President of the Republic may address the People's Assembly in person or through messages. He may require the opinion of the Assembly in any subject and such request shall have priority over the other business of the Assembly.

ARTICLE 111

If the President of the Republic is satisfied that an imminent danger is threatening the independence of the country or the integrity and safety of its territory, or its economy, or the republican organs of the State and its constitutional institutions, or the fulfilment of its international obligations, or the achievements of the people, he shall declare a State of Emergency and take the necessary measures to prevent the danger which may include the suspension of all or any of the freedoms and rights guaranteed by this Constitution provided the right to resort to the Courts shall not be suspended. All measures taken by the President in accordance with the preceding provisions of this Article shall have the force of law even in cases where this Constitution requires that such measure shall be passed by the People's Assembly. The President shall make a public statement in this respect. The President of the Republic shall submit the declaration of a State of Emergency and the measures taken pursuant to it to the People's Assembly within fifteen days from the date of its issue and if the Assembly is not in session the President shall convene it within thirty days to deliberate upon the matter. If the Assembly is dissolved the matter shall be laid before the new Assembly at its first sitting.

The State of Emergency shall not continue for more than thirty days, and except where the People's Assembly is dissolved the President shall not renew or extend the aforesaid period save with the assent of the Assembly.

ARTICLE 112

The office of the President of the Republic shall fall vacant if the Supreme Court, upon information received from the People's Assembly or the Executive, if the Assembly is not in existence, confirms that the President :—

- (a) submitted his resignation in writing to the Speaker of the People's Assembly; or
- (b) has become permanently incapable of performing his duties; or
- (c) was no longer qualified to be President; or
- (d) is dead; or
- (e) is convicted in accordance with Article 115 of this Constitution.

ARTICLE 113

Upon the office of the President of the Republic falling vacant, the First Vice-President shall assume office temporarily and shall be followed in succession respectively by the next Vice-President, the Speaker of the People's Assembly and the President of the Supreme Court in that order.

The new President of the Republic shall be elected within a period not exceeding sixty days from the date of such vacancy.

ARTICLE 114

In case of temporary disability of the President by reason of illness or any other reason, the First Vice-President shall act on his behalf in discharging duties.

ARTICLE 115

The President of the Republic is immune and shall not be charged with an offence except on a motion by one third of members of the People's Assembly and supported by two-thirds of members of the same Assembly in a meeting held in camera. He shall be tried before a special Court constituted according to law. He shall not be criminally liable for acts done in the performance of his duties except in case of high treason.

ARTICLE 116

The President of the Republic may, after consultation with the People's Assembly, refer matters relating to the country's supreme interests to a public referendum the result of which shall be binding as from the date of its announcement.

ARTICLE 117

On the expiry of the tenure of office of the President of the Republic he shall continue to perform Presidential duties until the new President assumes office.

PART VI

THE LEGISLATIVE POWER

CHAPTER I

THE PEOPLE'S ASSEMBLY

ARTICLE 118

The legislative power shall vest in the People's Assembly together with the President.

The People's Assembly shall approve the General Plan for Development, pass the general Budget and exercise supervision and control over the Executive in accordance with the provisions of this Constitution.

ARTICLE 119

The law shall prescribe the number and method of selection and election of the members of the People's Assembly, provided that geographical areas, administrative units, and alliance of working forces of the people shall be represented in the Assembly.

ARTICLE 120

The President of the Republic may appoint as members of the Assembly persons not exceeding one tenth of the members of the People's Assembly to represent different talents provided that such members shall not be from among ministers.

ARTICLE 121

Ministers or their Deputies shall attend the sittings of the People's Assembly and participate in the debates. No Minister or his Deputy shall have the right to vote unless he is a member of the Assembly.

ARTICLE 122

Any person shall be qualified for membership of the People's Assembly if, according to law, he is :—

- (a) a Sudanese,
- (b) of twenty-one years of age,
- (c) of sound mind,
- (d) literate,
- (e) enjoying political rights,
- (f) not previously convicted of an offence connected with honour, morals, or security of the State.

ARTICLE 123

Emoluments of the Speaker and of members of the People's Assembly shall be prescribed by law.

ARTICLE 124

The duration of the People's Assembly shall be four years from the date of its first sitting. Elections for a new Assembly shall be held within sixty days from the date of expiration of the term of the last Assembly.

ARTICLE 125

The President of the Republic shall convene the People's Assembly within thirty days from the date of announcement of the Assembly's election results. The session of the Assembly shall continue for a period not less than six months and shall not be prorogued before passing the budget.

ARTICLE 126

The President of the Republic shall convene the People's Assembly or prorogue its sessions by a presidential order made after consultation with the Speaker of the People's Assembly. The presidential order shall determine the place and date of the session and date of its convening and prorogation.

ARTICLE 127

The President of the Republic may, in consultation with the Speaker of the People's Assembly, convene the People's Assembly for an extraordinary session if the circumstances so require, and may call the session to an end when the purpose for session of the Assembly has been realized.

ARTICLE 128

The People's Assembly shall be presided over at its first sitting by a member nominated by the President of the Republic and the Assembly shall elect in that sitting the Speaker from amongst the members.

The member elected as Speaker shall before assuming his duties, take the following oath before the Assembly:—

“ I swear by Almighty God that I shall preserve the Republican, Revolutionary, Socialist Regime established by May Revolution, respect the Constitution and the law, perform my duties as Speaker of the People's Assembly diligently, loyally and honestly, and shall preserve the independence of the country, its unity and safety of its territory and act in the service of the people and for their welfare”.

The Regulations of the Assembly shall prescribe the members of the Speaker's office and other posts and method of their selection.

ARTICLE 129

The President of the Republic shall make Regulations for the Conduct of Business of the Assembly before the convening of the first sitting provided that the Assembly may amend such Regulations as it deems fit.

ARTICLE 130

Each member of the People's Assembly shall, before assuming his duties, take the following oath before the Assembly:—

“ I swear by Almighty God that I shall preserve the Republican, Revolutionary, Socialist Regime, established by May Revolution, respect the Constitution and the law, perform my duties as a member of the People's Assembly diligently, loyally and honestly, and shall preserve the independence of country, its unity and safety of its territory and act in the service of the people and for their welfare”.

ARTICLE 131

A member of the People's Assembly shall cease to hold office if he:—

- (a) ceases to be qualified,
- (b) submits his resignation in writing to the Speaker and such resignation is read over to the Assembly,
- (c) is deprived of membership by a two-thirds majority of members of the Assembly in accordance with the Assembly regulations,
- (d) is dead.

ARTICLE 132

If a seat falls vacant in the People's Assembly, the Speaker shall declare such seat vacant and arrangements shall be made to fill the vacancy within a period not exceeding sixty days.

ARTICLE 133

Subject to the Assembly's Regulations, no member of the People's Assembly shall be held liable for views or opinions expressed by him in performance of his duty in the Assembly or in any of its committees.

ARTICLE 134

Except in cases where arrest or search can be made without the issue of a warrant, no member of the People's Assembly shall be arrested or searched until the Speaker of the Assembly is notified of the nature of the charge against the member and a certificate is presented that the charge has no connection with the member's duties in the Assembly.

ARTICLE 135

The quorum for the People's Assembly shall be half the number of the members and resolutions shall be passed by an absolute majority of members present except where the Constitution stipulates otherwise. If the votes are equal the motion shall be deemed to be defeated.

ARTICLE 136

The People's Assembly shall hold its sittings in its official quarters at Omdurman. The President of the Republic may call the Assembly to convene elsewhere as an exceptional case, and any exceptional sitting held in a place or at a time not specified by the President shall be considered as cancelled and resolutions passed therein shall be deemed to be null and void.

ARTICLE 137

The People's Assembly shall determine whether any of its members is eligible according to its regulations.

ARTICLE 138

The Speaker of the People's Assembly shall keep order inside the Assembly and within its premises. His decisions in this respect shall be binding and shall have the force of law.

ARTICLE 139

The deliberations of the People's Assembly, business of its Committees and its correspondence shall be conducted in Arabic. Nevertheless, any language other than Arabic may be used with the permission of the Speaker or Chairmen of Committees.

ARTICLE 140

The People's Assembly may exercise its powers and responsibilities through specialized and other Committees, the nature and jurisdiction of which shall be prescribed by regulations.

ARTICLE 141

Any member of the Assembly shall have the right to address questions to the Prime Minister or any Minister in respect of any subject falling within his jurisdiction in accordance with the regulations of the Assembly.

ARTICLE 142

A member of the Assembly may interrogate the Prime Minister or any Minister on a matter of public nature in the manner specified by the regulations.

ARTICLE 143

The Assembly or any of its Committees may request the Prime Minister or any Minister to deliver a statement on any subject within his jurisdiction in accordance with the regulations.

ARTICLE 144

Persons employed by the State and Public Sector may stand for election for membership of the People's Assembly.

The law shall prescribe conditions of their membership of the Assembly in a manner not detrimental to them.

Subject to Article 96 of this Constitution, no member of the People's Assembly shall hold a paid office in the State or the Public Sector or in the organs of the People's Local Government.

ARTICLE 145

The People's Assembly may, by a majority of two thirds of its members, request the President of the Republic to remove the Prime Minister or any Minister from his office if the Assembly is of the opinion that his conduct in a specific matter calls for blame or that he has generally lost confidence of the Assembly.

ARTICLE 146

If the People's Assembly, after questioning the Prime Minister or a Minister, passes a vote of no-confidence against him, the Prime Minister or the Minister shall submit his resignation to the President of the Republic for disposal.

ARTICLE 147

No vote shall be taken on a motion of no-confidence or a request be made to the President of the Republic to remove the Prime Minister or a Minister from office until after forty eight hours from the time of presenting the motion to the Speaker and from the time of its announcement.

ARTICLE 148

The sittings of the People's Assembly shall be held in public except when the Speaker decides, in his discretion or upon a request from the President of the Republic or the Prime Minister or any Minister or from ten members of the People's Assembly, that for reasons of public interest the subject of debate be discussed in a closed sitting.

ARTICLE 149

The President of the Republic shall deliver a statement comprising the general policy of the State at the opening of ordinary session of the assembly.

ARTICLE 150

The Regulations shall prescribe the procedure for the appointment of the Secretary-General of the People's Assembly, the staff of the secretariat, their duties, and conditions of service.

ARTICLE 151

The People's Assembly and its members shall enjoy privileges to be prescribed by regulations of the Assembly, which shall define the necessary powers to enable the Assembly to preserve these privileges, to enforce appearance of persons before the Assembly, and to impose punishment and give effect thereto.

ARTICLE 152

No court or any other authority shall interfere with the work of the People's Assembly, or shall contest any law or resolution passed by the Assembly on the ground that it is inconsistent with the regulations or the proceedings of the Assembly. The propriety of the acts of the Assembly shall be proved by the issue of a certificate to that effect, bearing the signature of the Speaker.

ARTICLE 153

The People's Assembly, with the approval of the President of the Republic, may assign to any Committee of its members the duty to investigate into any matter within the authority of the Executive, and submit to the Assembly a report on the same. The regulations of the Assembly shall prescribe the procedure to be followed in such cases.

CHAPTER II

**BILLS**

ARTICLE 154

Bills presented to the People's Assembly shall be passed in accordance with the regulations prescribed in "Regulations for the Conduct of Business of the Assembly".

ARTICLE 155

The President of the Republic or the Prime Minister or any Minister or member of the Assembly may present any Bill to the People's Assembly.

ARTICLE 156

No Bill shall be considered by the Assembly except after it has been considered by one of its specialized Committees which shall then present it to the Assembly with a report including its comments, within a week from the date of presentation of the Bill to the Committee.

If the bill is presented by a member of the Assembly, it shall not be considered by the Assembly unless the Committee decides that the Bill is suitable and in conformity with public interest.

ARTICLE 157

No Bill shall become a law until it is approved in principle by the People's Assembly and then passed clause by clause by the Assembly and signed by the President of the Republic, subject to the provisions of Article 107 of this Constitution.

ARTICLE 158

The People's Assembly may, by law, delegate to the President of the Republic or any Minister or the Prime Minister or any body the power to issue any Orders or Regulations or any other subsidiary provisions which shall have the force of law.

CHAPTER III

FINANCIAL BILLS

ARTICLE 159

The law shall define the Financial Year.

ARTICLE 160

The Executive shall present to the People's Assembly the Government proposed General Budget, including allocations for expenditure on Development Schemes, at least one month before the end of the financial year.

ARTICLE 161

The General Budget proposed by the Government and presented to the Assembly shall comprise a precise and true analysis of the economic and financial situation of the country, in a manner that reflects a consistent and true picture thereof. It shall also deal with economic and financial aspects of Government policies which shall be pursued by giving detailed statement of Government Reserve Funds and items of expenditure.

It shall also include estimations of detailed Revenue and proposed taxes and describe the manner by which a balance between estimated expenditure and estimated Revenues may be achieved.

ARTICLE 162

The People's Assembly shall pass the Government General Budget, Chapter by Chapter.

ARTICLE 163

All proposed expenditure included in the Government General Budget shall be presented to the People's Assembly in the form of an Appropriation Bill.

ARTICLE 164

The People's Assembly may approve or reject any estimates included in the Appropriation Bill. It may also express its rejection of any heading included in the Bill by a nominal reduction in the heading, provided that the Assembly shall not approve a greater sum or alter the allocation.

ARTICLE 165

Without prejudice to the right of the Assembly to debate, the following excepted expenditure shall be paid out of the Revenue and not necessarily be approved by the Assembly by an Appropriation Act :—

- (a) Emoluments of the President of the Republic.
- (b) Allocations of the People's Palace.
- (c) Repayment of Loans contracted for by the State.
- (d) Settlements of sums for which the Government is liable by virtue of a court judgement, or an arbitration award or a settlement having the same effect in law.

- (e) Allocations of the Judiciary.
- (f) Allocations of the People's Assembly.

ARTICLE 166

The Executive may present to the People's Assembly a provisional Appropriation Bill authorising expenditure on fundamental Government services for the period from the beginning of the financial year until the passing of the new Appropriation Act.

ARTICLE 167

The Executive may present to the People's Assembly a Supplementary Appropriation Bill when it appears that the sums originally approved in the budget by the Assembly do not cover the needs of the current year, or when the need for expenditure arises during the course of the year, to meet business or new obligations not provided for in the budget of that year and which ought to be approved by the People's Assembly.

ARTICLE 168

The President of the Republic may enact an Appropriation law or a Finance law or law providing for a loan or an Allocation of Reserve Act by a provisional Republican Order in accordance with his powers under Article 106 of the Constitution and in accordance with the provisions and conditions set therein.

No Reserve Funds shall be constituted out of Government Revenue, or no Revenue allocations shall be made out of Reserve Funds, without the approval of the People's Assembly.

ARTICLE 169

The People's Assembly shall consider provisional and Supplementary Bills and Allocations from Reserves in the same manner as when considering an Appropriation Act.

ARTICLE 170

After the budget is passed, no funds shall be transferred from one chapter to another and no expenditure shall be incurred for items not provided for in the budget and no excess shall be made in approved funds of expenditure, except in accordance with an Appropriation Act passed by the People's Assembly.

ARTICLE 171

New taxes shall be levied and existing taxes shall be modified, abolished or suspended, in accordance with the Finance Act passed by the People's Assembly.

ARTICLE 172

The Executive may, whenever it considers that public interest so requires, issue an Order that any proposed tax or any proposed alteration or abolition of an existing tax, shall take effect from the date of presentation of a Financial Bill connected with such a tax to the People's Assembly. Such Order shall cease to have effect upon the passing of the Finance Act or on the rejection of the Bill by the People's Assembly provided that such rejection shall not have retrospective effect.



ARTICLE 173

No Bill or amending Bill, the purpose or effect of which is to impose or increase any tax, or to impose any charges upon the Revenue or the Reserves, or to increase Government Expenditure or decrease the Revenue, shall be presented to the Assembly unless the approval of the Executive has been obtained before hand.

Such Bill or amendment shall not be considered to have such purpose or effect by the mere fact that it leads to imposition of fines or financial penalties, or to payment of licence fees for services rendered.

The decision of the Executive that a Bill or the proposed amendment carries such purpose or effect, shall be final and shall not be challenged.

ARTICLE 174

The Executive shall submit to the People's Assembly, within six months following the end of the financial year, a final Account of that year, showing Government Revenue and Expenditure, including expenditure charged against Reserve Funds. The Auditor-General shall submit to the Assembly his report on this Account.

ARTICLE 175

Budgets of public institutions and public corporations and their financial accounts shall be prescribed by law and, in all cases, these budgets and accounts shall be laid before the People's Assembly.

ARTICLE 176

The law and regulations thereunder, shall prescribe the rules, procedures and systems to be followed in safeguarding the State funds of all kinds, in collection of public funds, in the financial administration and methods of keeping the accounts and their auditing and in defining the financial authorities and responsibilities.

ARTICLE 177

The Regulations of the People's Assembly shall regulate the financial proceedings of the Assembly.

ARTICLE 178

The levying of local duties, rates and taxes shall be prescribed by law

ARTICLE 179

If the People's Assembly fails to pass a resolution on the Budget proposals within a period of forty-five days, the President of the Republic may by a presidential order issue the Budget for the concerned year and such Budget shall be considered as if passed by the People's Assembly in accordance with the provisions of this Constitution.

ARTICLE 180

External loans shall be subject to the approval of the People's Assembly. Domestic loans shall be regulated by law.

CHAPTER IV

THE CONTROL COMMITTEE

ARTICLE 181

A Committee from amongst the members of the People's Assembly shall be responsible to the Assembly for Administrative Control.

The law shall prescribe its constitution, jurisdiction, staff, procedure and allocations.

PART VII  
PEOPLE'S LOCAL GOVERNMENT

ARTICLE 182

In order to realize democratic rule and widen the base for public participation therein and to abide by the principle of administrative decentralization and to satisfy their cultural distinction and to provide for stability and progress, the Executive shall by warrant establish, in each Province, a People's Executive Council having a corporate personality. The law shall prescribe the powers of these Councils, their financial, legislative and executive powers, and their functions and procedure of formation, subject to the provisions of Article 8 of this Constitution.

ARTICLE 183

The Province People's Executive Council shall establish People's Local Councils at all levels and shall delegate to them such powers as it may think fit.

ARTICLE 184

The People's Local Councils in the Provinces of the Southern Region shall be the basis for the organization of Regional Self-Government provided by the Constitution for these Provinces.

PART VIII  
THE JUDICIAL POWER  
CHAPTER 1  
THE JUDICIARY

ARTICLE 185

The administration of justice in the Democratic Republic of the Sudan shall be vested in an independent body which shall be called "the judiciary."

ARTICLE 186

The judiciary shall be directly responsible to the President of the Republic for the performance of its functions.

ARTICLE 187

Judges shall be independent in the performance of their judicial duties, subject only to the rule of law and shall be responsible to the President of the Republic for their proper performance in accordance with the law.

ARTICLE 188

The President of the Republic shall appoint and remove from office President and judges of the Supreme Court, the judges of the Courts of Appeal, and judges of the other Courts in the manner prescribed by the Constitution and the law.

ARTICLE 189

Justice shall be administered in the State by :—

- (a) The Supreme Court
- (b) Courts of Appeal
- (c) The Other Courts

The Supreme Court shall consist of a President and one or more Vice-Presidents and sufficient number of judges.

The law shall determine the total number of the other Courts, classify their grades and jurisdiction, prescribe a sufficient number of judges and their circuits, and shall lay down the conditions for appointment to judicial post.

The law shall determine the constitution of circuits of the Supreme Court, Courts of Appeal and the other courts and shall regulate the procedure to be followed before them.

ARTICLE 190

The Supreme Court shall be the Custodian of the Constitution and shall have jurisdiction to hear and determine, in accordance with the constitution and the law, the following matters :—

- (a) Interpretation of the Constitution and the law.
- (b) Protection of the Rights and Freedoms conferred by the Constitution.

- (c) Questions involving the Constitutionality of laws.
- (d) Conflict of judicial jurisdiction.
- (e) Appeals on points of law in accordance with the manner prescribed by law.
- (f) Any other matters assigned to its jurisdiction by the Constitution or the law.

ARTICLE 191

The President of the Republic shall by law establish a Council to be called "The Supreme Council of the Judiciary" and the law shall determine its constitution and jurisdiction and it shall be among its functions to advise the President of the Republic on the appointment, removal, promotion, transfer and discipline of judges.

ARTICLE 192

The law shall determine the grades, number, salaries, emoluments, conditions of service and the procedure of discipline of judges.

ARTICLE 193

The law shall regulate the manner of the administration of the judiciary and shall determine the administrative powers of both the judiciary and the Executive.

ARTICLE 194

The Courts shall sit in public unless they decide otherwise for reasons relating to public order, morals or security.

ARTICLE 195

The President and judges of the Supreme Court and the judges of the Courts of Appeal shall take the following oath before the President of the Republic

"I swear by Almighty God to perform my duty as a judge in accordance with the provisions of the Constitution and the laws and to administer justice without fear or favour."

The other judges shall take the same oath before the Supreme Council of the Judiciary.

CHAPTER II

**COURTS MARTIAL**

ARTICLE 196

The law shall regulate the constitution, membership, jurisdiction and procedure of Courts Martial.

PART IX

**THE ATTORNEY-GENERAL**

ARTICLE 197

The President of the Republic shall appoint an Attorney-General for the Democratic Republic of the Sudan, who shall by virtue of his office be a Minister. The law shall determine his duties, jurisdiction and responsibilities.

PART X

**PEOPLE'S ARMED FORCES, SECURITY  
FORCES, AND PUBLIC SERVICE ORGANS**

ARTICLE 198

The People's Armed Forces, Security Forces and Public Service Organs are the main organisations where the effectiveness of the people's authority shall lie. They are part of the people and organised in the alliance of its working forces.

CHAPTER 1

**THE PEOPLE'S ARMED FORCES**

ARTICLE 199

The People's Armed Forces are an indivisible part of the Sudanese people and their principal task shall be to guard and secure the country and preserve the safety of its territories, to participate in its development, to safeguard the people's achievements and to protect the Constitution.

The law shall determine the conditions of service of the officers and other ranks of the People's Armed Forces.

ARTICLE 200

No person other than the State shall establish regular forces or military or semi-military forces.

CHAPTER II

**THE SECURITY FORCES**

ARTICLE 201

The Police is a regular force carrying out its duties for the service of the People and directed towards preserving the security and tranquility of the citizens and maintaining order, public security and morals in the society. It shall perform its duties in accordance with the law and the citizens shall help it in carrying out its duties.

The Prison Force is a regular force directed principally towards the execution of judgements, the administration of Prisons, the care and security of prisoners and shall undertake the task of training, qualifying and guiding the prisoners to become good citizens in the society.

The law shall determine the conditions of service of the officers and other ranks in the security forces.

### CHAPTER III

#### THE PUBLIC SERVICE ORGANS

##### ARTICLE 202

The Public Service Organs shall be directed towards serving the people's interest and realizing their objectives in development and social and economic change.

They shall carry out their duties efficiently and effectively without fear or favour and shall improve their professional skill and attain a high standard of order and responsibility in performing their duties.

##### ARTICLE 203

The law shall regulate the functions of the public service and shall determine the conditions of service of workmen and their rights.

##### ARTICLE 204

The right to complain and appeal against the decisions of administrative authorities shall be guaranteed to aggrieved persons by the provisions of the law.

### CHAPTER IV

#### CIVIL SERVICE COMMISSION

##### ARTICLE 205

There shall be a civil service commission which shall have jurisdiction to decide the affairs of the civil service including complaints. The law shall prescribe its constitution, powers, jurisdiction and functions.

### PART XI

#### THE AUDITOR - GENERAL

##### ARTICLE 206

There shall be established an independent Chamber of Audit presided over by an Auditor-General responsible to the President of the Republic and People's Assembly for the performance of its duties and for the discharge of its administrative functions according to the law.

##### ARTICLE 207

The President of the Republic shall, with the approval of the majority of members of the People's Assembly, appoint the Auditor-General.

##### ARTICLE 208

The Auditor-General shall hold office for a period of five years and be eligible for re-appointment.

He shall not practise any commercial business or professional activity during his term of office.

##### ARTICLE 209

The Auditor-General shall not be removed from office except by an order of the President of the Republic made in pursuance of a resolution passed by the People's Assembly by a two-thirds majority vote.

##### ARTICLE 210

The Auditor-General shall submit to the President of the Republic and the People's Assembly his reports on the accounts whose auditing is assigned to him by law, within a period not exceeding nine months after the end of each financial year.

##### ARTICLE 211

Every authority receiving remarks and directions from the Auditor-General shall give adequate consideration to his remarks and shall carry out his directions in accordance with the law.

##### ARTICLE 212

The emoluments and conditions of service of the Auditor-General shall be determined by law. Those emoluments and conditions shall not be varied to his disadvantage after his appointment.

##### ARTICLE 213

The Auditor-General shall not, on resignation or removal from office, hold any post in the Public Service for a period to be determined by law.

##### ARTICLE 214

The law shall determine the position of the officials of the Audit Chamber and their conditions of service.

##### ARTICLE 215

The Auditor-General shall, before assuming his office, take the following oath before the People's Assembly :—

“I swear by Almighty God to respect the Constitution and laws of the country and perform my duties as Auditor-General faithfully and honestly without fear or favour.”

PART XII  
ELECTION COMMISSIONS

ARTICLE 216

The election of the President of the Republic, the People's Assembly and the Regional and Local Councils or any referendum shall be conducted by temporary impartial Commissions to be appointed by the President of the Republic or his delegate. The law shall determine the constitution, powers and procedure of the commission.

PART XIII  
GENERAL AND TRANSITIONAL PROVISIONS

CHAPTER I

GENERAL PROVISIONS

ARTICLE 217

This Constitution shall come into force as from the date it is passed by the People's Assembly and assented to by the President of the Republic

ARTICLE 218

The President of the Republic, or one third of the members of the People's Assembly, shall have the right to propose an amendment of this Constitution.

Such proposal shall be referred to a select committee which shall submit a report thereon to the People's Assembly.

The Assembly shall consider the proposal of amendment together with the report of the select committee.

The amendment shall come into force if it is passed by the People's Assembly by a two-thirds majority and assented to by the President of the Republic.

The amendment of the Constitution shall be put to a general referendum in the event of disagreement between the President of the Republic and the People's Assembly.

ARTICLE 219

Laws shall be published in the Gazette during two weeks from the date on which they are passed, and they shall come into force after a month from the date following the day of their being published unless another date is specified in such laws.

ARTICLE 220

Any act intended to wreck the Constitution or overthrow the May Revolution, or overthrow the Constitutional Republican Regime, shall be high treason punishable by law.



**THE DEMOCRATIC REPUBLIC**  
**OF THE SUDAN.** *Constitution*



**THE PERMANENT CONSTITUTION OF THE SUDAN**  
**(AMENDMENT) 1975**

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**THE PERMANENT CONSTITUTION OF THE SUDAN  
(AMENDMENT) 1975**

In accordance with the provisions of Article 218 of the Constitution the People's Assembly with the assent of the President hereby enacts the following amendment :—

**Title and Commencement**

1. This Amendment may be cited as "The Permanent Constitution of the Sudan (Amendment) 1975" and shall be deemed to have into force on the 8th. day of May 1973.

**Amendment**

2. The Permanent Constitution of the Sudan shall be amended as follows :—

(1) Article 41 shall be repealed and substituted as follows :—

"41 (1) Freedom of movement and residence shall be guaranteed to all citizens subject to the provisions of the Constitution and the law.

(2) The legislative power may by law prescribe :

- (a) The classes of cases in which a person may be preventively detained or a residence order may be issued against him or his movement may be restricted for reasons connected with the security or safety of the State or public order or morality or public health or the maintenance of supplies and essential services or the eradication of smuggling.
- (b) the period or periods of the detention or of the residence orders or of the restriction of movement in the classes of cases specified in paragraph (a) and the cases in which detention may be continued to be renewed.
- (c) the procedure of informing any person who is detained or against whom a residence order is issued, or whose movement is restricted of the reasons for the detention or the issuing of the residence order or the restriction of movement, and the manner in which he shall be heard, except in the cases in which such procedure could not be followed.





