

November 12, 2012 - Draft Amendments are in track changes (Articles 5 and 7)

Law on Publication and Enforcement of Legislation of 1998

Chapter One

Article 1:

This law is intended for raising awareness of all governmental and non- governmental organizations and the people relating laws, decrees, regulations, charters, resolutions and other documents of legal nature and how these shall be disseminated and enforced.

Article 2:

The legislation shall be published in the official gazette of Islamic Republic of Afghanistan.

Article 3:

Ministry of Justice shall be the concessioner for official gazette.

Article 4:

The official gazette shall be published once a month and special issue, if necessary may be published too.

Chapter two

Disseminating documents

Article 5:

The following documents shall be published in the Official Gazette.

- 1- Official declarations of the Islamic Republic of Afghanistan which is intended for the public, laws, resolutions and other parliamentary legislative documents.
- 2- Decrees and other legislative documents of the Islamic Republic of Afghanistan of legal nature
- 3- Regulations, charters and resolutions of council of ministers which have legal nature.
- 4- Ministerial decisions and orders which have mandatory character.
- 5- Contracts, agreements, international protocols which are signed by the Islamic Republic of Afghanistan and decrees relating ratification of these treaties
- 6- Legislative documents which the Supreme Court based on the law are authorized to ratify them.

- 7- Other legislative acts, dissemination of which is required as per the law as well as advertisement of trademarks and related documentation.

Article 6:

In the first part of the Official Gazette dedicated to official declarations of the Islamic Republic of Afghanistan dissemination of which require raising public awareness, legislation, resolutions and other legislative documents of the national assembly.

The second section shall be allocated for decrees of Islamic Republic of Afghanistan and other documents of legal nature. The third section shall be allocated for regulations, charters and resolutions of ministers of council of legal nature, the fourth section shall be allocated to contracts, agreements, and international protocols which are signed by the Islamic Republic of Afghanistan and decrees pertaining their ratification. The fifth section shall include the dissemination of other matters publication of which is required by law and advertisements of commercial courts which are related to document recording and trademarks.

Article 7:

All legislative acts concerning Afghanistan's foreign trade regime shall be published in the Official Gazette 30 days prior to coming into force except:

- (1) in emergency situation where legislative acts may come into force upon adoption; or
- (2) when a longer period is specified in the legislative act or required under an international agreement to which the Islamic Republic of Afghanistan is a signatory.

Article 8:

- 1) Disseminate legislative documents as set out in article five of this law in other national gazettes, following their dissemination; they may be published in the official gazette.
- 2) Documents included in paragraph 1 of this article, dissemination of which is required as soon as possible may be disseminated through mass media of the Emirate prior to being published in the official gazette.
- 3) If necessary, documents included in paragraph 2 of this article can be communicated through telex and telegram as well.

Article 9:

Legislative documents included in article 5 shall be prepared in Dari and Pashto.

Article 10:

Legislative documents included in article 5 shall enter into force upon publishing in the official gazette unless otherwise articulated in the legislative documents.

Contracts, agreements and international protocols shall be subject to their specific law provisions.

Chapter Three

Final Provisions

Article 11:

The administrative affairs department of Islamic Republic of Afghanistan shall submit the legislative documents included in paragraph 1.2 of article 5, following legal clearance to publications department of justice ministry for publication purpose.

Article 12:

The administrative department of council of ministers shall submit the legislative documents included in paragraph 3 of article 5, following legal clearance to publications department of justice ministry for publication purpose.

Article 13:

The Supreme Court shall submit the legislative documents included in paragraph 5 of article 5, following legal clearance to publications department of justice ministry for publication purpose.

Article 14:

Administrative Affairs department of the Emirate and Council of Ministers shall submit the legislative documents included in paragraph, 4 of article 5, following legal clearance to publications department of justice ministry for publication purpose.

Article 15:

This law shall come into force upon publishing in the official gazette. Upon its enforcement, the law for disseminating and implementing legislations published in official gazette number 591 dated 31/6/1364 shall be repealed.