



**KINGDOM OF CAMBODIA**  
**Nation Religion King**

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**The Constitutional Council**

**CASE** N° 241/045/2013

Of November 25, 2013

**Decision** N° 145/020/2013 CC.D

Of December 03, 2013

**The Constitutional Council**

- Seen the Constitution of the Kingdom of Cambodia;
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- Seen the letter N° 506 N.A of November 22, 2013 of Samdech Akka Moha Ponhea Chakrei **Heng Samrin**, President of the National Assembly, requesting the Constitutional Council to examine the constitutionality of the Law on the Establishment of the Ministry of Civil Service, adopted by the National Assembly on November 12, 2013 in the 1<sup>st</sup> session of its 5<sup>th</sup> legislature and reviewed and entirely approved by the Senate on the legal form and substance and declared as urgent in the extraordinary session of its 3<sup>rd</sup> legislature on November 21, 2013, letter received by the Secretariat General of the Constitutional Council on November 25, 2013 at 8:00 am;

**Having heard the rapporteur,**

**Having deliberated in compliance with the law,**

- Whereas the National Assembly and the Senate have duly implemented the procedure stipulated in Article 113 (New) of the Constitution for reviewing and adopting the Law on the Establishment of the Ministry of Civil Service;
- Whereas the request of Samdech Akka Moha Ponhea Chakrei **Heng Samrin**, President of the National Assembly, made in accordance with Article 140 (New) of the Constitution and Article 16 (New) of the Law on the Amendment of the Organization and the Functioning of the Constitutional Council, is therefore admissible;

- Whereas the form in drafting and adopting the Law on the Establishment of the Ministry of Civil Service has nothing contrary to the Constitution;
- Whereas Article 1, stipulating *"the Establishment of the Ministry of Civil Service under the Royal Government of the Kingdom of Cambodia"*, has nothing contrary to the Constitution;
- Whereas Article 2, stipulating *"the competence of the Ministry of Civil Service for leading and managing the civil service field of the Kingdom of Cambodia"*, has nothing contrary to the Constitution;
- Whereas Article 3, stipulating *"the Ministry of Civil Service led by a Minister and Secretaries of State and Under Secretaries of State as necessary"*, has nothing contrary to the Constitution;
- Whereas Article 4 stipulating *"the organization and the functioning of the Ministry of Civil Service determined by Anukret"*, has nothing contrary to the Constitution;
- Whereas Article 5, stipulating *"Preah Reach Kram N<sup>o</sup> NS/RKM/0196/24 dated January 24, 1996 promulgating the Law on the Establishment of the Secretariat of State of Civil Service and any provision contrary to this law shall be abrogated"*, has nothing contrary to the Constitution;
- Whereas Article 6, stipulating *"this Law is declared as urgent"*, has nothing contrary to the Constitution;
- Whereas the entire essence of the 6 articles of the Law on the Establishment of the Ministry of Civil Service has nothing contrary to the Constitution;

**Decides:**

**Article 1:** The Law on the Establishment of the Ministry of Civil Service, adopted by the National Assembly on November 12, 2013 in the 1<sup>st</sup> session of its 5<sup>th</sup> legislature and reviewed and entirely approved by the Senate on the legal form and substance in the extraordinary session of its 3<sup>rd</sup> legislature on November 21, 2013, is declared in conformity with the Constitution.

**Article 2:** This decision made in the Plenary Session of the Constitutional Council in Phnom Penh on December 03, 2013, shall be final, without recourse, shall have authority over all the instituted powers as stipulated in the Constitution, and shall be published in the Royal Gazette.

Phnom Penh, December 03, 2013

**On behalf of the Constitutional Council  
The President,**

Signed and Sealed: **EK SAM OL**

## **Glossary**

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- CC.D                      Decision of the Constitutional Council
- N.A                        National Assembly
- Anukret                 Sub-decree ( the Legal act signed by the Prime Minister)
- Preah Reach Kram     Royal Kram (the legal act signed by His Majesty the King for promulgating the Constitution or Law)