

## **CONSTITUTION OF THE ISLAMIC REPUBLIC OF IRAN**

In the name of God, the compassionate, the merciful.

We have sent Our apostles with veritable signs and brought down with them scriptures and the scales of justice, so that men might conduct themselves with fairness"

### **PREAMBLE**

The Constitution of the Islamic Republic of Iran sets forth the cultural, social, political and economic institutions of the people of Iran, based on Islamic principles and rules, and reflecting the fundamental desires of the Islamic people. The essence of the great Islamic Revolution of Iran, and the course of the struggle of the Muslim people from its beginning to its victory, as manifested by the categorical and striking slogans used by all classes of the people, get their special character from this fundamental desire. Now our nation, with the whole of its being is in the vanguard of this great victory, and strives for the attainment of that desire.

The unique characteristic of this Revolution, as compared with other Iranian movements of the last century, is that it is religious and Islamic. The Muslim people of Iran, after living through an anti-despotic movement for constitutional government, and anti-colonialist movement for the nationalization of petroleum, gained precious experience in that they realized that the basic and specific reason for the failure of those movements was that they were not religious ones. Although in those movements Islamic thinking and the guidance of a militant clergy played a basic and prominent part, yet they swiftly trailed off into stagnation, because the struggle deviated from the true Islam. But now the nation's conscience has awakened to the leadership of an exalted Authority, His Eminence Ayatollah Imam Khomeini, and has grasped the necessity of following the line of the true religious and Islamic movement. This time the country's militant clergy, which has always been in the front lines of the people's movement, together with writers and committed intellectuals, has gained new strength (lit: impetus) under his leadership (The most recent movement of the Iranian nation began in the HEGIRA lunar year 1382, equivalent to the HEGIRA solar year 1341) -

### **THE VANGUARD OF THE MOVEMENT**

Imam Khomeini's crushing protest against that American plot, The White Revolution, which was a step taken with a view to strengthening the foundations of the despotic regime and consolidating Iran's political, cultural and economic links with World Imperialism, was the motive force behind the united uprising of the nation. There followed the great and bloody revolution of the Islamic people in the month of KHORDAD 1342 (Translator's note: equivalent to June 1963) -This was indeed the starting-point of the flowering of that magnificent and widespread revolt which consolidated and confirmed the Imam's central position as the Islamic leader. Despite his banishment from Iran following on his protest against the shameful Law of Capitulation (immunity for American advisers), the firm bond (of the people) with the Imam was strengthened. The Muslim nation, in particular committed intellectuals and the militant clergy, continued along its path, amid banishment and imprisonment, torture and execution.

Meanwhile the informed and responsible section of the community was busy with clarification of the issues, within the strongholds of mosques, places of learning, and universities. Inspired by the revolutionary religious feeling and the rich fruitfulness of Islam, they began a persistent and rewarding struggle to raise the level of awareness and vigilance as regards the fight, and its religious nature, among the Muslim nation. The despotic regime began the suppression of the Islamic movement with a malignant attack on the FEIZIYE and the University and all the clamorous Clubs (that were part) of the Revolution. It took bloodthirsty but futile steps to quell the revolutionary fury of the people. While this was going on firing squads, medieval torture, and long imprisonment were the price our Muslim nation paid to demonstrate its firm resolution to continue the struggle. The blood of hundreds of young men and women flowed for the Faith in the shooting yards at dawn as they raised the cry of "God is Great". Or they were the target for hostile bullets in lanes and bazaars in forwarding the Islamic revolution of Iran, distributing the ever-continuing proclamations and messages of the Imam on a variety of occasions, and the awareness and determination of the Islamic nation ever more widely and deeply.

## **ISLAMIC GOVERNMENT**

Islamic Government is founded on a basis of "religious guardianship" (VELAYAT FAQIYE) as put forward by Imam Khomeini at the height of the intense emotion and strangulation under the despotic regime. This created a specific motivation and new field of advance for the Muslim people; and opened up the true path for the religious fight of Islam, pressing forward the struggle of the committed Muslim combatants, inside and outside the country.

The movement continued along this basic line until eventually the dissatisfaction and fury of the people, arising out of the daily increasing pressure and strangulation inside the country, and the extension and repetition of the struggle by the clergy, and by militant students at world level, severely shook the rule of the regime. The regime and its masters were forced to reduce its pressure and strangulation, and - so to speak - to open up the political arena of the country which it thought would be the safety valve to secure it against its certain collapse. But the nation was aroused, aware (of the situation) , and firmly devoted to the decisive and unshakable leadership of the Imam. It began its victorious and united uprising in ever more wide-spread and comprehensive fashion.

## **THE PEOPLES' ANGER**

The publication by the regime on the 17th of the month of DEY, 1356 (equals 7 January 1978) (Translator's note: not 1977 as in original translation) of the letter which insulted the sacred order of the clergy, and in particular the Imam Khomeini, hastened this movement. It caused the people's anger to explode all over the country. In an effort to control this volcano of popular anger, the regime tried to suppress the protest uprising by bloodshed. This very fact set more blood pulsing through the veins of the Revolution. Continuing revolutionary passion at the time of the seven-day and forty-day commemoration of the martyrs of the Revolution, added on an ever-increasing scale to the vitality and ardor and fervent unity of the movement throughout the country. It continued and extended the people's upheaval in all the country's organizations by a general strike and joining in street demonstrations while actively seeking the downfall of the

despotic regime. Widespread co-operation of men and women of all classes, and of religious and political groups, in this struggle, took place in decisive and dramatic fashion. In particular women joined openly on all the scenes of this great Holy War, ever more actively and extensively. Such a scene would be a mother with a child in her bosom hastening to the battlefield and facing machine gun fire. This large section of society took a main and decisive part in the struggle.

## **THE PRICE THE NATION PAID**

After a little over a year the budding Revolution and its continuing struggle settled to its result. Its cost (lit: fruit) was the blood of more than 60,000 martyrs, 100,000 wounded and with damaged health, and billions of Toomans of financial loss; all amid cries of "Independence", "Freedom", and "Islamic Rule". This mighty movement with its reliance upon faith, unity, and decisiveness in leadership, came to a victorious conclusion in an atmosphere of emotion and tension and of the nation's devotion. It was successful in crushing all the calculations and maneuverings of Imperialism. A new chapter opened up in its own way for popular revolutions in the world.

The 21st and 22nd of the month of BAHMAN 1357 were the days on which the Shah's establishment collapsed. Domestic despotism and the foreign domination which depended on it were defeated. This great victory brought the glad tidings of final triumph and was the prelude to Islamic Government that was the long-felt desire of the Muslim people.

Unanimously, the nation of Iran, in partnership with the religious authorities, and the ULEMA of Islam, and the repository of Leadership, in a referendum concerning the Islamic Republic, took a final and categorical decision to set up an exalted new republican and Islamic order, and affirmed the Islamic Republic by a majority vote of 98.2%.

Now the Constitution of the Islamic Republic, as the announcement of the structure and political, social, cultural and economic relationships within society, must guide the way towards the consolidation of the foundations of Islamic Government, and produce the design for a new order of Government in substitution for the old idolatrous order.

## **STRUCTURE OF GOVERNMENT IN ISLAM**

From the viewpoint of Islam, government does not spring from the sphere of classes or domination by individuals or groups. It crystallizes the political aspirations of a nation united in faith and thinking which provides itself with an organization so that in the process of transformation of ideas and beliefs, its way may be opened towards the ultimate goal. In the course of its revolutionary development our nation was cleansed from the dust and rust of idolatry, and from foreign ideological influence. It returned to true Islamic intellectual attitudes and views of the world. Now it is planning to build its new model society on such a basis, with Islamic standards. The Mission of the Constitution is to identify itself with the basic beliefs of the movement and to bring about the conditions under which the lofty and worldwide values' of Islam will flourish.

The Constitution, having regard to the Islamic contents of the Iranian Revolution, which was a movement for the victory of all the oppressed over the arrogant, provides a basis for the continuation of that revolution both inside and outside the country. It particularly tries to do this in developing international relations with other Islamic movements and peoples, so as to prepare the way towards a united single world community

("Your community is one community, and I am your Lord who you are to worship") Quotation from the Arabic and to the continuation of the progressive struggle for the rescue of deprived and oppressed nations throughout the world.

Having regard to the intrinsic nature of this great movement, the Constitution guarantees to oppose any kind of despotism, intellectual, social, and as regards monopoly economics, and to struggle for freedom from the despotic system, and to entrust men's destiny to their own hands.

("He releases them from their heavy burdens and yokes which are on them") Quotation from the Arabic.

In creating the political structures and foundations for organizing society on the basis of acceptance of religion, devout men have the responsibility for government and administration of the country.

("The earth will be inherited by my pious followers"). Quotation from the Arabic.

Legislation which is to set out the codes for the management of society will have as its central axis the Koran and tradition. Therefore there is great necessity for exact and serious supervision by just and virtuous and dedicated Islamic scholars (FEQHA-ye-ADEL = just men of religious law). Because the aim of government is to help mankind to develop towards the divine order and until the ground is cleared and the human talents have blossomed forth for the glorification of God's nature in all its dimensions, ("To emulate God's morality<sup>11</sup>) Quotation from the Arabic, there cannot, except by delegation, be active and extensive participation at all stages in the taking of political decisions and the determination of destiny for all persons in society, so that every individual has a hand in the task of human development and is responsible for growth and progress and guidance. This will be the assurance of government for the oppressed of the earth.

### **THE GUARDIANSHIP OF THE JUST MAN OF RELIGIOUS LAW (FAQIYEH-e-ADEL)**

On the basis of continuous Guardianship and Leadership (Imamate) the Constitution provides for leadership under all conditions, (by a person) recognized by the people as leader, so that there shall be security against deviation by various organizations

("The course of affairs is in the hands of those who know God and who are trustworthy in matters having to do with what he permits and forbids") - Quotation from the Arabic

### **THE ECONOMY AS A MEANS NOT AN END**

In strengthening the foundations of the economy, the governing principle is the satisfaction of mankind's needs in the course of its growth and development. It is not of other economic objectives, such as centralization and the accumulation of wealth and the search for profit. In materialistic schools of thought, economic activity is its own end. This at stages of growth, economic activity is a factor working for destruction and corruption and decay. But in Islam economic activity is a means. As an ultimate means there can be no more effective instrument on the path towards the goal.

From this point of view, the Islamic program of economic activity to provide a suitable field for the emergence of human creative power in various forms, and in this way provide equal and well-balanced opportunities, and make work, for all people, and satisfy the essential requirements of the advance towards development is the responsibility of the Islamic Government.

## **WOMEN IN THE CONSTITUTION**

In the creation of Islamic foundations, all the human forces which had been in the service of foreign exploitation powers will recover their true identity and human rights. In doing so, women who have endured more tyranny up till now under the idolatrous order, will naturally vindicate their rights further

The family unit is the basis of society, and the true focus for the growth and elevation of mankind. Harmony of beliefs and aspirations in setting up the family is the true foundation of the movement towards the development and growth of mankind. This has been a fundamental principle. Providing the opportunities for these objectives to be reached is one of the duties of the Islamic Government

Women were drawn away from the family unit and (put into) the condition of "being a mere thing", or "being a mere tool for work" in the service of consumerism and exploitation. Re-assumption of the task of bringing up religiously-minded men and women, ready to work and fight together in life's fields of activity, is a serious and precious duty of motherhood. And so acceptance of this responsibility as more serious and - from the Islamic point of view - a loftier ground for appreciation status will be forthcoming

## **THE RELIGIOUS ARMY**

In the organization and equipping of the countries defense forces, there must be regard for faith and religion as their basis and rules. And so the Islamic Republic's army, and the corps of Revolutionary Guards must be organized in accordance with this aim. They have responsibility not only for the safeguarding of the frontiers, but also for a religious mission, which is Holy War (JIHAD) along the way of God, and the struggle to extend the supremacy of God's Law in the world.

("Against them make ready your strength to the utmost of your power, including steeds of war, to strike terror into the hearts of the enemies of God and your enemies, and others beside")  
Quotation from the Arabic.

## **THE JUDICIARY OF THE CONSTITUTION**

The question of the judiciary in relation to the safeguarding of the people's rights along the line (adopted by) the Islamic movement with the object of preventing localized deviation within the Islamic community, is a vital one. Thus provision must be made for the establishment of a judicial system on the basis of Islamic justice, manned by just judges, well acquainted with the exact rules of the Islamic code. Such a pattern of organization is necessary because of the delicate and subtle structure of Religion, which must be kept free from any kind of unhealthy relationship.

("And when you judge between man and man, judge with justice") Quotation from the Arabic.

## **THE EXECUTIVE POWER**

The executive power must open up the path towards the creation of an Islamic society. This is because of its special importance as regards the putting into effect of Islamic ordinances and regulations, so that just relationships can be attained in the governing of society; and also because of the essential character of this vital question in laying the foundations for the ultimate goal of life. Thus (the executive power) is to be hedged about by every kind of intricate disciplinary arrangement which may further the attainment of this goal, or negate any source of anxiety from the Islamic viewpoint. The bureaucracy which was the offspring of idolatrous rule is to be eliminated with severity, so that an executive system of greater efficiency and increasing speed (of action) can come into existence to deal with administrative undertakings.

## **THE PUBLIC MEDIA**

The public media must take their place in the process of development of the Islamic revolution, and must serve in the propagation of Islamic culture. In this sphere they must look for opportunities for a healthy exchange of differing ideas, and must rigorously refrain from the propagation and encouragement of destructive and anti-Islamic qualities.

In pursuance of the principles of this law which recognize freedom and human dignity as the central point of their objectives, and opens up the path of development and perfection of man as the responsibility of all, the Islamic community must elect sagacious and devout representatives, and exercise active supervision over their work, to participate in the building up of the Islamic society. This in the hope that in building the exemplary Islamic society they will succeed in setting a pattern of self-sacrifice to all the people of the world

("Thus we appointed you a central nation that you might be witnesses to the people") Quotation from the Arabic.

## **REPRESENTATIVES**

The Council of Experts (MAJLIS-e-KHEBREGAN), composed of representatives of the people,

drew up the Constitution on the basis of scrutiny of the draft proposed by the Government, and of the proposals put forward by various groups. It contains 12 chapters and 175 articles. It was completed on the eve of the 15th century since the HEGIRA of the great Prophet (God bless and preserve him) and the establishment of the redeeming faith of Islam with the aims and motives described above, and in the hope that this century will be the century of the rule of the world by the oppressed, and the complete overthrow of the arrogant ones.

## **THE CONSTITUTION OF THE ISLAMIC REPUBLIC OF IRAN**

### **CHAPTER I**

#### **General Principles**

##### Article 1

The form of government of Iran is that of an Islamic Republic, endorsed by the people of Iran on the basis of their long-standing belief in the sovereignty of truth and Qur'anic justice, in the referendum of Farvardin 9 and 10 in the year 1358 of the solar Islamic calendar, corresponding to Jamadi al-'Awwal 1 and 2 in the year 1399 of the lunar Islamic calendar (March 29 and 30, 1979], through the affirmative vote of a majority of 98.2% of eligible voters, held after the victorious Islamic Revolution led by the eminent marji' al-taqlid, Ayatullah al-Uzma Imam Khomeyni.

##### Article 2

The Islamic Republic is a system based on belief in:

- 1 the single God (as stated in the phrase "There is no god except Allah"), His exclusive sovereignty and the right to legislate, and the necessity of submission to His commands;
- 2 divine revelation and its fundamental role in setting forth the laws;
- 3 the return to God in the Hereafter, and the constructive role of this belief in the course of man's ascent towards God;
- 4 the justice of God in creation and legislation;
- 5 continuous leadership (imamat) and perpetual guidance, and its fundamental role in ensuring the uninterrupted process of the revolution of Islam;
6. the exalted dignity and value of man, and his freedom coupled with responsibility before God; in which equity, justice, political, economic, social, and cultural independence, and national solidarity are secured by recourse to:
  - a. continuous Jtihad of the fuqaha' possessing necessary qualifications, exercised on the basis off the Qur'an and the Sunnah of the Ma'sumun, upon all of whom be peace;
  - b. sciences and arts and the most advanced results of human experience, together with the effort to advance them further;
  - c. negation of all forms of oppression, both the infliction of and the submission to it, and of dominance, both its imposition and its acceptance.

##### Article 3

In order to attain the objectives specified in Article 2, the government of the Islamic Republic of Iran has the duty of directing all its resources to the following goals:

- 1 the creation of a favorable environment for the growth of moral virtues based on faith and piety and the struggle against all forms of vice and corruption;
- 2 raising the level of public awareness in all areas, through the proper use of the press, mass media, and other means;
- 3 free education and physical training for everyone at all levels, and the facilitation and expansion of higher education;
- 4 strengthening the spirit of inquiry, investigation, and innovation in all areas of science, technology, and culture, as well as Islamic studies, by establishing research centers and encouraging researchers;
- 5 the complete elimination of imperialism and the prevention of foreign influence;
- 6 the elimination of all forms of despotism and autocracy and all attempts to monopolize power;
- 7 ensuring political and social freedoms within the framework of the law;
- 8 the participation of the entire people in determining their political, economic, social, and cultural destiny;
- 9 the abolition of all forms of undesirable discrimination and the provision of equitable opportunities for all, in both the material and intellectual spheres;
- 10 the creation of a correct administrative system and elimination of superfluous government organizations;
- 11 all round strengthening of the foundations of national defence to the utmost degree by means of universal military training for the sake of safeguarding the independence, territorial integrity, and the Islamic order of the country;
- 12 the planning of a correct and just economic system, in accordance with Islamic criteria in order to create welfare, eliminate poverty, and abolish all forms of deprivation with respect to food, housing, work, health care, and the provision of social insurance for all;
- 13 the attainment of self-sufficiency in scientific, technological, industrial, agricultural, and military domains, and other similar spheres;
- 14 securing the multifarious rights of all citizens, both women and men, and providing legal protection for all, as well as the equality of-all before the law;
- 15 the expansion and strengthening of Islamic brotherhood and public cooperation among all the people;
- 16 framing the foreign policy of the country on the basis of Islamic criteria, fraternal commitment to all Muslims, and unsparing support to the mustad'afiin of the world.

#### Article 4

All civil, penal financial, economic, administrative, cultural, military, political, and other laws and regulations must be based on Islamic criteria. This principle applies absolutely and generally to all articles of the Constitution as well as to all other laws and regulations, and the fuqaha' of the Guardian Council are judges in this matter.

#### Article 5

During the Occultation of the Wali al-Asr (may God hasten his reappearance), the wilayah and



leadership of the Ummah devolve upon the just ('adil] and pious [muttaqi] faqih, who is fully aware of the circumstances of his age; courageous, resourceful, and possessed of administrative ability, will assume the responsibilities of this office in accordance with Article 107.

#### Article 6

In the Islamic Republic of Iran, the affairs of the country must be administered on the basis of public opinion expressed by the means of elections, including the election of the President, the representatives of the Islamic Consultative Assembly, and the members of councils, or by means of referenda in matters specified in other articles of this Constitution.

#### Article 7

In accordance with the command of the Qur'an contained in the verse ("Their affairs are by consultations among them" [42:38]) and ("Consult them in affairs" [3:159]), consultative bodies - such as the Islamic Consultative Assembly, the Provincial Councils, and the City, Region, District, and Village Councils and the likes of them - are the decision-making and administrative organs of the country. The nature of each of these councils, together with the manner of their formation, their jurisdiction, and scope of their duties and functions, is determined by the Constitution and laws derived from it.

#### Article 8

In the Islamic Republic of Iran, al-'amr bilma'ruf wa al-nahy 'an al-munkar is a universal and reciprocal duty that must be fulfilled by the people with respect to one another, by the government with respect to the people, and by the people with respect to the government. The conditions, limits, and nature of this duty will be specified by law. (This is in accordance with the Qur'anic verse; "The believers, men and women, are guardians of one another; they enjoin the good and forbid the evil" [9:71]).

#### Article 9

In the Islamic Republic of Iran, the freedom, independence, unity, and territorial integrity of the country are inseparable from one another, and their preservation is the duty of the government and all individual citizens. No individual, group, or authority, has the right to infringe in the slightest way upon the political, cultural, economic, and military independence or the territorial integrity of Iran under the pretext of exercising freedom. Similarly, no authority has the right to abrogate legitimate freedoms, not even by enacting laws and regulations for that purpose, under the pretext of preserving the independence and territorial integrity of the country.

#### Article 10

Since the family is the fundamental unit of Islamic society, all laws, regulations, and pertinent programs must tend to facilitate the formation of a family, and to safeguard its sanctity and the stability of family relations on the basis of the law and the ethics of Islam.

## Article 11

In accordance with the sacred verse of the Qur'an ("This your community is a single community, and I am your Lord, so worship Me" [21:92]), all Muslims form a single nation, and the government of the Islamic Republic of Iran has the duty of formulating its general policies with a view to cultivating the friendship and unity of all Muslim peoples, and it must constantly strive to bring about the political, economic, and cultural unity of the Islamic world.

## Article 12

The official religion of Iran is Islam and the Twelver Ja'fari school [in usual al-Din and fiqh], and this principle will remain eternally immutable. Other Islamic schools, including the Hanafi, Shafi'i, Maliki, Hanbali, and Zaydi, are to be accorded full respect, and their followers are free to act in accordance with their own jurisprudence in performing their religious rites. These schools enjoy official status in matters pertaining to religious education, affairs of personal status (marriage, divorce, inheritance, and wills) and related litigation in courts of law. In regions of the country where Muslims following any one of these schools of fiqh constitute the majority, local regulations, within the bounds of the jurisdiction of local councils, are to be in accordance with the respective school of fiqh, without infringing upon the rights of the followers of other schools.

## Article 13

Zoroastrian, Jewish, and Christian Iranians are the only recognized religious minorities, who, within the limits of the law, are free to perform their religious rites and ceremonies, and to act according to their own canon in matters of personal affairs and religious education.

## Article 14

In accordance with the sacred verse; ("God does not forbid you to deal kindly and justly with those who have not fought against you because of your religion and who have not expelled you from your homes" [60:8]), the government of the Islamic Republic of Iran and all Muslims are duty-bound to treat non-Muslims in conformity with ethical norms and the principles of Islamic justice and equity, and to respect their human rights. This

principle applies to all who refrain from  
engaging in conspiracy or activity against Islam  
and the Islamic Republic of Iran. CHAPTER II:  
The Official Language, Script, Calendar, and  
Flag of the Country

Article 15 The official language and script of Iran, the lingua franca of its people, is Persian. Official documents, correspondence, and texts, as well as text-books, must be in this language and script. However, the use of regional and tribal languages in the press and mass media, as well as for teaching of their literature in schools, is allowed in addition to Persian.

Article 16 Since the language of the Qur'an and Islamic texts and teachings is Arabic, and since Persian literature is thoroughly permeated by this language, it must be taught after elementary level, in all classes of secondary school and in all areas of study. Article 17 The official calendar of the country takes as its point of departure the migration of the Prophet of Islam - God's peace and blessings upon him and his Family. Both the solar and lunar Islamic calendars are recognized, but government offices will function according to the solar calendar. The official weekly holiday is Friday.

Article 18 The official flag of Iran is composed of green, white and red colors with the special emblem of the Islamic Republic, together with the motto [Allah-o Akbar].

### CHAPTER III

#### The Rights of the People Article 19 All people of Iran,

whatever the ethnic group or tribe to which they belong, enjoy equal

rights; and color, race, language, and the like, do not bestow any privilege. Article

20

All citizens of the country, both men and women, equally enjoy the protection of the law and enjoy all human, political, economic, social, and cultural rights, in conformity with Islamic criteria.

Article 21

The government must ensure the rights of women in all respects, in conformity with Islamic criteria, and accomplish the following goals:

- 1 create a favorable environment for the growth of woman's personality and the restoration of her rights, both the material and intellectual;
- 2 the protection of mothers, particularly during pregnancy and childbearing, and the protection of children without guardians;
- 2 establishing competent courts to protect and preserve the family;
- 3 the provision of special insurance for widows, and aged women and women without support;
- 4 the awarding of guardianship of children to worthy mothers, in order to protect the interests of the children, in the absence of a legal guardian.

Article 22 The dignity, life, property, rights, residence, and occupation of the individual are inviolate, except in cases sanctioned by law.

#### Article 23

The investigation of individuals' beliefs is forbidden, and no one may be molested or taken to task simply for holding a certain belief. Article 24 Publications and the press have freedom of expression except when it is where there is infringement of the basic tenets of Islam or public rights. In this respect detailed provisions will be laid down by law.

Article 25 Examination of (the contents of), and non-delivery of, letters; recording and divulging of telephone conversations; disclosure of telegraphic or telex communications; censorship, pruning or non-transmission of messages; tapping and bugging and any kind of investigation are all forbidden, unless when so ordered by the law.

#### Article 26

Political parties, societies, political and craft associations, and Islamic or recognized minority religious associations may be freely brought into being, provided that no violation is involved of the principles of independence, freedom, national unity, Islamic standards, and the foundations of the Islamic Republic. No person may be prevented from joining, or compelled to join, one of the above.

#### Article 27

Unarmed assemblies and marches may be freely organized, provided that no violation of the foundations of Islam is involved.

#### Article 28

Every person is entitled to choose the employment he wishes, so long as it is not contrary to Islam or the public interest or the rights of others.

The Government is bound, with due regard for the needs of society for a variety of employment for all men, to create the possibility of employment, and equal opportunities for obtaining it.

#### Article 29

Every person is entitled to the enjoyment of Social Security. This covers retirement, unemployment, old age, being laid off (AZ KAR OFTADEGI), being without a guardian, casual misfortune, accidents, and occurrences giving rise to the need for health services and medical

care and treatment, through insurance etc.

The Government is bound, in accordance with the laws, to use public revenues and the revenue drawn from individual contributions to provide the services and financial support mentioned above for every individual in the country

#### Article 30

The Government is bound to make available, free of charge, educational facilities for all up to the close of the secondary stage, and to expand free facilities for higher education up to the limits of the country's own capacity

Article 31 Every Iranian individual and family is entitled to a dwelling appropriate to their need. The Government is bound to provide this, giving priority to those whose need is greatest, in particular peasants and workers, in the implementation of this Article.

#### Article 32

No person may be arrested except according to and in the manner laid down in the law. If someone is detained, the subject matter of the charge, with reasons (for bringing it), must immediately be communicated and explained in writing to the accused. Within at most 24 hours the file on the case and preliminary documentation must be referred to the competent legal authority. Legal procedures must be initiated as early as possible. Anyone infringing this principle will be punished in accordance with the law.

#### Article 33

No person may be ousted from his residence, or forbidden to reside in the locality of his choice, or compelled to reside in a particular locality, unless the law prescribes this.

#### Article 34

To ask for justice is the unquestioned right of every individual. Everyone may refer to the competent courts in search of justice. All members of the nation are entitled to have recourse to such courts within their reach. No one may be prevented from recourse to any court to which the law entitles him to refer

#### Article 35

In all courts, both parties to the claim are entitled to select a lawyer for themselves. If they do not have the capacity to do this, the means of a lawyer being appointed to act for them must be made available to them.

#### Article 36

A sentence to punishment and its execution must only be by the decision of a competent court,

and by virtue of law

#### Article 37

Innocence is the basic principle No person is considered legally guilty, except in cases where his guilt is established in a competent court.

#### Article 38

Any kind of torture used to extract an admission of guilt or to obtain information is forbidden. Compelling people to give evidence, or confess or take an oath is not allowed. Such evidence or confession or oath is null and void. Any person infringing this principle is to be punished in accordance with the law.

#### Article 39

Aspersions of the dignity of and respect due to any person who has been arrested or put in detention, or imprisoned or exiled by command of the law is forbidden in any form, and is liable to punishment.

#### Article 40

No person may exercise his own rights as a means of constraining others or violating the public interest.

#### Article 41

Citizenship of Iran is the unquestioned right of all Iranians. The Government may not deprive any Iranian of his citizenship, except at their own request, or if they take up citizenship of another country.

#### Article 42

Foreign nationals may within the limits of the law take up Iranian citizenship. The citizenship of such persons may only be taken away if, possibly, another Government accepts them into citizenship, or at their own request.

## CHAPTER IV

### Economy and Financial Affairs

#### Article 43

The economy of the Islamic Republic of Iran, with its objectives of achieving the economic independence of the society, uprooting poverty and deprivation, and fulfilling human needs in the process of development while preserving human liberty, is based on the following criteria:

- 1 the provision of basic necessities for all citizens: housing, food, clothing, hygiene, medical treatment, education, and the necessary facilities for the establishment of a family;
2. ensuring conditions and opportunities of employment for everyone, with a view to attaining full employment; placing the means of work at the disposal of everyone who is able to work but lacks the means, in the form of cooperatives, through granting interest-free loans or recourse to any other legitimate means that neither results in the concentration or circulation of wealth in the hands of a few individuals or groups, nor turns the government into a major absolute employer. These steps must be taken with due regard for the requirements governing the general economic planning of the country at each stage of its growth;
- 2 the plan for the national economy, must be structured in such a manner that the form, content, and hours of work of every individual will allow him sufficient leisure and energy to engage, beyond his professional endeavor, in intellectual, political, and social activities leading to all-round development of his self, to take active part in leading the affairs of the country, improve his skills, and to make full use of his creativity;
- 3 respect for the right to choose freely one's occupation; refraining from compelling anyone to engage in a particular job; and preventing the exploitation of another's labor;
- 4 the prohibition of infliction of harm and loss upon others, monopoly, hoarding, usury, and other illegitimate and evil practices;
- 5 the prohibition of extravagance and wastefulness in all matters related to the economy, including consumption, investment, production, distribution, and services;
- 6 the utilization of science and technology, and the training of skilled personnel in accordance with the developmental needs of the country's economy;
- 7 prevention of foreign economic domination over the country's economy;
- 8 emphasis on increase of agricultural, livestock, and industrial production in order to satisfy public needs and to make the country self-sufficient and free from dependence.

#### Article 44

The economy of the Islamic Republic of Iran is to consist of three sectors: state, cooperative, and private, and is to be based on systematic and sound planning. The state sector is to include all large-scale and mother industries, foreign trade, major minerals, banking, insurance, power generation, dams and large-scale irrigation networks, radio and television, post, telegraph and telephone services, aviation, shipping, roads, railroads and the like; all these will be publicly owned and administered by the State. The cooperative sector is to include cooperative companies and enterprises concerned with production and distribution, in urban and rural areas, in accordance with Islamic criteria. The private sector consists of those activities concerned with agriculture, animal husbandry, industry, trade, and services that supplement the economic activities of the state and cooperative sectors. Ownership in each of these three sectors is protected by the laws of the Islamic Republic, in so far as this ownership is in conformity with the other articles of this chapter, does not go beyond the bounds of Islamic law, contributes to the economic growth and progress of the country, and does not harm society. The [precise] scope of each of these sectors, as well as the regulations and conditions governing their operation, will be specified by law.

#### Article 45

Public wealth and property, such as uncultivated or abandoned land, mineral deposits, seas,

lakes, rivers and other public water-ways, mountains, valleys, forests, marshlands, natural forests, unenclosed pastures, legacies without heirs, property of undetermined ownership, and public property recovered from usurpers, shall be at the disposal of the Islamic government for it to utilize in accordance with the public interest. Law will specify detailed procedures for the utilization of each of the foregoing items.

#### Article 46

Everyone is the owner of the fruits of his legitimate business and labor, and no one may deprive another of the opportunity of business and work under the pretext of his right to ownership.

#### Article 47

Private ownership, legitimately acquired, is to be respected. The relevant criteria are determined by law.

#### Article 48

There must be no discrimination among the various provinces with regard to the exploitation of natural resources, utilization of public revenues, and distribution of economic activities among the various provinces and regions of the country, thereby ensuring that every region has access to the necessary capital and facilities in accordance with its needs and capacity for growth.

#### Article 49

The government has the responsibility of confiscating all wealth accumulated through usury, usurpation, bribery, embezzlement, theft, gambling, misuse of endowments, misuse of government contracts and transactions, the sale of uncultivated lands and other resources subject to public ownership, the operation of centers of corruption, and other illicit means and sources, and restoring it to its legitimate owner; and if no such owner can be identified, it must be entrusted to the public treasury. This rule must be executed by the government with due care, after investigation and furnishing necessary evidence in accordance with the law of Islam.

#### Article 50

The preservation of the environment, in which the present as well as the future generations have a right to flourishing social existence, is regarded as a public duty in the Islamic Republic. Economic and other activities that inevitably involve pollution of the environment or cause irreparable damage to it are therefore forbidden.

#### Article 51

No form of taxation may be imposed except in accordance with the law. Provisions for tax exemption and reduction will be determined by law.

#### Article 52



The annual budget of the country will be drawn up by the government, in the manner specified by law, and submitted to the Islamic Consultative Assembly for discussion and approval. Any change in the figures contained in the budget will be in accordance with the procedures prescribed by law.

#### Article 53

All sums collected by the government will be deposited into the government accounts at the central treasury, and all disbursements, within the limits of allocations approved, shall be made in accordance with law.

#### Article 54

The National Accounting Agency is to be directly under the supervision of the Islamic Consultative Assembly. Its organization and mode of operation in Tehran and at the provincial capitals, are to be determined by law.

#### Article 55

The National Accounting Agency will inspect and audit, in the manner prescribed by law, all the accounts of ministries, government institutions and companies as well as other organizations that draw, in any way, on the general budget of the country, to ensure that no expenditure exceeds the allocations approved and that all sums are spent for the specified purpose. It will collect all relevant accounts, documents, and records, in accordance with law, and submit to the Islamic Consultative Assembly a report for the settlement of each year's budget together with its own comments. This report must be made available to the public.

### CHAPTER V

#### The Right of National Sovereignty and the Powers Deriving Therefrom

#### Article 56

Absolute sovereignty over the world and man belongs to God, and it is He Who has made man master of his own social destiny. No one can deprive man of this divine right, nor subordinate it to the vested interests of a particular individual or group. The people are to exercise this divine right in the manner specified in the following articles.

#### Article 57

The powers of government in the Islamic Republic are vested in the legislature, the judiciary, and the executive powers, functioning under the supervision of the absolute wilayat al-'amr and the leadership of the Ummah, in accordance with the forthcoming articles of this Constitution. These powers are independent of each other.

#### Article 58

The function of the legislature are to be exercised through the Islamic Consultative Assembly, consisting of the elected representatives of the people. Legislation approved by this body, after going through the stages specified in the articles below, is communicated to the executive and the judiciary for implementation.

#### Article 59

In extremely important economic, political, social, and cultural matters, the function of the legislature may be exercised through direct recourse to popular vote through a referendum. Any request for such direct recourse to public opinion must be approved by two-thirds of the members of the Islamic Consultative Assembly.

#### Article 60

The functions of the executive, except in the matters that are directly placed under the jurisdiction of the Leadership by the Constitution, are to be exercised by the president and the ministers.

#### Article 61

The function of the judiciary are to be performed by courts of justice, which are to be formed in accordance with the criteria of Islam, and are vested with the authority to examine and settle lawsuits, protect the rights of the public, dispense and enact justice, and implement the Divine limits [al-hudud al-Ilahiyyah].

## CHAPTER VI

### The Islamic Consultative Assembly

#### (The Legislative Power)

#### Article 62

The Islamic consultative Assembly is constituted by the representatives of the people elected directly and by secret ballot. The qualifications of voters and candidates, as well as the nature of election, will be specified by law.

#### Article 63

The term of membership in the Islamic Consultative Assembly is four years. Elections for each term must take place before the end of the preceding term, so that the country is never without an Assembly.

#### Article 64

There are to be two hundred seventy members of the Islamic Consultative Assembly which, keeping in view the human, political, geographic and other similar factors, may increase by not

more than twenty for each ten-year period from the date of the national referendum of the year 1368 of the solar Islamic calendar. The Zoroastrians and Jews will each elect one representative; Assyrian and Chaldean Christians will jointly elect one representative; and Armenian Christians in the north and those in the south of the country will each elect one representative. The limits of the election constituencies and the number of representatives will be determined by law.

#### Article 65

After the holding of elections, sessions of the Islamic Consultative Assembly are considered legally valid when two-thirds of the total number of members are present. Drafts and bills will be approved in accordance with the code of procedure approved by it, except in cases where the Constitution has specified a certain quorum. The consent of two-thirds of all members present is necessary for the approve of the code of procedure of the Assembly.

#### Article 66

The manner of election of the Speaker and the Presiding Board of the Assembly, the number of committees and their term of office, and matters related to conducting the discussions and maintaining the discipline of the Assembly will be determined by the code of procedure of the Assembly.

#### Article 67

Members of the Assembly must take the following oath at the first session of the Assembly and affix their signatures to its text: In the Name of God, the Compassionate, the Merciful. In the presence of the Glorious Qur'an, I swear by God, the Exalted and Almighty, and undertake, swearing by my own honor as a human being, to protect the sanctity of Islam and guard the accomplishments of the Islamic Revolution of the Iranian people and the foundations of the Islamic Republic; to protect, as a just trustee, the honor bestowed upon me by the people, to observe piety in fulfilling my duties as people's representative; to remain always committed to the independence and honor of the country; to fulfill my duties towards the nation and the service of the people; to defend the Constitution; and to bear in mind, both in speech and writing and in the expression of my views, the independence of the country, the freedom of the people, and the security of their interests.

Members belonging to the religious minorities will swear by their own sacred books while taking this oath.

Members not attending the first session will perform the ceremony of taking the oath at the first session they attend.

#### Article 68

In time of war and the military occupation of the country, elections due to be held in occupied areas or countrywide may be delayed for a specified period if proposed by the President of the Republic, and approved by three-fourths of the total members of the Islamic Consultative

Assembly, with the endorsement of the Guardian Council. If a new Assembly is not formed, the previous one will continue to function.

#### Article 69

The deliberations of the Islamic Consultative Assembly must be open, and full minutes of them made available to the public by the radio and the official gazette. A closed session may be held in emergency conditions, if it is required for national security, upon the requisition of the President, one of the ministers, or ten members of the Assembly. Legislation passed at a closed session is valid only when approved by three-fourths of the members in the presence of the Guardian Council. After emergency conditions have ceased to exist, the minutes of such closed sessions, together with any legislation approved in them, must be made available to the public.

#### Article 70

The President, his deputies and the ministers have the right to participate in the open sessions of the Assembly either collectively or individually. They may also have their advisers accompany them. If the members of the Assembly deem it necessary, the ministers are obliged to attend. [Conversely], whenever they request it, their statements are to be heard.

### SECTION TWO

#### Powers and Authority of the Islamic Consultative Assembly

#### Article 71

The Islamic Consultative Assembly can establish laws on all matters, within the limits of its competence as laid down in the Constitution. Article 72 The Islamic Consultative Assembly cannot enact laws contrary to the usual and ahkam of the official religion of the country or to the Constitution. It is the duty of the Guardian Council to determine whether a violation has occurred, in accordance with Article 96.

Article 73 The interpretation of ordinary laws falls within the competence of the Islamic Consultative Assembly. The intent of this Article does not prevent the interpretations that judges may make in the course of cassation.

Article 74 Government bills are presented to the Islamic Consultative Assembly after receiving the

approval of the Council of Ministers. Members' bills may be introduced in the Islamic Consultative Assembly if sponsored by at least fifteen members. Article 75 Members' bills and

proposals and amendments to governments bills proposed by members that entail the reduction of the public income or the increase of public expenditure may be introduced in the Assembly only if means for compensating for the decrease in income or for meeting the new expenditure are also specified.

#### Article 76

The Islamic Consultative Assembly has the right to investigate and examine all the affairs of the country. Article 77 International treaties, protocols, contracts, and agreements must be approved by the

Islamic Consultative Assembly. Article 78 All changes in the boundaries of the country are forbidden, with the exception of minor amendments in keeping with the interests of the country, on condition that they are not unilateral, do not encroach on the independence and territorial integrity of the country, and receive the approval of four-fifths of the total members of the Islamic Consultative Assembly.

#### Article 79

The proclamation of martial law is forbidden. In case of war or emergency conditions akin to war, the government has the right to impose temporarily certain necessary restrictions, with the agreement of the Islamic Consultative Assembly. In no case can such restrictions last for more than thirty days; if the need for them persists beyond this limit, the government must obtain new authorization for them from the Assembly.

#### Article 80

The taking and giving of loans or grants-in-aid, domestic and foreign, by the government, must be approved by the Islamic Consultative Assembly.

#### Article 81

The granting of concessions to foreigners for the formation of companies or institutions dealing with commerce, industry, agriculture, services or mineral extraction, is absolutely forbidden.

#### Article 82

The employment of foreign experts is forbidden, except in cases of necessity and with the approval of the Islamic Consultative Assembly.

#### Article 83

Government buildings and properties forming part of the national heritage cannot be transferred except with the approval of the Islamic Consultative Assembly; that, too, is not applicable in the case of irreplaceable treasures.

#### Article 84

Every representative is responsible to the entire nation and has the right to express his views on all internal and external affairs of the country.

#### Article 85

The right of membership is vested with the individual, and is not transferable to others. The Assembly cannot delegate the power of legislation to an individual or committee. But whenever necessary, it can delegate the power of legislating certain laws to its own committees, in accordance with Article 72. In such a case, the laws will be implemented on a tentative basis for a period specified by the Assembly, and their final approval will rest with the Assembly. Likewise, the Assembly may, in accordance with Article 72, delegate to the relevant committees the responsibility for permanent approval of articles of association of organizations, companies, government institutions, or organizations affiliated to the government and or invest the authority in the government. In such a case, the government approvals must not be inconsistent with the principles and commandments of the official religion in the country and or the Constitution which question shall be determined by the Guardian Council in accordance with what is stated in Article 96. In addition to this, the government approvals shall not be against the laws and other general rules of the country and, while calling for implementation, the same shall be brought to the knowledge of the Speaker of the Islamic Consultative Assembly for his study and indication that the approvals in question are not inconsistent with the aforesaid rules.

#### Article 86

Members of the Assembly are completely free in expressing their views and casting their votes in the course of performing their duties as representatives, and they cannot be prosecuted or arrested for opinions expressed in the Assembly or votes cast in the course of performing their duties as representatives.

#### Article 87

The President must obtain, for the Council of Ministers, after being formed and before all other business, a vote of confidence from the Assembly. During his incumbency, he can also seek a vote of confidence for the Council of Ministers from the Assembly on important and controversial issues.

#### Article 88

Whenever at least one-fourth of the total members of the Islamic Consultative Assembly pose a question to the President, or any one member of the Assembly poses a question to a minister on a subject relating to their duties, the President or the minister is obliged to attend the Assembly and

answer the question. This answer must not be delayed more than one month in the case of the President and ten days in the case of the minister, except with an excuse deemed reasonable by the Islamic Consultative Assembly.

#### Article 89

1. Members of the Islamic Consultative Assembly can interpolate the Council of Ministers or an individual minister in instances they deem necessary. Interpolations can be tabled if they bear the signatures of at least ten members. The Council of Ministers or interpolated minister must be present in the Assembly within ten days after the tabling of the interpolation in order to answer it and seek a vote of confidence. If the Council of Ministers or the minister concerned fails to attend the Assembly, the members who tabled the interpolation will explain their reasons, and the Assembly will declare a vote of no-confidence if it deems it necessary. If the Assembly does not pronounce a vote of confidence, the Council of Ministers or the minister subject to interpolation is dismissed.

In both cases, the ministers subject to interpolation cannot become members of the next Council of Ministers formed immediately afterwards.

2 In the event at least one-third of the members of the Islamic Consultative Assembly interpolate the President concerning his executive responsibilities in relation with the Executive Power and the executive affairs of the country, the President must be present in the Assembly within one month after the tabling of the interpolation in order to give adequate explanations in regard to the matters raised. In the event, after hearing the statements of the opposing and favoring members and the reply of the President, two-thirds of the members of the Assembly declare a vote of no confidence, the same will be communicated to the Leadership for information and implementation of Section (10) of Article 110 of the Constitution.

#### Article 90

Whoever has a complaint concerning the work of the Assembly or the executive power, or the judicial power can forward his complaint in writing to the Assembly. The Assembly must investigate his complaint and give a satisfactory reply. In cases where the complaint relates to the executive or the judiciary, the Assembly must demand proper investigation in the matter and an adequate explanation from them, and announce the results within a reasonable time. In cases where the subject of the complaint is of public interest, the reply must be made public.

#### Article 91

With a view to safeguard the Islamic ordinances and the Constitution, in order to examine the compatibility of the legislation passed by the Islamic Consultative Assembly with Islam, a council to be known as the Guardian Council is to be constituted with the following composition:

1 six 'adil fuqaha' conscious of the present needs and the issues of the day, to be selected by the Leader, and

2 six jurists, specializing in different areas of law, to be elected by the Islamic Consultative Assembly from among the Muslim jurists nominated-by the Head of the Judicial Power.

## Article 92

Members of the Guardian Council are elected to serve for a period of six years, but during the first term, after three years have passed, half of the members of each group will be changed by lot and new members will be elected in their place.

Article 93 The Islamic Consultative Assembly does not hold any legal status if there is no Guardian Council in existence, except for the purpose of approving the credentials of its members and the election of the six jurists on the Guardian Council.

## Article 94

All legislation passed by the Islamic Consultative Assembly must be sent to the Guardian Council. The Guardian Council must review it within a maximum of ten days from its receipt with a view to ensuring its compatibility with the criteria of Islam and the Constitution. If it finds the legislation incompatible, it will return it to the Assembly for review. Otherwise the legislation will be deemed enforceable.

## Article 95

In cases where the Guardian Council deems ten days inadequate for completing the process of review and delivering a definite opinion, it can request the Islamic Consultative Assembly to grant an extension of the time limit not exceeding ten days.

## Article 96

The determination of compatibility of the legislation passed by the Islamic Consultative Assembly with the laws of Islam rests with the majority vote of the fuqaha' on the Guardian Council; and the determination of its compatibility with the Constitution rests with the majority of all the members of the Guardian Council.

## Article 97

In order to expedite the work, the members of the Guardian Council may attend the Assembly and listen to its debates when a government bill or a members' bill is under discussion. When an urgent government or members' bill is placed on the agenda of the Assembly, the members of the Guardian Council must attend the Assembly and make their views known.

## Article 98

The authority of the interpretation of the Constitution is vested with the Guardian Council, which is to be done with the consent of three-fourths of its members.

## Article 99

The Guardian Council has the responsibility of supervising the elections of the Assembly of



Experts for Leadership, the President of the Republic, the Islamic Consultative Assembly, and the direct recourse to popular opinion and referenda.

## CHAPTER VII

### Public Councils

#### Article 100

In order to expedite social, economic, development, public health, cultural, and educational programs and facilitate other affairs relating to public welfare with the cooperation of the people according to local needs, the administration of each village, division, city, municipality, and province will be supervised by a council to be named the Village, Division, City, Municipality, or Provincial Council. Members of each of these councils will be elected by the people of the locality in question. Qualifications for the eligibility of electors and candidates for these councils, as well as their functions and powers, the mode of election, the jurisdiction of these councils, the hierarchy of their authority, will be determined by law, in such a way as to preserve national unity, territorial integrity, the system of the Islamic Republic, and the sovereignty of the central government.

#### Article 101

In order to prevent discrimination in the preparation of programs for the development and welfare of the provinces, to secure the cooperation of the people, and to arrange for the supervision of coordinated implementation of such programs, a Supreme Council of the Provinces will be formed, composed of representatives of the Provincial Councils. Law will specify the manner in which this council is to be formed and the functions that it is to fulfill.

#### Article 102

The Supreme Council of the Provinces has the right within its jurisdiction to draft bills and to submit them to the Islamic Consultative Assembly, either directly or through the government. These bills must be examined by the Assembly.

#### Article 103

Provincial governors, city governors, divisional governors, and other officials appointed by the government must abide by all decisions taken by the councils within their jurisdiction.

#### Article 104

In order to ensure Islamic equity and cooperation in chalking out the programs and to bring about the harmonious progress of all units of production, both industrial and agricultural, councils consisting of the representatives of the workers, peasants, other employees, and managers, will be formed in educational and administrative units, units of service industries, and other units of a like nature, similar councils will be formed, composed of representatives of the members of those units. The mode of the formation of these councils and the scope of their functions and powers, are to be specified by law.

#### Article 105

Decisions taken by the councils must not be contrary to the criteria of Islam and the laws of the country.

#### Article 106

The councils may not be dissolved unless they deviate from their legal duties. The body responsible for determining such deviation, as well as the manner for dissolving the councils and re-forming them, will be specified by law. Should a council have any objection to its dissolution, it has the right to appeal to a competent court, and the court is duty-bound to examine its complaint outside the docket sequence.

### CHAPTER VIII

#### The Leader or Leadership Council

#### Article 107

After the demise of the eminent marji' al-taqlid and great leader of the universal Islamic revolution, and founder of the Islamic Republic of Iran, Ayatullah al-'Uzma Imam Khomeyni - quddisa sirruh al-sharif - who was recognized and accepted as marji' and Leader by a decisive majority of the people, the task of appointing the Leader shall be vested with the experts elected by the people. The experts will review and consult among themselves concerning all the fuqaha' possessing the qualifications specified in Articles 5 and 109. In the event they find one of them better versed in Islamic regulations, the subjects of the fiqh, or in political and social Issues, or possessing general popularity or special prominence for any of the qualifications mentioned in Article 109, they shall elect him as the Leader. Otherwise, in the absence of such a superiority, they shall elect and declare one of them as the Leader. The Leader thus elected by the Assembly of Experts shall assume all the powers of the wilayat al-amr and all the responsibilities arising therefrom. The Leader is equal with the rest of the people of the country in the eyes of law.

#### Article 108

The law setting out the number and qualifications of the experts [mentioned in, the preceding article], the mode of their election, and the code of procedure regulating the sessions during the first term, must be drawn up by the fuqaha' on the first Guardian Council, passed by a majority of votes and then finally approved by the Leader of the Revolution. The power to make any subsequent change or a review of this law, or approval of all the provisions concerning the duties of the experts is vested in themselves.

#### Article 109

Following are the essential qualifications and conditions for the Leader:

- a. scholarship, as required for performing the functions of mufti in different fields of fiqh.
- b. Justice and piety, as required for the leadership of the Islamic Ummah.
- c. right political and social perspicacity, prudence, courage, administrative facilities and adequate capability for leadership.

In case of multiplicity of persons fulfilling the above qualifications and conditions, the person possessing the better jurisprudential and political perspicacity will be given preference.

#### Article 110

Following are the duties and powers of the Leadership:

- 1 Delineation of the general policies of the Islamic Republic of Iran after consultation with the Nation's Exigency Council.
- 2 Supervision over the proper execution of the general policies of the system.
- 3 Issuing decrees for national referenda.
- 4 Assuming supreme command of the armed forces.
- 5 Declaration of war and peace, and the mobilization of the armed forces.
6. Appointment, dismissal, and acceptance of resignation of:
  - a. the fuqaha' on the Guardian Council.
  - b. the supreme judicial authority of the country.
  - c. the head of the radio and television network of the Islamic Republic of Iran.
  - d. the chief of the joint staff.
  - e. the chief commander of the Islamic Revolution Guards Corps.
  - f. the supreme commanders of the armed forces.
- 6 Resolving differences between the three wings of the armed forces and regulation of their relations.
- 7 Resolving the problems, which cannot be solved by conventional methods, through the Nation's Exigency Council.
- 8 Signing the decree formalizing the election of the President of the Republic by the people. The suitability of candidates for the Presidency of the Republic, with respect to the qualifications specified in the Constitution, must be confirmed before elections take place by the Guardian Council; and, in the case of the first term [of the Presidency], by the Leadership;
- 9 Dismissal of the' President of the Republic, with due regard for the interests of the country, after the Supreme Court holds him guilty of the violation of his constitutional duties, or after a vote of the Islamic Consultative Assembly testifying to his incompetence on the basis of Article 89 of the Constitution.
- 10 Pardoning or reducing the sentences of convicts, within the framework of Islamic criteria, on a recommendation [to that effect] from the Head of judicial power.

The Leader may delegate part of his duties and powers to another person.

#### Article 111

Whenever the Leader becomes incapable of fulfilling his constitutional duties, or loses one of the qualifications mentioned in Articles 5 and 109, or it becomes known that he did not possess some of the qualifications initially, he will be dismissed. The authority of determination in this matter

is vested with the experts specified in Article 108. In the event of the death, or resignation or dismissal of the Leader, the experts shall take steps within the shortest possible time for the appointment of the new Leader. Till the appointment of the new Leader, a council consisting of the President, head of the judicial power, and a faqih from the Guardian Council, upon the decision of the Nation's Exigency Council, shall temporarily take over all the duties of the Leader. In the event, during this period, any one of them is unable to fulfill his duties for whatsoever reason, another person, upon the decision of majority of fuqaha' in the Nation's Exigency Council shall be elected in his place. This council shall take action in respect of items 1,3,5, and 10, and sections d, e and f of item 6 of Article 110, upon the decision of three-fourths of the members of the Nation's Exigency Council. Whenever the Leader becomes temporarily unable to perform the duties of leadership owing to his illness or any other incident, then during this period, the council mentioned in this Article shall assume his duties.

#### Article 112

Upon the order of the Leader, the Nation's Exigency Council shall meet at any time the Guardian Council judges a proposed bill of the Islamic Consultative Assembly to be against the principles of Shariah or the Constitution, and the Assembly is 'unable to meet the expectations of the Guardian Council. Also, the Council shall meet for consideration on any issue forwarded to it by the Leader and shall carry out any other responsibility as mentioned in this Constitution. The permanent and changeable members of the Council shall be appointed by the Leader. The rules for the Council shall be formulated and approved by the Council members subject to the confirmation by the Leader.

### CHAPTER IX

#### The Executive Power

#### SECTION ONE

#### The Presidency

#### Article 113

After the office of Leadership, the President is the highest official in the country. His is the responsibility for implementing the Constitution and acting as the head of the executive, except in matters directly concerned with (the office of) the Leadership.

#### Article 114

The President is elected for a four-year term by the direct vote of the people. His re-election for a successive term is permissible only once.

#### Article 115

The President must be elected from among religious and political personalities possessing the following qualifications: Iranian origin; Iranian nationality; administrative capacity and resourcefulness; a good past-record; trustworthiness and piety; convinced belief in the

fundamental principles of the Islamic Republic of Iran and the official religion of the country.

#### Article 116

Candidates nominated for the post of President must declare their candidature officially. Law lays down the manner in which the President is to be elected.

Article 117 The President is elected by an absolute majority of votes polled by the voters. But if none of the candidates is able to win such a majority In the first round, voting will take place a second time on Friday of the following week. In the second round only the two candidates who received greatest number of votes in the first round will participate. If, however, some of the candidates securing greatest votes in the first round withdraw from the elections, the final choice will be between the two candidates who won greater number of votes than all the remaining candidates.

#### Article 118

Responsibility for the supervision of the election, of the President lies with the Guardian Council, as stipulated in Article 99. But before the establishment of the first Guardian Council, however, it lies with a supervisory body to be constituted by law.

#### Article 119

The election of a new President must take place no later than one month before the end of the term of the outgoing President. In the interim period before the election of the new President and the end of the term of the outgoing President, the outgoing President will perform the duties of the, President.

#### Article 120

In case any of the candidates whose suitability is established in terms of the qualifications listed above should die within ten days before polling day, the elections will be postponed for two weeks. If one of the candidates securing greatest number of votes dies in the intervening period between the first and second rounds of voting, the period for holding (the second round of) the election will be extended for two weeks.

#### Article 121

The President must take the following oath and affix his signature to it at a session of the Islamic Consultative Assembly in the presence of the head of the judicial power and the members of the Guardian Council:

"In, the Name of God, the Compassionate, the Merciful, I, as President, swear, in the presence of the Noble Qur'an and the people of Iran, by God, the Exalted and Almighty, that I will guard the official religion of the country, the order of the Islamic Republic and the Constitution of the country; that I will devote all my capacities and abilities to the fulfillment of the responsibilities

that I have assumed; that I will dedicate myself to the service of the people, the honor of the country, the propagation of religion and morality, and the support of truth and justice, refraining from every kind of arbitrary behavior; that I will protect the freedom and dignity of all citizens and the rights that the Constitution has accorded the people; that in guarding the frontiers and the political, economic, and cultural independence of the country I will not shirk any necessary measure; that, seeking help from God and following the Prophet of Islam and the infallible Imams (peace be upon them), I will guard, as a pious and selfless trustee, the authority vested in me by the people as a sacred trust, and transfer it to whomever the people may elect after me."

#### Article 122

The President, within the limits of his powers and duties, which he has by virtue of this Constitution or other laws, is responsible to the people, the Leader and the Islamic Consultative Assembly.

#### Article 123

The President is obliged to sign legislation approved by the Assembly or the result of a referendum, after the (related) legal procedures have been completed and it has been communicated to him. After signing, he must forward it to the responsible authorities for implementation.

#### Article 124

The President may have deputies for the performance of his constitutional duties. With the approval of the President, the first deputy of the President shall be vested with the responsibilities of administering the affairs of the Council of Ministers and coordination of functions of other deputies.

#### Article 125

The President or his legal representative has the authority to sign treaties, protocols, contracts, and agreements concluded by the Iranian government with other governments, as well as agreements pertaining to international organizations, after obtaining the approval of the Islamic Consultative Assembly.

#### Article 126

The President is responsible for national planning and budget and state employment affairs and may entrust the administration of these to others.

#### Article 127

In special circumstances, subject to approval of the Council of Ministers the President may appoint one or more special representatives with specific powers. In such cases, the decisions of his representative(s) will be considered as the same as those of the President and the Council of

Ministers.

Article 128 The ambassadors shall be appointed upon the recommendation of the foreign minister and approval of the President. The President signs the credentials of ambassadors and receives the credentials presented by the ambassadors ,of the foreign countries.

Article 129

The award of state decorations is a prerogative of the President.

Article 130

The President shall submit his resignation to the Leader and shall continue performing his duties until his resignation is not accepted.

Article 131

In case of death, dismissal, resignation, absence, or illness lasting longer than two months of the President, or when his term in office has ended and a new president has not been elected due to some impediments, or similar other circumstances, his first deputy shall assume, with the approval of the Leader, the powers and functions of the President. The Council, consisting of the Speaker of the Islamic Consultative Assembly, head of the judicial power, and the first deputy of the President, is obliged to arrange for a new President to be elected within a maximum period of fifty days. In case of death of the first deputy to the President, or other matters which prevent him to perform his duties, or when the President does not have a first deputy, the Leader shall appoint another person in his place.

Article 132

During the period when the powers and responsibilities of the President are assigned to his first deputy or the other person in accordance with Article 131, neither can the ministers be interpolated nor can a vote of no-confidence be passed against them. Also, neither can any step be undertaken for a review of the Constitution, nor a national referendum be held.

## SECTION TWO

The President and Ministers

Article 133

Ministers will be appointed by the President and will be presented to the Assembly for a vote of confidence. With the change of Assembly, a new vote of confidence will not be necessary. The number of ministers and the jurisdiction of each will be determined by law.

Article 134 The President is the head of the Council of Ministers. He supervises the work of the ministers and takes all necessary measures to coordinate the decisions of the government. With

the cooperation of the ministers, he determines the program and policies of the government and implements the laws. In the case of discrepancies, or interference in the constitutional duties of the government agencies, the decision of the Council of Ministers at the request of the President shall be binding provided it does not call for an interpretation of or modification in the laws. The President is responsible to the Assembly for the actions of the Council of Ministers.

#### Article 135

The ministers shall continue in office unless they are dismissed, or given a vote of no-confidence by the Assembly as a result of their interpolation, or a motion for a vote of no-confidence against them.

The resignation of the Council of Ministers, or that of each of them shall be submitted to the President, and the Council of Ministers shall continue to function until such time as the new government is appointed.

The President can appoint a caretaker for a maximum period of three months for the ministries having no minister.

#### Article 136

The President can dismiss the ministers and in such a case he must obtain a vote of confidence for the new minister(s) from the Assembly. In case half of the members of the Council of Ministers are changed after the government has received its vote of confidence from the Assembly, the government must seek a fresh vote of confidence from the Assembly.

#### Article 137

Each of the ministers is responsible for his duties to the President and the Assembly, but in matters approved by the Council of Ministers as a whole, he is also responsible for the actions of the others.

#### Article 138

In addition to instances in which the Council of Ministers or a single minister is authorized to frame procedures for the implementation of laws, the Council of Ministers has the right to lay down rules, regulations, and procedures for performing its administrative duties, ensuring the implementation of laws, and setting up administrative bodies. Each of the ministers also has the right to frame regulations and issue circular in matters within his jurisdiction and in conformity with the decisions of the Council of Ministers. However, the content of all such regulations must not violate the letter or the spirit of the law. The government can entrust any portion of its task to the commissions composed of some ministers. The decisions of such commissions within the rules will be binding after the endorsement of the President.

The ratification and the regulations of the government and the decisions of the commissions mentioned under this Article shall also be brought to the notice of the Speaker of the Islamic



Consultative Assembly while being communicated for implementation so that in the event he finds them contrary to law, he may send the same stating the reason for reconsideration by the Council of Ministers.

#### Article 139

The settlement, of claims relating to public and state property or the referral thereof to arbitration is in every case dependent on the approval of the Council of Ministers, and the Assembly must be informed of these matters. In cases where one party to the dispute is a foreigner, as well as in important cases that are purely domestic, the approval of the Assembly must also be obtained. Law will specify the important cases intended here.

#### Article 140

Allegations of common crimes against the President, his deputies, and the ministers will be investigated in common courts of justice with the knowledge of the Islamic Consultative Assembly.

#### Article 141

The President, the deputies to the President, ministers, and government employees cannot hold more than one government position, and it is forbidden for them to hold any kind of additional post in institutions of which all or a part of the capital belongs to the government or public institutions, to be a member of the Islamic Consultative Assembly, to practice the profession of attorney or legal adviser, or to hold the post of president, managing director, or membership of the board of directors of any kind of private company, with the exception of cooperative companies affiliated to the government departments and institutions. Teaching positions in universities and research institutions are exempted from this rule.

#### Article 142

The assets of the Leader, the President, the deputies to the President, and ministers, as well as those of their spouses and offspring, are to be examined before and after their term of office by the head of the judicial power, in order to ensure they have not increased in a fashion contrary to law.

### SECTION THREE

#### The Army and the Islamic Revolutionary Guards Corps

#### Article 143

The Army of the Islamic Republic of Iran is responsible for guarding the independence and territorial integrity of the country, as well as the order of the Islamic Republic.

#### Article 144

The Army of the Islamic Republic of Iran must be an Islamic Army, i.e., committed to Islamic ideology and the people, and must recruit into its service individuals who have faith in the objectives of the Islamic Revolution and are devoted to the cause of realizing its goals.

Article 145

No foreigner will be accepted into the Army or security forces of the country.

Article 146

The establishment of any kind of foreign military base in Iran, even for peaceful purposes, is forbidden.

Article 147

In time of peace, the government must utilize the personnel and technical equipment of the Army in relief operations, and for educational and productive ends, and the Construction Jihad, while fully observing the criteria of Islamic justice and ensuring that such utilization does not harm the combat-readiness of the Army.

Article 148

All forms of personal use of military vehicles, equipment, and other means, as well as taking advantage of Army personnel as personal servants and chauffeurs or in similar capacities, are forbidden.

Article 149

Promotions in military rank and their withdrawal take place in accordance with the law.

Article 150

The Islamic Revolution Guards Corps, organized in the early days of the triumph of the Revolution, is to be maintained so that it may continue in its role of guarding the Revolution and its achievements. The scope of the duties of this Corps, and its areas of responsibility, in relation to the duties and areas of responsibility of the other armed forces, are to be determined by law, with emphasis on brotherly cooperation and harmony among them.

Article 151

In accordance with the noble Qur'anic verse:

"(Prepare against them whatever force you are able to muster, and horses ready for battle, striking fear into God's enemy and your enemy, and others beyond them unknown to you but known to God... [8:60])"

the government is obliged to provide a program of military training, with all requisite facilities,

for all its citizens, in accordance with the Islamic criteria, in such a way that all citizens will always be able to engage in the armed defence of the Islamic Republic of Iran. The possession of arms, however, requires the granting of permission by the competent authorities.

## CHAPTER X

### Foreign Policy

#### Article 152

The foreign policy of the Islamic Republic of Iran is based upon the rejection of all forms of domination, both the exertion of it and submission to it, the preservation of the independence of the country in all respects and its territorial integrity, the defence of the rights of all Muslims, non-alignment with respect to the hegemonist superpowers, and the maintenance of mutually peaceful relations with all non-belligerent States.

#### Article 153

Any form of agreement resulting in foreign control over the natural resources, economy, army, or culture of the country, as well as other aspects of the national life, is forbidden.

#### Article 154

The Islamic Republic of Iran has as its ideal human felicity throughout human society, and considers the attainment of independence, freedom, and rule of justice and truth to be the right of all people of the world. Accordingly, while scrupulously refraining from all forms of interference in the internal affairs of other nations, it supports the just struggles of the mustad'afun against the mustakbirun in every corner of the globe.

#### Article 155

The government of the Islamic Republic of Iran may grant political asylum to those who seek it unless they are regarded as traitors and saboteurs according to the laws of Iran.

## CHAPTER XI

### The Judiciary

#### Article 156

The judiciary is an independent power, the protector of the rights of the individual and society, responsible for the implementation of justice, and entrusted with the following duties:

- 1 investigating and passing judgment on grievances, violations of rights, and complaints; the resolving of litigation; the settling of disputes; and the taking of all necessary decisions and measures in probate matters as the law may determine;
- 2 restoring public rights and promoting justice and legitimate freedoms;
- 3 supervising the proper enforcement of laws;
- 4 uncovering crimes; prosecuting, punishing, and chastising criminals; and enacting the

penalties and provisions of the Islamic penal code;

5 taking suitable measures to prevent the occurrence of crime and to reform criminals.

#### Article 157

In order to fulfill the responsibilities of the judiciary power in all the matters concerning judiciary, administrative and executive areas, the Leader shall appoint a just Mujtahid well versed in judiciary affairs and possessing prudence and administrative abilities as the head of the judiciary power for a period of five years who shall be the highest judicial authority.

#### Article 158

The head of the judiciary branch is responsible for the following:

- 1 Establishment of the organizational structure necessary for the administration of justice commensurate with the responsibilities mentioned under Article 156.
- 2 Drafting judiciary bills appropriate for the Islamic Republic.
- 3 Employment of just and worthy judges, their dismissal, appointment, transfer, assignment to particular duties, promotions, and carrying out similar administrative duties, in accordance with the law.

#### Article 159

The courts of justice are the official bodies to which all grievances and complaints are to be referred. The formation of courts and their jurisdiction is to be determined by law.

#### Article 160

The Minister of Justice owes responsibility in all matters concerning the relationship between the judiciary, on the one hand, and the executive and legislative branches, on the other hand. He will be elected from among the individuals proposed to the President by the head of the judiciary branch. The head of the judiciary may delegate full authority to the Minister of Justice in financial and administrative areas and for employment of personnel other than judges in which case the Minister of Justice shall have the same authority and responsibility as those possessed by the other ministers in their capacity as the highest ranking government executives.

#### Article 161

The Supreme Court is to be formed for the purpose of supervising the correct implementation of the laws by the courts, ensuring uniformity of judicial procedure, and fulfilling any other responsibilities assigned to it by law, on the basis of regulations to be established by the head of the judicial branch.

#### Article 162

The chief of the Supreme Court and the Prosecutor-General must both be just mujtahids well

versed in judicial matters. They will be nominated by the head of the judiciary branch for a period of five years, in consultation with the judges of the Supreme Court.

#### Article 163

The conditions and qualifications to be fulfilled by a judge will be determined by law, in accordance with the criteria of fiqh.

#### Article 164

A judge cannot be removed, whether temporarily or permanently, from the post he occupies except by trial and proof of his guilt, or in consequence of a violation entailing his dismissal. A judge cannot be transferred or redesignated without his consent, except in cases when the interest of society necessitates it, that too, with the decision of the head of the judiciary branch after consultation with the chief of the Supreme

Court and the Prosecutor General. The periodic transfer and rotation of judges will be in accordance with general regulations to be laid down by law.

Article 165 Trials are to be held openly and members of the public may attend without any restriction; unless the court determines that an open trial would be detrimental to public morality or discipline, or if in case of private disputes, both the parties request not to hold open hearing.

#### Article 166

The verdicts of courts must be well reasoned out and documented with reference to the articles and principles of the law in accordance with which they are delivered.

#### Article 167

The judge is bound to endeavor to judge each case on the basis of the codified law. In case of the absence of any such law, he has to deliver his judgment on the basis of authoritative Islamic sources and authentic fatwa. He, on the pretext of the silence of or deficiency of law in the matter, or its brevity or contradictory nature, cannot refrain from admitting and examining cases and delivering his judgment.

#### Article 168

Political and press offenses will be tried openly and in the presence of a jury, in courts of justice. The manner of the selection of the jury, its powers, and the definition of political offenses, will be determined by law in accordance with the Islamic criteria.

#### Article 169

No act or omission may be regarded as a crime with retrospective effect on the basis of a law framed subsequently.

#### Article 170

Judges of courts are obliged to refrain from executing statutes and regulations of the government that are in conflict with the laws or the norms of Islam, or lie outside the competence of, the executive power. Everyone has the right to demand the annulment of any such regulation from the Court of Administrative Justice.

#### Article 171

Whenever an individual suffers moral or material loss as the result of a default or error of the judge with respect to the subject matter of a case or the verdict delivered, or the application of a rule in a particular case, the defaulting judge must stand surety for the reparation of that loss in accordance with the Islamic criteria, if it be a case of default. Otherwise, losses will be compensated for by the State. In all such cases, the repute and good standing of the accused will be restored.

Article 172 Military courts will be established by law to investigate crimes committed in connection with military or security duties by members of the Army, the Gendarmerie, the police, and the Islamic Revolution Guards Corps. They will be tried in public courts, however, for common crimes or crimes committed while serving the department of justice in executive capacity. The office of military prosecutor and the military courts form part of the judiciary and are subject to the same principles that regulate the judiciary.

#### Article 173

In order to investigate the complaints, grievances, and objections of the people with respect to government officials, organs, and statutes, a court will be established to be known as the Court of Administrative Justice under the supervision of the head of the judiciary branch. The jurisdiction, powers, and mode of operation of this court will be laid down by law.

#### Article 174

In accordance with the right of the judiciary to supervise the proper conducting of affairs and the correct implementation of laws by the administrative organs of the government, an organization I will be constituted under the supervision of the head of the judiciary branch to be known as the National General Inspectorate. The powers and duties of this organization will be determined by law.

## CHAPTER XII

### Radio and Television

#### Article 175

The freedom of expression and dissemination of thoughts in the Radio and Television of the Islamic Republic of Iran must be guaranteed in keeping with the Islamic' criteria and the best interests of the country. The appointment and dismissal of the head of the Radio and Television

of the Islamic Republic of Iran rests with the Leader. A council consisting of two representatives each of the President, the head of the judiciary branch and the Islamic Consultative Assembly shall supervise the functioning of this organization.

## CHAPTER XIII

### Supreme Council for National Security

#### Article 176

In order to safeguarding the national interests and preserving the Islamic Revolution, the territorial integrity and national sovereignty, a Supreme Council for National Security presided over by the President shall be constituted to fulfill the following responsibilities:

- 1 Determining the defence and national security policies within the framework of general policies determined by the Leader.
- 2 Coordination of activities in the areas relating to politics, intelligence, social, cultural and economic fields in regard to general defence and security policies.
- 3 Exploitation of materialistic and intellectual resources of the country for facing the internal and external threats.

The Council shall consist of: heads of three branches of the government, chief of the Supreme Command Council of the Armed Forces, the officer in charge of the planning and budget affairs, two representatives nominated by the Leader, ministers of foreign affairs, interior, and information, a minister related with the subject, and the highest ranking officials from the Armed Forces and the Islamic Revolution's Guards Corps.

Commensurate with its duties, the Supreme Council for National Security shall form sub-councils such as Defence Sub-council and National Security Sub-council. Each Sub-council will be presided over by the President or a member of the Supreme Council for National Security appointed by the President. The scope of authority and responsibility of the Sub-councils will be determined by law and their organizational structure will be approved by the Supreme Council for National Defence. The decisions of the Supreme Council for National Security shall be effective after the confirmation by the Leader.

## CHAPTER XIV

### Revision of the Constitution

#### Article 177

Revision of the Constitution of the Islamic Republic of Iran, whenever needed by the circumstances, will be done in the following manner:

The Leader issues an edict to the President after consultation with the Nation's Exigency Council stipulating the amendments or additions to be made by the Council for Revision of the Constitution which consists of:

- 1 Members of the Guardian Council.
- 2 Heads of the three branches of the government.
- 3 Permanent members of the Nation's Exigency Council.
- 4 Five members from among the Assembly of Experts.
- 5 Ten representatives selected by the Leader.
- 6 Three representatives from the Council of Ministers.
- 7 Three representatives from the judiciary branch.
- 8 Ten representatives from among the members of the Islamic Consultative Assembly.
- 9 Three representatives from among the university professors.

The method of working, manner of selection and the terms and conditions of the Council shall be determined by law. The decisions of the Council, after the confirmation and signatures of the Leader, shall be valid if approved by an absolute majority vote in a national referendum. The provisions of Article 59 of the Constitution shall not apply to the referendum for the, "Revision of the Constitution." The contents of the Articles of the Constitution related to the Islamic character of the political system; the basis of all the rules and regulations according to Islamic criteria; the religious footing; the objectives of the Islamic Republic of Iran; the democratic character of the government; the wilayat al-'mr the Imamate of Ummah; and the administration of the affairs of the country based on national referenda, official religion of Iran [Islam] and the school [Twelver Ja'fari] are unalterable.