

## **In the Name of Allah, Most Gracious, Most Merciful**

*He sent aforetime our messengers with clear signs. And sent down with them the book and the balance (of right and wrong), that men may stand in justice.<sup>1</sup>*

### **Introduction**

The constitution of the Islamic Republic of Iran is a declaration of the social, cultural, political, and economic foundations of the Iranian society based on Islamic principles and norms that reflect the heartfelt desire of the Islamic community. These fundamental desires are elaborated in the qualities of the great Islamic revolution of Iran, and the revolutionary process of the Muslim people, from the beginning to the victory; principles which were crystallized through the decisive and strong slogans of all segments of society. Now at the dawn of this great victory our nation longs wholeheartedly to realize this demand.

The definitive characteristic of this revolution, apropos other uprisings of Iran during this century, is its ideological and Islamic nature. After experiencing the anti-despotic constitutional uprising and the anti-colonial uprising for the nationalization of oil, the Muslim nation of Iran learned the invaluable lesson that the specific and essential reason for the failure of these uprisings was the non-doctrinal quality of the struggles. Although the Islamic line of thinking and the leadership of the clerics have played an essential and fundamental role in these recent uprisings, the latter declined quickly because they departed from the authentic positions of Islam. As a result, the alert conscience of the nation, under the invaluable leadership of the source of religious emulation (marja'-e taqlid) the exalted Grand Ayatollah Imam Khomeini, perceived the necessity for following the path of an authentic, doctrinal, and Islamic uprising. This time, his leadership provided a new momentum for the committed authors and intellectuals and the country's defiant clerics who had always been in the forefront of massive uprisings. (The beginning of the recent uprising of the nation of Iran was in the year 1382 of the lunar Islamic calendar, agnate to 1341 of the solar Islamic calendar.)

### **The Dawn of the Uprising**

The catalyst for the nation's united movement was Imam Khomeini's objection to an American scheme, "the White Revolution," which was a step toward strengthening the foundations of tyranny and increasing Iran's political, cultural, and economic dependency on world imperialism. The ensuing grand and bloody revolution of the Muslim community in the month of Khordad, 1342 [1963], was in fact the germination of this splendid and vast uprising. This strengthened and sealed the focal position of Imam as the embodiment of Islamic leadership. In spite of his exile from Iran as a result of his objections to the outrageous capitulation law (which ensured American advisers' legal immunity), the firm ties between the Muslim community and the Imam remained intact. The Muslim nation, and especially the committees of intellectuals and the militant clerics, carried out their objectives amidst imprisonment, torture, exile, and execution.

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<sup>1</sup> The Qur'an, 57: 25. Henceforth all English translations of the Qur'an are cited from Abdullah Yusuf Ali, The Holy Qur'an (Beltsville, Maryland, 1989).

In the meantime, the conscientious segment of society was enlightening the rest of the population from the barricades of the mosques, the theological seminaries, and the universities. Inspired by the prolific and revolutionary doctrines of Islam, they struggled relentlessly to raise the level of the nation's revolutionary consciousness, and ideological awareness. The despotic regime began suppressing the Islamic uprising by vehemently attacking the Islamic theological seminary Fayziye, the university, and all the other vital centers of the revolution, and committed the most cowardly and brutal acts in an attempt to escape the revolutionary anger of the people. Execution by firing squads and subjection to medieval torture and long prison terms were part of the price that our Muslim nation paid for its firm determination to continue the struggle. The Islamic Revolution was invigorated by the blood of hundreds of young, devout men and women who cried out "Allāho Akbar" (God is great) before the firing squads at dawn, or before succumbing to the enemy's bullets in the streets and bazaars. Imam's continuing messages and declarations [of support] on various occasions increased and expanded the level of awareness and determination of the Muslim community.

### **Islamic Government**

The concept of Islamic government, based on the governance of the jurispudent (velāyat-e faqih), which was provided by Imam Khomeini at the height of the repression and oppression by the despotic regime, produced a clear and unifying goal among Muslim people. It opened the way for authentic Islamic doctrinal struggle, and further intensified the struggle of the committed Muslim militants both inside and outside Iran.

The struggle continued on this path until finally the discontent and intense anger of the people as a result of internal pressure and state suppression on the one hand, and, on the other hand, the exposure of these actions at the international level through the actions of the clerics and the students, seriously weakened the foundations of the regime. Inevitably, the regime and its masters were forced to reduce the level of pressure and oppression and at least gave the impression of allowing political openness in the country; they had assumed these measures in hopes of preventing their inevitable downfall. But the agitated, conscious, and determined nation, under the decisive and unwavering leadership of Imam, continued with its unified uprising in a broad and inclusive manner.

### **The Anger of the People**

On the 17 of Day 1356 [7 January 1978] the regime's publication of an article insulting the holy honor of the clerics and Imam Khomeini in particular accelerated the movement and led to the volcanic explosion of anger across the nation. The regime tried to silence this uprising with bloodshed and violence, but this only caused more blood to gush into the veins of the Revolution. The renewed surge of fervor on every 7th and 40th memorial for the martyrs of the Revolution gave new life and an ever-increasing and unified warmth and vitality to this movement across the country. As people persevered, all the nation's institutions were invigorated and took an active part in toppling the despotic regime through all-inclusive strikes and participation in street demonstrations. The widespread unity of men and women, from all social, religious, and political strata, was decisive. Women in particular had a visible and active presence at all the stages of this great campaign (jehād). Images that showed a mother embracing her child rushing toward the battleground and the barrels of machine guns were illustrative of the decisive and essential role that this great segment of society played in the struggle.

## **The Price Paid by the Nation**

The sapling of the revolution, nurtured by the blood of more than 60,000 martyrs and 100,000 wounded and disabled, and billions of tomāns<sup>2</sup> of financial losses, finally bore fruit after more than a year and a half of unrelenting and continuous struggle amidst the cries of: “Independence, freedom, Islamic government!” This great uprising, which was achieved through faith, unity, and the decisiveness of the leadership, and the self-sacrifices of the nation, succeeded in annihilating the calculations, relations, and institutions of imperialism. The Iranian Revolution opened a new chapter in the [history] of mass popular revolutions in the world.

The 21 and 22 of Bahman 1357 [12 and 13 February 1979] were the days of the collapse of the monarchic system when domestic tyranny, and the foreign dominance that relied on it, were crushed. With this great victory, the rise of the Islamic government that was the long desire of the Muslim people announced its final triumph.

In the referendum of the Islamic Republic, the people of Iran, unanimously and in conjunction with the source of religious emulation (marja‘-i taqlid), Islamic scholars, and the leader, declared their final and determined decision for the establishment of the new system of the Islamic Republic. A 98.2 percent majority voted for the establishment of the Islamic Republic.

At this time, the constitution of the Islamic Republic of Iran, as an articulation of the political, social, cultural, and economic relations and institutions of the society, was to open the way for affirming the foundations of the Islamic government and provide a new plan of governance raised on the ruins of the previous decadent system.

## **The Form of Governance in Islam**

From the perspective of Islam, governance does not derive from the class position or dominance of a group or an individual. On the contrary, it is the crystallization of the political ideal of a nation with a common faith and perspective that must be organized so that in the process of its intellectual and ideological development it can carve out its path toward its ultimate goal (movement toward God). In the flow of its revolutionary evolution, our nation was cleansed of the dust and rust of the reign of decadence; it cleansed itself of the intellectual alien impurities. It returned to the authentic Islamic worldview and intellectual positions. Now it is determined to establish its exemplary model society (iswa) based on Islamic criteria. On these bases, the constitution’s calling is to actualize the ideological premises of the uprising and to create conditions where one can be raised with the exalted universal Islamic values.

With respect to the Islamic content of the Iranian Revolution, which was a movement for the victory of all the oppressed people over their oppressors, the constitution prepares the ground for continuing this revolution at home and abroad. Specifically, it strives to expand international relations with other Islamic movements and people in order to pave the way for the formation of a single, universal community, in accordance with the Qur’anic verse, “Verily, this Brotherhood of yours is a single Brotherhood, and I am your Lord and Cherisher: therefore Serve Me (and no other)” (21: 92), to also assure that the continuous struggle for the emancipation of the deprived and oppressed nations of the world is strengthened.

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<sup>2</sup> One tomān consists of ten riyāls, the currency unit of Iran.

Considering the characteristics of this great uprising, the constitution is the guarantor that no kind of intellectual or social tyranny, or economic monopoly is instituted. It strives to break away from the system of tyranny and to hand over the destiny of people to themselves, in accordance with the Qur'anic verse, "He releases them from their heavy burdens and from the yokes that are upon them" (7: 157).

In establishing, on the basis of ideological interpretation, political institutions and organs that are the basis of the society, the pious will take on the responsibility of governing and administering the country, in accordance with the Qur'anic verse, "My servants, the righteous, shall inherit the earth" (21: 105). Legislation that projects the criteria for the administration of society proceeds on the course of Qur'an and the sunna (tradition). Consequently, serious and meticulous supervision on the part of just, devout, and committed Islamic scholars is a necessary and definitive affair. The objective of government is to foster the human being in the direction of the divine order, in accordance to the Qur'anic verse, "And to Allah is the final goal (of all)" (24: 42), in order to prepare the grounds for the expression and blossoming of aptitudes for the purpose of manifesting the theomorphic dimensions of man ("Comport yourself after the conduct of God"). This objective cannot be attained unless all segments of society actively and extensively participate in the developmental process of the society.

In regard to this orientation, the constitution prepares the background for all members of society to participate in all stages of political decision making as well as the making of decisions that shape their destiny. This is to assure that each person, in the process of human development, is involved with and assumes responsibility for growth, augmentation, and leadership; this is indeed the actualization of the governance of the oppressed on earth, in accordance with the Qur'anic verse, "And We wished to be gracious to those who were being depressed on the land. To make them leaders (in faith) and make them heirs" (28: 5).

### **Governance of the Just Jurisprudent (Faqih)**

Based on the sovereignty of the command [of God] (velāyat-e amr) and continuous religious leadership (imāmat), the constitution prepares the background for the actualization of leadership by a qualified jurisprudent who is recognized as leader by the people ("Administration of affairs should be by those scholars who are learned in regard to God and that which He has permitted and that which He has forbidden") this leadership protects various institutions against deviations in fulfilling their authentic Islamic responsibilities.

### **Economy is a Means not an End**

In strengthening economic institutions, the principle is to satisfy the needs of human beings in the process of their development and growth. This is contrary to other economic systems that focus on the concentration and accumulation of wealth and on seeking profit. In the material schools of thought economy is an end in itself; consequently, at different stages of growth, economy becomes an element of destruction, decadence, and ruin. But in Islam, the economy is a means that is not expected to do anything except better facilitate reaching the goal.

From this perspective, the economic plan of Islam is to provide apt conditions for the emergence of human beings' various creativities. Consequently, it is the responsibility of the Islamic

government to secure equal and appropriate opportunities and employment for all individuals and to fulfill their needs so they can continue on the course of their progress.

### **Women in the Constitution**

In establishing Islamic social institutions, human forces that have thus far been utilized in the service of the multifaceted foreign exploitation now reclaim their own genuine identity and human rights. In this process, it is natural that women, who up until this point have endured a greater degree of oppression under the despotic regime, should be granted more rights.

The family is the primal unit of society and the essential center for the growth and grandeur of men. Compatibility in respect to beliefs and ideals is the fundamental principle in establishing a family, that is the essential ground for the course of humanity's growth and development. It is among the responsibilities of the Islamic Republic to provide the conditions for attaining this goal. In accordance with this view of the family unit, women are emancipated from the state of being an "object" or a "tool" in the service of disseminating consumerism and exploitation, while reclaiming the crucial and revered responsibility of motherhood and raising ideological vanguards. Women shall walk alongside men in the active arenas of existence. As a result, women will be the recipients of a more critical responsibility and enjoy a more exalted and prized estimation in view of Islam.

### **An Ideological Army**

In establishing and equipping the defense forces of the country, the focus shall be on maintaining ideology and faith as the foundation and the measure. Consequently, the Army of the Islamic Republic and the Islamic Pasdaran Revolutionary Corps are formed in accordance with the aforementioned objective. They will undertake the responsibility of not only guarding and protecting the borders, but also the weight of ideological mission, i.e. striving (jehād) on the path of God and struggle on the path of expanding the sovereignty of the law of God in the world; in accordance with the Qur'anic verse: "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 Allah and your enemies" (8: 60).

### **The Judiciary in the Constitution**

The judiciary in its preservation of the rights of the people, and in accordance with the line followed by the Islamic revolution, and in its prevention of deviations within the Muslim nation, plays a crucial role. Therefore, provisions must be made to create a judicial system that is based on Islamic justice and is composed of just judges who are aware of the precise criteria laid down in Islam. Given the sensitive nature of the judiciary and the need for its ideological correction, the judiciary must shun any unhealthy relations and connections. This is in accordance with the Qur'anic verse, "When you pass judgment among men, judge with fairness" (4:58).

### **The Executive Power**

The executive power has special significance in the execution of laws and ordinances of Islam and in achieving just relations in society. The executive power also plays a vital role toward the ultimate goal of life and must usher in a new Islamic society. Therefore, any complicated system that would delay the achievement of such a goal or impede its attainment will be rejected

by Islam. Therefore, bureaucratic systems, which are born out of autocratic governments, will be severely rejected so that the executive system can function more speedily and efficiently in the fulfillment of its administrative duties.

### **Mass-Communication Media**

The mass-communication media (radio, television), in the developmental process of the Islamic Revolution, must be utilized in the service of disseminating Islamic culture. Against this background, it must benefit from the altercations among sound ideas and must assiduously refrain from propagating and spreading destructive and anti-Islamic attributes.

It is the responsibility of everybody to abide by the principles of this law, that considers the freedom and dignity of humankind to be its highest objective and facilitates the growth and development of man. It is necessary that the Muslim community actively participate in the construction of the Islamic society by electing competent and devout administrators and by continuously supervising their work. This is in anticipation of success in building the model Islamic society (iswa) which can become a blueprint and a witness for all the people of the world. This is in accordance with the Qur'anic verse "Thus have We made of you an ummah justly balanced, that ye might be witnesses over the nations" (2: 143).

### **Representatives**

The Council of Experts, consisting of the representatives of the people, completed the task of writing the constitution based on the evaluation of the draft proposed by the government, as well as all the suggestions that came from different groups of people. The constitution, which consists of twelve chapters, and 175 articles, is completed in accordance with the aforementioned motives and objectives, at the dawn of the fifteenth century, after the migration of the Noble Prophet (Peace and blessing be upon him and his family) the founder of the liberating ideology of Islam. The constitution is written with the hope that this will be the century of the universal rule of the oppressed and the defeat of all the oppressors.

## **In the Name of the Almighty God**

### **The Constitution of the Islamic Republic of Iran**

#### **Chapter 1: General Principles**

Article 1: The government of Iran is an Islamic Republic, which the nation of Iran based on its long-held belief in the rule of the truth and the justice of the Qu'ran, and after its victorious Islamic revolution, under the leadership of marja'-e taqlid the exalted Grand Ayatollah Imam Khomeini, has established. The measure was ratified by the 98.2 percent affirmative vote of all the eligible voters in a referendum that was held on the 10th and the 11th of Farvardin in the year 1358 of the solar Islamic calendar, agnate to the first and the second of jumadi al-awla' in the year 1399 of the lunar Islamic calendar.

**Article 2:** The Islamic Republic is a system based on the faith in:

1. one God (“There is no god but God”), the exclusive attribution of sovereignty and the legislation of law to Him, and the necessity of surrender to His commands;
2. divine inspiration and its foundational role in the articulation of the laws;
3. resurrection and its constructive role in explanation of laws;
4. the justice of God in creation and legislation;
5. belief in the Imams (imamat), continuous leadership, and its fundamental role in the continuity of the Islamic Revolution;
6. the wondrous and exalted status of human beings and their freedom, which must be endowed with responsibility, before God. These are achieved through:
  - a. the continuous striving to reason (ejtehād) of qualified jurists (foqahā) who possess the necessary qualifications based on the book (Qur’an) and the Traditions of the infallibles (ma’sumin), peace be upon them all;
  - b. the employment of sciences, technologies, and advanced human experience with the aim of their further development;
  - c. the negation of all kinds of oppression, authoritarianism, or the acceptance of domination, which secures justice, political and economic, social, and cultural independence and national unity.

**Article 3:** In order to achieve the objectives mentioned in Article 2, the Islamic Republic government of Iran is obliged to use all of its resources in the following areas:

1. the creation of an apt environment for the development of ethical values based on faith, piety, and the struggle against all manifestations of corruption and decadence;
2. the increasing of public awareness in all areas through the correct use of the press, mass media, and other means;
3. free academic and physical education, at all levels for everyone; the facilitation and extension of higher education;
4. the fostering of a spirit of research, innovation, and originality in all areas of scientific, technological, cultural, and Islamic fields through the establishment of research centers and the encouragement of researchers;
5. the complete rejection of colonialism and the prevention of foreign influence;
6. the eradication of all kinds of tyranny, autocracy, and monopolization of power;
7. the securing of political and social freedoms within the limits of law;

8. the participation of the general public in determining its own political, economic, social, and cultural destiny;
9. the elimination of all unjust forms of discrimination and the creation of just opportunities for everyone, in all spiritual and material areas;
10. the establishment of a correct administrative system and the elimination of unnecessary institutions;
11. the complete strengthening of the national defense, through universal military training, with the aim of securing the country's independence, its territorial integrity, and its Islamic system;
12. the planning of a correct economic system according to Islamic measures in order to create prosperity and eliminate poverty; the removal of all forms of deprivation in the areas of nutrition, housing, labor, and health; and the expansion of insurance;
13. the securing of self-sufficiency in sciences, technology, industry, agriculture, military affairs and other such matters;
14. the securing of all-inclusive rights for everyone, man and woman, and the creation of judicial security for everyone, equality for all before the law;
15. the cultivation and strengthening of Islamic brotherhood and general cooperation among the people;
16. the organization of the nation's foreign policy based on Islamic criteria, fraternal commitment to all Muslims, and unrestrained support for the impoverished people of the world.

**Article 4:** All civic, penal, financial, economic, administrative, cultural, military, political, and other laws and regulations must be based on Islamic criteria. This principle governs all the articles of the constitution, and other laws and regulations. The determination of such compatibility is left to the Fiqaha of the Guardian Council.

**Article 5<sup>3</sup>:** During the absence (ghayba) of his holiness, the Lord of the Age, May God all mighty hasten his appearance, the sovereignty of the command [of God] and religious leadership of the community [of believers] in the Islamic Republic of Iran is the responsibility of the faqih who is just, pious, knowledgeable about his era, courageous, and a capable and efficient administrator, as indicated in Article 107.

**Article 6:** In the Islamic Republic of Iran, the country's affairs must be administered by reliance on the public vote, and through elections. These will include the election of the president, the deputies of the Islamic Consultative Assembly (Majles), the members of the councils, and other such institutions, or through a referendum in such instances as are determined in other articles of this document.

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<sup>3</sup> Article 5 (1979 Edition): In the Islamic Republic of Iran, during the absence (ghayba) of his holiness, the Lord of the Age, May God all mighty hasten his appearance, the sovereignty of the command [of God] and religious leadership of the community [of believers] is the responsibility of the jurispudent who is just, pious, courageous, knowledgeable about his era, and a capable administrator, and is recognized and accepted by the majority of people as leader. In case no jurispudent receives such a majority, the leader or the Leadership Council, consisting of qualified jurispudents, as mentioned above and in accordance with Article 107, assumes these responsibilities.



**Article 7:** As the munificent Qur'an ordains: "They (conduct) their affairs according to these commands, by mutual consultation" (42: 38) and "And consult them in the affairs" (3: 159), the councils, the Islamic Consultative Assembly, the Guardian Council, the province of municipal and city councils and the district and village councils and so forth are the decision making and administrative organs of the country.

The constitution and the laws arising from it shall determine the manner of formation of these councils and the limits of their authority.

**Article 8:** In the Islamic Republic of Iran, inviting one to good, the promotion of virtue and the prohibition of vice, is a general and concomitant responsibility of the people toward one another, the government toward the people, and the people toward the government. The conditions, boundaries, and nature of this relationship are set by the law. According to the Qur'an: "The believers, men and women, are protectors, one of another: they promote virtue, and prohibit vice" (9: 71).

**Article 9:** In the Islamic Republic of Iran, freedom, independence, unity, and territorial integrity of the nation are inseparable from one another; the safeguarding of these is the responsibility of the government and each and every one in the nation. No individual, group, or authority has the right to damage, in the slightest way, the political, cultural, economic, and military independence of Iran and its territorial integrity, in the name of exercising freedom. And no authority is allowed to take away the legitimate freedoms, even through the establishment of laws and regulations, under the pretext of safeguarding the independence and sovereignty of the nation.

**Article 10:** The family is the foundational unit of the Islamic society. Therefore, all the laws, regulations, and their corresponding politics must be in the direction of facilitating the establishment of the family, the protection of its sanctity, and the maintenance of its relations, based on Islamic law and ethics.

**Article 11:** According to the Qur'an: "Verily, this brotherhood of yours is a single brotherhood. And I am your Lord and cherisher: therefore serve me" (21: 92), all Muslims form a single nation and the government of the Islamic Republic of Iran is required to base its overall politics on the merging and unity of the Muslim nations. It must continuously strive to achieve the political, economic, and cultural unity of the Muslim world.

**Article 12:** The official religion of Iran is Islam and the Twelver Ja'fari school of [shi'i] religion. This principle shall remain eternally unchangeable. Other Islamic schools of thought, such as the Hanafi, Shafi'i, Maliki, Hanbali, and Zaydi, are deserving of total respect and their followers are free to perform their own religious practices, religious education, and personal matters. They may practice their religious education, personal status, (marriage, divorce, inheritance, and bequest), in accordance with their own jurisprudence. The dispute over these matters is recognized in the courts. In any area where followers of these schools of thought are in the majority, local regulations, within the domain of the council's jurisdictions, are set according to that school of thought so long as the rights of the followers of other schools of religion are maintained.

**Article 13:** Zoroastrian, Jewish, and Christian Iranians are considered the only recognized religious minorities. They may exercise their religious ceremonies within the limits of the law.

They are free to exercise matters of personal status and religious education and they follow their own rituals.

**Article 14:** According to the Qur'an: "Allah forbids you not, with regard to those who fight you not for (your) faith nor drive you out of your homes, from dealing kindly and justly with them. For Allah loveth those who are just" (80: 8), the government of the Islamic Republic of Iran and Muslims are required to treat the non-Muslim individuals with good conduct, in fairness and Islamic justice, and must respect their human rights. This principle is valid for those persons who have not conspired or acted against Islam and the Islamic Republic of Iran.

## **Chapter 2: The Language, Script, Calendar, and the Official Flag of the Country**

**Article 15:** Persian is the official and common language and script of the people of Iran. The documents, correspondence, official texts, and schoolbooks must all be in this language and script. However, use of regional and ethnic languages in the press, the mass media, and the teaching of their literature at schools, alongside the Persian language, is freely permitted.

**Article 16:** Since Arabic is the language of the Qur'an and Islamic culture and scholarship, and since Persian literature is completely interwoven with it, Arabic must be taught after elementary school, until the end of high school, and in all classes and in all fields of study.

**Article 17:** The official calendar of the country is based on the date of the migration (622 CE) of the Prophet of Islam (God's peace be upon him and his family). Both the solar and the lunar calendars are valid. However, the operation of the governmental offices is based on the solar calendar. The official weekly holiday is on Friday.

**Article 18:** The official flag of Iran is in the colors green, white, and red and has inscribed on it the special sign of the Islamic Republic and the slogan "God is Great."

## **Chapter 3: Nation's Rights**

**Article 19:** The people of Iran enjoy equal rights, regardless of the tribe or ethnic group to which they belong. Color, race, language, and other such considerations shall not be grounds for special privileges.

**Article 20:** Members of the nation, whether man or woman, are equally protected by the law. They enjoy all the human, political, economic, social, and cultural rights that are in compliance with the Islamic criteria.

**Article 21:** The government must secure the rights of women in all respects, according to the Islamic criteria. The government must do the following:

1. create an apt environment for the growth of woman's personality and restore her material and spiritual rights;
2. protect the mothers, especially during the child-bearing and child-rearing periods, and protect children without guardians;
3. create competent courts to protect the integrity and subsistence of the family;

4. establish a special insurance for widows, elderly women, and women who are without guardians;

5. bestow the custody of children to qualified mothers, whenever in the interests of the children, and in the absence of a legal guardian.

Article 22: The dignity, life, property, rights, domicile, and occupations of people may not be violated, unless sanctioned by law.

**Article 23:** Investigation into one's ideas is forbidden. No one can be subjected to questioning and aggression for merely holding an opinion.

**Article 24:** Publications and the press are free to discuss issues unless such is deemed harmful to the principles of Islam or the rights of the public. The law shall determine the details of this exception.

**Article 25:** It is forbidden to inspect letters and to confiscate them, to disclose telephone conversations, to disclose telegraphic and telex communications, to censor them and to stop their delivery. It is forbidden to wiretap conversations. All forms of inspection are forbidden except according to law.

**Article 26:** The political parties, associations and trade unions, Islamic associations, or associations of the recognized religious minorities are free to exist on the condition that they do not negate the principles of independence, freedom, national unity, Islamic criterion, and the foundation of the Islamic Republic. No one can be prevented from participation in these gatherings or forced to participate in one of them.

**Article 27:** Public gatherings and marches are allowed so long as the participants do not carry arms and are not in violation of the fundamental principles of Islam.

**Article 28:** People are free to choose whatever profession they wish as long as this profession is not against Islam, public interest, and the rights of others.

In considering the needs of society for different occupations, the government is required to provide favorable circumstances for the equal employment of all persons.

**Article 29:** It is a universal right to enjoy social security and have benefits with respect to retirement, unemployment, old age, workers' compensation, lack of guardianship, and destitution. In case of accidents and emergencies, everyone has the right to health and medical treatments through insurance or other means. In accordance with the law, the government is obliged to use the proceeds from the national income and public contributions to provide the abovementioned services and financial support for each and every one of the citizens.

**Article 30:** The government is responsible for providing the means for public education for everyone up to the end of high school. It must expand free higher education until the point when the nation reaches self-sufficiency.

**Article 31:** Every Iranian individual and family has the right to have a dwelling that meets their needs. The government is required to provide the means for the execution of this principle by giving priority to those who are in greater need, especially peasants and workers.

**Article 32:** No one can be arrested except in accordance with the rule and the procedures that are set by the law. In the case of arrest, the charge and the reason for the arrest must be immediately conveyed and communicated to the defendant in writing. The preliminary file must be submitted to qualified judicial authorities within twenty-four hours and the preliminaries for the trial must be set as quickly as possible. Anyone who deviates from this principle will be penalized in accordance with law.

**Article 33:** No one can be exiled from his place of residence or prevented from staying in his preferred location, or compelled to reside in a given location, except in instances that are determined by law.

**Article 34:** Seeking justice is the indisputable right of every individual. Anyone may have access to the qualified courts for this purpose. All members of the nation have the right of access to such courts. No one can be prevented from referring to courts to which they have a legal right of recourse.

**Article 35:** In all courts of law, the opposing parties to a dispute have the right to choose an attorney for themselves. If they cannot afford to hire an attorney, they should be provided with the means to do so.

**Article 36:** The ratification and execution of a sentence may only be carried out through a qualified court and must be in accordance with law.

**Article 37:** Innocence is presumed. The law does not consider anyone guilty unless the person's guilt is proven at a qualified court.

**Article 38:** Torture, of any kind, in order to obtain confession or information is forbidden. It is not permissible to force someone to testify, confess, or swear an oath. Such a testimony, confession, or oath is worthless.

Anyone who deviates from this article shall be sentenced in accordance with law.

**Article 39:** All forms of violation against the honor and dignity of any person who is legally arrested, detained, imprisoned, or sent into exile is prohibited and is subject to prosecution.

**Article 40:** No one can claim the exercise of his right as a pretext to harm others or to infringe on the public interest.

**Article 41:** Citizenship of Iran is the indisputable right of every Iranian, and the government cannot take this right away unless the person requests it or if he becomes the citizen of another nation.<sup>4</sup>

**Article 42:** Foreign nationals can become Iranian citizens within the limits set by the law. Their nationality may be revoked if another nation offers them citizenship or that person demands such a revocation.

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<sup>4</sup> Persian is a gender-neutral language. This translation has been using the third-person pronoun "he" whereas in Persian the pronoun can be in reference to both sexes.

## **Chapter 4: Economy and Financial Affairs**

**Article 43:** In order to secure the economic independence of society, to uproot poverty and deprivation, to fulfill the needs of human beings in the process of growth, while also maintaining liberty, the economy of the Islamic Republic of Iran will be based on the following criteria:

1. providing the essential needs: housing, food, clothing, health, medical care, education, and the necessary provisions for the starting of a family for all;
2. providing the circumstances and opportunities for employment for everyone with the prospect of achieving full employment; making means of labor available to everyone who can work but does not have the means; this can be done through cooperatives, interest-free loans, or any other legitimate method that would not lead to the concentration and circulation of wealth in the hands of specific individuals or groups, or turn the government into a large and absolute employer. The application of these measures must take place with regard to the necessary factors; these steps must be taken with due regard for the necessities that determine public planning of the national economy at each stage of growth;
3. organizing the country's economic plan in such a way that the form, content, and the working hours would leave each person, aside from his job-related occupations, sufficient time to invest in his own spiritual, political and social growth, to actively participate in the country's leadership, and to cultivate his skills and sense of creativity;
4. respect for an individual's freedom to choose an occupation; refraining from forcing an individual to take a specific job; preventing the exploitation of another's labor;
5. banning the causing of damage to others, monopoly, hoarding, usury, and other invalid and forbidden interactions;
6. banning extravagance and squandering in all areas related to the economy, such as consumption, investment, production, distribution, and services;
7. using science and technology, and training skilled individuals to meet the needs of the nation for advancement and development of the country's economy;
8. preventing the economic dominance of foreigners in the national economy;
9. emphasis on increasing agricultural, livestock, and industrial productions that fulfill general needs and take the country to a stage of self-sufficiency, and emancipate it from dependence.

**Article 44:** The economic system of the Islamic Republic of Iran is based on three sectors: state, cooperative, and private, and will be based on disciplined and correct planning.

The state sector includes all the national industries, foreign trade, major mines, banking, insurance, energy sources, dams and large water irrigation networks, radio and television, post, telegraph and telephone, aviation, navigation, roads, railroads, and others which are publicly owned and under the state's control.

The cooperative sector will include corporations and cooperative institutions of production and distribution that are established in accordance with Islamic criteria in cities and villages.

The private sector is comprised of that sector of agriculture, animal husbandry, industry, trade, and services that complement the state and cooperative economic activities.

The law of the Islamic Republic protects ownership in these three sectors as long as it agrees with the other principles described in this chapter; and it must not surpass the limits set by Islamic law. Such ownership must induce development and growth in the country's economy; and not cause any social harm. The details of the regulations, areas, and boundaries of the three sectors will be determined by law.

**Article 45:** The following are under the control of the Islamic government: wastelands and public wealth, abandoned or unclaimed land of deceased owners, mines, seas, lakes, rivers, and other public bodies of water, mountains, valleys, forests, marshlands, natural prairies, unrestricted pastures, inheritance without any heir, wealth without any identified owner, and public wealth that is confiscated from the usurpers. The Islamic government will treat these in accordance with the public interest. The law shall determine the detail and manner of utilization of each of them.

**Article 46:** Everyone is the owner of the income from his own legitimate business and labor. No one can, under the pretext of his own ownership, deprive another person from the opportunity to work.

**Article 47:** Private ownership through legitimate means is respected. The law shall determine its criteria.

**Article 48:** There should be no discrimination among various provinces and regions in the country in extracting natural resources and using national incomes, and in allocating economic activities to them. Each area according to its own needs and aptitude for growth should have access to the necessary capital and provisions.

**Article 49:** The government is responsible for confiscating illegitimate wealth resulting from usury, usurpation, bribery, embezzlement, theft, gamble, misuse of Islamic government endowments, misuse of government contracts and transactions, uncultivated lands and others belonging to the public, houses of ill repute, and other illegitimate sources. The government shall pass on this wealth to the rightful owner and in case such an owner is not identified it must be deposited in the public treasury. This ruling must be carried out by the government after investigation, research, and proof through Islamic law.

**Article 50:** In the Islamic Republic it is considered a public duty to preserve the environment where the present and the future generations may have an improved social life. Consequently, any activity, economic or other, that leads to the pollution of the environment or its irreparable damage will be forbidden.

**Article 51:** No form of taxation may be instituted except in accordance with law. Instances of tax exemption and reduction are determined according to law.

**Article 52:** The annual budget of the country is prepared by the government, as determined by law, and submitted for review and ratification to the Islamic Consultative Assembly. Any changes in the budgetary figures are also subject to the provisions set by law.

**Article 53:** All the sums received by the government are deposited in the central treasury accounts. And all the payments, within the limits of allocated credits, shall be reimbursed in accordance with law.

**Article 54:** The National Accounting Bureau is directly under the supervision of the Islamic Consultative Assembly. The law shall determine the organization and management of its affairs in Tehran and capitals of the provinces.

**Article 55:** In the manner instituted by law, the Accounting Bureau monitors or audits all the accounts of the ministries, organizations, state companies, and other bureaus that use the general budget of the country in some way. This is to ensure that no expenditure exceeds its approved allocation and that all sums are spent for their proper purpose. In accordance with the law, the Accounting Bureau will collect all relevant bills, records, accounts, and documents, and will submit a report on the annual budget differential, accompanied by its own comments to the Islamic Consultative Assembly. This report must be accessible to the public.

## **Chapter 5: The Right of National Sovereignty and its Ensuing Powers**

**Article 56:** Absolute sovereignty over the world and the human being belongs to God. And it is He who has made human beings sovereign over their social destiny. No one can take this divine right away from human beings or apply it to the interests of a special person or group. The nation exercises this God-given right in ways that are specified in the following articles.

**Article 57<sup>5</sup>:** The governing powers in the Islamic Republic of Iran consist of the legislative, the executive, and the judiciary powers. They operate under the supervision of the absolute authority of the command (velayat-i amr) and religious leadership (imamat) of the community of believers and according to the forthcoming articles of this law. These powers are independent of one another.

**Article 58:** The legislative power operates through the Islamic Consultative Assembly that consists of the elected representatives of the people. Its legislatures, after going through stages that will be specified in the following articles, are communicated for enforcement to the executive and judiciary powers.

**Article 59:** In considering vital economic, political, social, and cultural issues, it is possible that the legislative power be exercised through referendum or reference to direct public vote. The request to appeal to public votes must be approved by two-thirds of the entire representatives of the Assembly.

**Article 60<sup>6</sup>:** The executive power is exercised by the President of the Republic and the ministers, except in affairs that are directly delegated to the leadership by this law.

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<sup>5</sup> Article 57 (1979 Edition): The governing powers in the Islamic Republic of Iran consist of the legislative, the executive, and the judiciary powers. They are exercised according to the forthcoming articles of this law under the supervision of the authority of the command (velayat-i amr) and the continuous religious leadership (imamat) of the community of believers. These powers are independent of each other and the President of the Republic establishes the association among them.

<sup>6</sup> Article 60 (1979 Edition): The executive power is exercised by the President of the Republic, the ministers, and the prime minister, except in affairs that are directly delegated to the leadership by this law.

**Article 61:** The judiciary power is exercised by the courts of justice that must be formed according to Islamic criteria. The courts must attend to the evaluation and settlement of complaints, the preservation of public rights, and the expansion and administration of justice, and the upholding of the divine bounds.

## **Chapter 6: The Legislative Power**

### **Part I: The Islamic Consultative Assembly (Majles)**

**Article 62:** The Islamic Consultative Assembly consists of the representatives of the nation who are elected directly and by secret ballot.

The law determines the qualifications of the electors and the elected and the manner of the elections.

**Article 63:** The term of representation in the Islamic Consultative Assembly is four years. Elections for each term must be conducted before the previous term has ended so the country is never without an Assembly.

**Article 64<sup>7</sup>:** There shall be 270 representatives in the Islamic Consultative Assembly. Every ten years, after the referendum of the year 1368, having considered the demographic, political and geographic, and other factors, at the most twenty representatives can be added.

The Zoroastrians and the Jews each elect one representative; the Assyrian and Chaldean Christians elect one representative together; the Armenian Christians of the North and the South each elect one representative.

The law determines voting districts and the number of the representatives.

**Article 65:** After the elections are held, and when two-thirds of all representatives are present, the Assembly is in session. The ratification of proposals and bills shall be carried out in accordance with the internal protocol of the Assembly, except in instances where the constitution has set a specific quorum.

The ratification of internal protocols requires the agreement of two-thirds of those present.

**Article 66:** The process of election of the president [of the Assembly], the governing council, the number of commissions and their terms and issues, and matters relating to the proceedings and order of the Assembly should all be determined by its internal protocols.

**Article 67:** At the first session of the Assembly the representatives should take the following oath and add their signature to it.

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<sup>7</sup> Article 64 (1979 Edition): There shall be 270 representatives in the National Consultative Assembly. Every ten years, if the population of the nation increases, at each voting district, one new representative will be added for each additional 150,000 people. Every ten years, if the population of each minority group increases, a new representative will be added for every additional 150,000 people.

The Zoroastrians and the Jews each elect one representative; the Armenian Christians of the North and the South each elect one representative. The law determines the regulations pertinent to the elections.



In the Name of Allah, Most Gracious, Most Merciful

Before the holy Qur'an, and the Exalted and powerful God, I take an oath on God the exalted and powerful. Relying on human dignity I pledge that I will be the guardian of the sanctity of Islam, and the protector of the achievements of the Islamic Revolution of the Iranian people, and the foundations of the Islamic Republic. I pledge to protect, as a just trustee, the trust that the nation has accorded to us; to abide by justice and virtue in performing the duties of a representative; to be always committed to the independence and advancement of the country, the protection of the rights of the nation, and the service to the people; to defend the constitution; to keep in my words, writings, and opinions the independence of the nation, the freedom of the people and the protection of their interest.

Representatives of religious minorities shall take this oath while mentioning their own holy book.

Representatives who are not present at the first session must observe the oath ceremony at the first session they attend.

**Article 68:** At the time of war and military occupation of the country, upon the recommendation of the President of the Republic, and with the approval of three-fourths of all the representatives, and the confirmation of the Guardian Council, elections may be delayed for a specified period of time nationwide or in the occupied areas. In the event that a new Assembly is not formed, the previous Assembly shall continue its work.

**Article 69<sup>8</sup>:** The proceedings of the Islamic Consultative Assembly must be open to the public and a complete report must be disseminated to the public through radio and the official newspaper. In emergencies, upon the request of either the president, or one of the ministers, or ten representatives, a closed session may be formed if the security of the country requires such. The proceedings of the closed sessions are valid if they are approved, in the presence of the Guardian Council, by three-fourths of all the representatives. After the emergency situation is over, the reports and decisions of these sessions must be published for the awareness of all.

**Article 70<sup>9</sup>:** The President of the Republic, his secretaries, his vice presidents, and the ministers, individually or together, have the right to participate in the open sessions of the Assembly. They can be accompanied with their aids. If the representatives find it necessary, the ministers are

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<sup>8</sup> Article 69 (1979 Edition): The debates of the National Consultative Assembly must be open to the public and their complete report must be disseminated to the public through radio and the official news- paper. In emergencies, upon the request of either the prime minister or one of the ministers or ten representatives, a closed session will be formed. The proposals of the closed session are valid if they are approved in the presence of the Guardian Council by three-fourths of the entire representatives. After the emergency situation is over, the reports and legislations of these sessions must become available to the public.

<sup>9</sup> Article 70 (1979 Edition): The President of the Republic, the prime minister, and the ministers, individually or together, have the right to participate in the open sessions of the Assembly. They can be accompanied by their aides. If the representatives find it necessary, the President of the Republic, the prime minister, and the ministers are obliged to attend; if they request it their discussions will be heard. The invitation of the president to the Assembly must be approved by a majority.

obliged to attend; if they request it, their discussions will be heard. The invitation of the president to the Assembly must be approved by a majority.

**Article 71:** The Islamic Consultative Assembly can legislate laws on all issues within the limits set by the constitution.

**Article 72:** The Islamic Consultative Assembly cannot legislate laws that contradict the canons and principles of the official religion of the country or the constitution. The Guardian Council is responsible for the evaluation of this matter, in accordance with Article 96.

**Article 73:** The Islamic Consultative Assembly is qualified to explain and interpret ordinary laws. The intention of this Article does not deprive the prosecutor in his attempt to elucidate the truth from interpreting law.

**Article 74:** Bills are submitted to the Assembly after they are approved by the Council of Ministers. Drafts of Bills can be brought before the Islamic Consultative Assembly upon the recommendation of at least fifteen representatives.

**Article 75:** The legal proposals, suggestions, and amendments to the existing bills which lead to reduction in public income or increase in public expenditure can only be introduced in the Assembly if they also specify how the reduction in income or increase in new expenditure is to be compensated.

**Article 76:** The Islamic Consultative Assembly has the right to investigate and evaluate all the affairs of the nation.

**Article 77:** Treaties, transactions, contracts, and all international agreements must be ratified by the Islamic Consultative Assembly.

**Article 78:** It is forbidden to make any changes in the country's borders. The exception could be minor adjustments, while the interests of the nation are kept in mind, and provided that these changes are not unilateral and harmful to the independence and territorial integrity of the country. Such alterations must also be ratified by four-fifths of the total members of the Islamic Consultative Assembly.

**Article 79:** It is forbidden to establish martial law. In a state of war or under an emergency or other such circumstances the government has the right to temporarily establish such restrictions with the approval of the Islamic Consultative Assembly. However, martial law cannot last longer than thirty days. If the necessity for it still exists, the government must request renewed permission from the Assembly.

**Article 80:** Receiving and issuing national or international loans or grants by the government must be ratified by the Islamic Consultative Assembly.

**Article 81:** It is absolutely forbidden to give foreigners the right to establish companies or institutions in commercial, industrial, and agricultural fields, as well as in mines and in the service sector.

**Article 82:** The government cannot employ foreign experts, except in urgent situations and with the approval of the Islamic Consultative Assembly.

**Article 83:** Government buildings and properties that are considered national heritage are not transferable except with the approval of the Islamic Consultative Assembly. This exception does not apply to rare and invaluable items.

**Article 84:** Every representative is accountable to the entire nation. He has the right to express his opinion on all domestic and foreign affairs.

**Article 85<sup>10</sup>:** Membership in the Assembly is vested in an individual and cannot be delegated to another person. The Assembly cannot allocate the power of legislation to a person or a commission. However, in urgent cases it can assign to its own internal commissions the power to legislate certain laws, in accordance with Article 72. In this case, the laws will be implemented experimentally and for a period of time that is specified by the Assembly. Their final approval will be determined by the Assembly.

Also the Islamic Consultative Assembly can, in accordance with Article 72, allocate to the government or appropriate commissions the task of permanent ratification of the articles of association of the state companies, institutions, and establishments or government-affiliated ones. In this case the decisions of the government must not differ from the principles and decrees of the official religion of the country or the constitution; as indicated in Article 96, the Guardian Council evaluates this matter. In addition, government decrees must not contradict the general laws and regulations of the country. As they are released for execution, they must be communicated to the head of the Islamic Consultative Assembly in order to be evaluated and determined in accordance with the aforementioned laws.

**Article 86:** Members of the Assembly, in fulfilling their duties as representatives, are completely free to express their opinion and decisions. They cannot be arrested or charged for views they have expressed in the Assembly or the votes they have cast in fulfilling their duties.

**Article 87<sup>11</sup>:** The President of the Republic must obtain a vote of confidence from the Assembly for the Council of Ministers after it is formed and before any undertakings. On important or disputable matters, the president during his term can also request a vote of confidence from the Assembly for the Council of Ministers.

**Article 88<sup>12</sup>:** When at least one-fourth of the total members of the Islamic Consultative Assembly asks a question from the president, or any one of the representatives asks a question from a responsible minister about his duties, the president or the minister are required to appear in the Assembly. The response of the president should not be delayed by more than a month and

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<sup>10</sup> Article 85 (1979 Edition): Membership in the Assembly is vested in an individual and cannot be delegated to another person. The Assembly cannot allocate the power of legislation to a person or a commission. However, in urgent cases it can assign to its own internal commissions the power to legislate certain laws, in accordance with Article 72. In this case, the laws will be implemented experimentally for a period of time that is specified by the Assembly. Their final approval will be determined by the Assembly.

<sup>11</sup> Article 87 (prior to 1989 revisions): The Council of Ministers must obtain the Assembly's vote of confidence after it is formed and introduced and before any undertakings. On important or disputable matters it can also request the Assembly's vote of confidence.

<sup>12</sup> Article 88 (1979 Edition): In every case when a representative questions a minister in charge about any of his duties, that minister is obliged to go before the Assembly and answer the question. The response should not be delayed more than ten days, except with an excuse that the National Consultative Assembly considers legitimate.

that of the minister by more than ten days; except with a valid excuse so recognized by the Islamic Consultative Assembly.

**Article 89<sup>13</sup>:**

1. Members of the Islamic Consultative Assembly can interrogate the Council of Ministers, or any individual minister on matters they find necessary. The inquiry can be presented to the Assembly if it is signed by at least ten representatives.

The Council of Ministers or the minister in question must appear at the Assembly within ten days after the inquiry is submitted, and answer the question, and ask for a vote of confidence from the Assembly. If the Council of Ministers or the minister fail to appear at the Assembly, the representatives who posed the question shall provide the necessary explanation for their questioning. If the Assembly considers it appropriate, it will declare a vote of no-confidence.

If the Assembly does not give a vote of confidence, the Council of Ministers or the minister in question will be removed. In both cases, the ministers in question cannot become members in the cabinet that is subsequently formed.

2. If at least one-third of the members of the Islamic Consultative Assembly question the President of the Republic in his capacity as head of the executive power and the nation's administration, the president must attend the Assembly within a month and give sufficient explanation with regard to the issues. After hearing the members who are for or against the responses of the president, if a two-thirds majority of the members votes for the president's lack of competence the procedures for applying part 10 of Article 110 will be communicated to the leader.

**Article 90:** Whoever has a complaint about the operations of the Assembly, the executive, or the judiciary powers can submit his complaint in writing to the Islamic Consultative Assembly. The Assembly is responsible for investigating such complaints and providing sufficient responses to them. If the executive or the judiciary power are the subject of the complaint, the Assembly must demand sufficient investigation and explanation from them, and it must announce the results in due time. In cases that the complaint concerns the public, the results must be announced to the public.

**Article 91<sup>14</sup>:** An assembly named the Guardian Council is established in order to protect the commands of Islam, and the constitution from discord with the proceedings of the Islamic Consultative Assembly. The Guardian Council has the following composition:

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<sup>13</sup> Article 89 (1979 Edition): Members of the Assembly can interrogate the Council of Ministers, or any individual minister on matters they find necessary. The inquiry can be presented to the Assembly if it is signed by at least ten representatives.

The Council of Ministers, or the minister under question must appear at the Assembly within ten days after the inquiry is submitted, and answer the question, and ask for a vote of confidence from the Assembly. If the Council of Ministers, or the minister, fail to appear at the Assembly, the representatives who posed the question shall provide the necessary explanation for their questioning. If the Assembly considers it appropriate, it will declare a vote of no-confidence.

If the Assembly does not give a vote of confidence, the Council of Ministers or the minister in question will be removed. In both cases, prime minister or the ministers in question cannot become members in the cabinet that is subsequently formed.

1. Six just Islamic jurists who are conscious of the issues and needs of the time. These are selected by the leader.

2. Six legal scholars (hoquqdan), specialized in different fields of law, from among Muslim jurists who are presented by the head of the judiciary to the Islamic Consultative Assembly and are selected by the vote of the Assembly.

**Article 92:** Members of the Guardian Council are selected for six years, but in the first term, once three years have passed, half of the members of the group will be changed by lottery and new members will be selected in their place.

**Article 93:** The Islamic Consultative Assembly does not hold any legal credibility without the Guardian Council, except in approving the credentials of the representatives and the selection of six legal scholars (hoquqdan) who will become members of the Guardian Council.

**Article 94:** All legislation of the Islamic Consultative Assembly must be sent to the Guardian Council, which must evaluate it within ten days to assure its compatibility with the constitution and the Islamic criteria. The Council must return the legislation to the Assembly for reconsideration if it is incompatible; otherwise, the legislation can be executed.

**Article 95:** In cases where the Guardian Council considers ten days insufficient for completing the evaluation and formation of an opinion, it can ask the Islamic Consultative Assembly for an extension of a maximum of ten days. The Guardian Council must state its reasons for the extension.

**Article 96:** The majority of the jurists in the Guardian Council shall determine the compatibility of the proceedings of the Islamic Consultative Assembly with the commands of Islam. A majority of all the members of the Guardian Council shall determine the compatibility of the proceedings with the constitution.

**Article 97:** In order to speed up the work, at the time of discussing a bill or a legal draft, members of the Guardian Council can be present at the Assembly and listen to the discussions. However, when an urgent bill or draft is on the agenda of the Assembly, members of the Guardian Council must be present at the Assembly and express their opinion.

**Article 98:** The interpretation of the constitution is the responsibility of the Guardian Council. This is determined with the approval of three-fourths of its members.

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<sup>14</sup> Article 91 (1979 Edition): An assembly named the Guardian Council is established in order to protect the commands of Islam and the constitution from disaccord with the legislation of the National Consultative Assembly. The Guardian Council has the following formation:

1. Six just Islamic jurists, conscious of the issues and needs of the time. They are selected by the leader or the Leadership Council.
2. Six jurists specialized in different fields of law, from among the Muslim jurists who are presented by the Supreme Judiciary Council to the National Consultative Assembly and elected by its vote.

**Article 99<sup>15</sup>:** The Guardian Council is responsible for supervising the elections of the Leadership Council of Experts, the President of the Republic, the Islamic Consultative Assembly, and referrals to the public vote and referenda.

## **Chapter Seven: The Councils**

**Article 100:** Councils are formed in order to, through the collaboration of the people, promptly advance social, economic, developmental, public health, cultural, and educational programs as well as other welfare-related matters. The administrative affairs of each village, district, city, municipality, and province take place under the supervision of a council named the council of the village, district, city, municipality, and province. The members of the council are elected by the people of that locality.

The law determines the qualifications of the electors and those elected to the councils. The law shall determine the range of powers and responsibilities of the councils, their supervising method, and their procedures, which must be based on the principles of national unity, territorial integrity, the system of the Islamic Republic, and must abide by the central government.

**Article 101:** The Supreme Council of the Provinces, consisting of the members of the councils of the provinces, is formed in order to prevent discrimination and to promote collaboration in preparing programs for the welfare and development of the provinces, and to supervise the harmonious application of these programs. The law shall determine the manner of formation and the responsibilities of this council.

**Article 102:** The Supreme Council of the Provinces has the right to prepare drafts and propose them to the Islamic Consultative Assembly directly or through the government, provided these are within the limits of its responsibilities. These drafts must be evaluated by the Assembly.

**Article 103:** The governors of the provinces, cities, and districts, as well as other officials of the country who are appointed by the government, must follow the decisions of the councils within the boundaries of the latter's authority.

**Article 104:** Councils are formed in order to ensure Islamic justice and collaboration in planning and establishing harmonious advancement of affairs in all units of production, industrial or agricultural. These councils shall consist of representatives of workers, farmers, and other employees and managers. In the educational, administrative, service, and other units, similar councils will be formed whose membership shall be composed of the same representatives.

The law determines how these councils shall be formed and what their powers and responsibilities will be.

**Article 105:** The decisions of the councils may not contradict the Islamic criteria and the laws of the country.

**Article 106:** The councils cannot be annulled unless they deviate from their legal responsibilities. The law determines who can investigate this deviation and how the councils can

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<sup>15</sup> Article 99 (1979 Edition): The Guardian Council is responsible for supervising the elections of the president, the elections to the National Consultative Assembly, and referral to the public opinion and polls.

be annulled and how they may again be formed. If the council objects to its dissolution, it has the right to refer to an appropriate court, and the court is required to tend to this matter out of order.

## **Chapter Eight: The Leader or Leadership Council**

**Article 107<sup>16</sup>:** After the honorable source of emulation, the great leader of the global Islamic Revolution, and the founder of the Islamic Republic of Iran, the venerated Grand Ayatollah, Imam Khomeini, may his noble character be sanctified, who was acknowledged and accepted by the undisputed majority of the people as the marja'and the leader, the responsibility for designating the leader shall be with the Experts who are appointed by the people. The Experts consider all the qualified jurists as discussed in Articles 5 and 109, and consult with one another about them. If they find one of them the most knowledgeable about the rules and subjects of jurisprudence, or political and social issues, or acceptability by the public, or significance in any one of the qualifications indicated in Article 109, that person shall be selected as the leader; otherwise, one of the Experts is chosen and declared as the leader. The leader who is appointed by the Experts is in charge of the sovereignty of the command and all the responsibilities that derive from it. Before the law, the leader is equal to other people in the country.

**Article 108<sup>17</sup>:** The law on the number and qualifications of the Experts, the manner of their selection, and the internal guidelines of their meetings in the first term must be prepared by the jurists of the first Guardian Council. It must be ratified by their majority vote, and submitted to the leader for the final approval. Whence, any change or review of this law and approval of the regulations related to the responsibilities of the Experts falls within the authority of the Experts themselves.

**Article 109<sup>18</sup>:** The qualifications and attributes of the leader are as follows:

1. scholarly qualification for issuing religious ruling ( fatwa) concerning various discussions in jurisprudence;
2. required justice and piety in leading the Islamic community;

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<sup>16</sup> Article 107 (1979 Edition): Whenever one of the jurists who fulfills the qualifications discussed in Article 5 of this constitution is acknowledged and accepted by the undisputed majority of the people as the leader and the exalted source of religious conduct (marja'-i taql-id)—as has been the case with the exalted source of religious conduct and the leader of the Revolution, Imam Khomeini, may his noble character be sanctified—this leader is in charge of the sovereignty of the command and all the responsibilities that derive from that. Otherwise, the Experts, who are elected by the people, consider and consult with each other about all the persons who have the qualifications to be the marja' and the leader. If they find one marja'possessing of special significance for leadership, they introduce him to the people as the leader; otherwise, they designate three or five marja's, who are qualified for the leadership, and introduce them to the people as members of the Leadership Council.

<sup>17</sup> Article 108 (1979 Edition): The law on the number and qualifications of the Experts, the manner of their selection, and the internal guideline for their meetings of the first term, must be prepared by the jurists of the first Guardian Council, it must be ratified by their majority vote, and submitted to the leader for the final approval. Whence, any change or review of this law falls within the authority of the Assembly of Experts.

<sup>18</sup> Article 109 (1979 Edition): The qualifications and attributes of the leader or members of the Leadership Council are as follows:

1. scholarly qualification and piety for issuing religious ruling ( fatwa) and serving as the marja';
2. political and social insight, courage, power and sufficient administrative abilities for leadership.

3. sound political and social perspective, prudence, courage, sufficient administrative capability, and power for leadership.

In case there are a number of candidates who meet these qualifications, the person with a more efficacious political and jurisprudential insight has priority.

**Article 110<sup>19</sup>:** The authorities and responsibilities of the leader:

1. determining the overall politics of the Islamic Republic system of Iran after consultation with the Expediency Council;
2. supervising the proper implementation of the general policies of the system;
3. issuing referendums;
4. commanding the armed forces;
5. declaring war, peace, and mobilizing forces;
6. issuing appointments, dismissals, and accepting the resignation of:
  - a. the jurists of the Guardian Council,
  - b. the highest position of the judiciary power,
  - c. the president of the mass media of the Islamic Republic of Iran,

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<sup>19</sup> Article 110 (1979 Edition): The authorities and responsibilities of the leadership:

1. appointing the jurists of the Guardian Council;
2. appointing the country's supreme judicial authority;
3. commanding the armed forces as follows:
  - a. appointment and dismissal of the chief of the general staff,
  - b. appointment and dismissal of the commander-in-chief of the Islamic Pasdaran Revolutionary Corps,
  - c. establishing a Supreme National Defense Council, consisting of the following seven members:
    - the President of the Republic,
    - the prime minister,
    - the defense minister,
    - the chief of the general staff,
    - the commander-in-chief of the Islamic Pasdaran Revolutionary Corps,
    - two advisors appointed by the leader,
    - appointing the supreme commanders-in-chief of the three national forces, upon the recommendation of the Supreme National Defense Council,
  - d. declaring war, peace, and mobilizing national forces upon the recommendation of the Supreme National Defense Council;
4. signing the appointment of the President of the Republic, after his election by the public. The qualifications of the candidates for presidency, with respect to the conditions set forth by the constitution, must be confirmed by the Guardian Council prior to the general elections and approved by the leader for the first term;
5. dismissing the President of the Republic, with regard to the best interests of the country, after either the Supreme Court has issued a ruling convicting him of deviating from his legal duties, or the National Consultative Assembly has cast a vote against his political competence;
6. pardoning or reducing the sentences of convicts, within the framework of Islamic criteria, upon the recommendation of the Supreme Court.



- d. the chief of the general staff,
  - e. the commander-in-chief of the Islamic Pasdaran Revolutionary Corps,
  - f. the supreme commanders-in-chief of the security and armed forces;
7. coordinating the relationship among the three branches of the government and resolving any conflict among them;
8. resolving issues in the system that cannot be settled by ordinary means through the Expediency Council;
9. signing the appointment of the President of the Republic, after his election by the public. The qualifications of the candidates for presidency, with respect to the conditions set forth by the constitution, must be confirmed by the Guardian Council prior to the general elections and approved by the leader for the first term;
10. dismissing the President of the Republic, with regard to the best interests of the country, after either the Supreme Court has issued a ruling convicting him of deviating from his legal duties, or the Islamic Consultative Assembly, based on Article 89, has cast a vote against his competence;
11. pardoning or reducing the sentences of convicts, within the framework of Islamic criteria, after the head of the judiciary power has recommended such a motion.

The leader can transfer some of his duties and authorities to another person.

**Article 111<sup>20</sup>:** The leader will be dismissed from his position in case he is incapable of performing his legal responsibilities, becomes deficient in one of the qualifications mentioned in Article 5 and 109; or it becomes evident that from the offset he has been lacking in some of the qualifications.

This issue shall be determined by the Council of Experts, as mentioned in Article 108.

In the aforementioned case, or in case of the death, resignation, or dismissal of the leader, the Experts are responsible for designating a new leader as soon as possible. Until the leader is introduced, a council consisting of the President of the Republic, the head of the judiciary power, and one of the jurisprudents of the Guardian Council, selected by the Expediency Council, will temporarily assume all the responsibilities of the leadership. If during this time any of them, for any reason, cannot fulfill his duties, another individual will be assigned in his place according to the vote of the assembly and with respect to maintaining the majority of the jurisprudents in the council.

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<sup>20</sup> Article 111 (1979 Edition): In the event the leader, or any member of the Leadership Council, is debilitated to perform the legal responsibilities of leadership, or becomes deficient in one of the qualifications mentioned in Article 109; he will be dismissed from his position. This issue is examined by the Experts, as mentioned in Article 108.

Regulations for the convening of the Experts to evaluate and implement this Article is determined in the first session of the Council of Experts.

The council must obtain three-fourths approval of the members of Expediency Council, in order to fulfill the responsibilities that are outlined in Article 110, sections 1, 3, 5, 10, and segments “d,” “e,” “f” of section 6.

Whenever the leader, due to illness or other incidents, is temporarily unable to fulfill the duties of leadership, the council mentioned above in this Article assumes his responsibilities.

**Article 112<sup>21</sup>:** The leadership orders the Expediency Council to meet in order to attend to cases where the Guardian Council finds legislation made by the Islamic Consultative Assembly in violation of the Shariat or the constitution; the Assembly, with regard to the welfare of the system, does not sustain the opinion of the Guardian Council; or for consulting on affairs that the leadership will refer to the Expediency Council; or other duties that are mentioned in the constitution.

The leadership designates both the permanent and the transitional members of this council.

Regulations that are pertinent to the Council are prepared and approved by its members themselves and approved by the leadership.

## **Chapter Nine: The Executive Power**

### **Section One: The Presidency and the Ministers**

**Article 113<sup>22</sup>:** After the leadership, the President of the Republic is the highest official of the country. He is responsible for executing the constitution and heading the executive power, except in instances that are directly related to the leadership.

**Article 114:** The President of the Republic is elected for four years by the direct vote of the people. His consecutive election is allowed just for one additional term.

**Article 115:** The President of the Republic must be elected from among the religious and political elite who meet the following qualifications: Iranian origin, Iranian nationality, administrative leadership, clear past record, honesty and piety, believing in the fundamentals of the Islamic Republic of Iran and the official religion of the country.

**Article 116:** The candidates for presidency must officially announce their candidacy prior to the start of the elections. The law determines how the President of the Republic is elected.

**Article 117:** The President of the Republic is elected by the absolute majority vote of the voters; however, if in the first round of voting none of the candidates has a majority, votes will be cast for a second time on the Friday of the following week.

Only the two candidates who had the most votes will participate in the second round of the election. If some of the candidates, who in the first round of election had more votes, are

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<sup>21</sup> Article 112 (1979 Edition): The leader and the Leadership Council are equal to other citizens before the law.

<sup>22</sup> Article 113 (prior to the 1979 Edition): After the leadership, the President of the Republic is the highest official of the country. He is responsible for executing the constitution, coordinating the relations among the three powers, and heading the executive power, except in instances that are directly related to the leadership.

dissuaded from participating in the election, the two, among the rest, who had more votes than others, will be introduced for re-election.

**Article 118:** The responsibility for supervising the presidential election is with the Guardian Council, in accordance with Article 99. However, prior to the formation of the Guardian Council, this responsibility is with a supervising assembly that is designated by the law.

**Article 119:** The election of the new President of the Republic must take place at least a month prior to the termination of the previous presidential term. In the interim between the election of the new President of the Republic and the end of the previous presidential term, the former President of the Republic fulfills the duties of the President of the Republic.

**Article 120:** If any of the candidates, whose qualifications are established by this law, dies within ten days prior to the voting, the elections will be postponed for two weeks. If in the interval between the first and the second rounds of voting one of the two candidates who hold the majority vote in the first round dies, the election will be extended by two weeks.

**Article 121<sup>23</sup>:** The President of the Republic must take the following oath and add his signature to it at a session held at the Islamic Consultative Assembly in the presence of the head of the judiciary power and the members of the Guardian Council:

In the Name of Allah, Most Gracious, Most Merciful

As President of the Republic I take an oath, before this glorious Qur'an and the Iranian nation, on God the exalted and the powerful, that I will guard the official religion of the country, the order of the Islamic Republic, and the constitution. I will employ all of my capabilities and qualifications toward fulfilling the responsibilities that I have undertaken. I will devote myself to the service of the people and the advancement of the country, dissemination of religion and morality, and protection of truth and justice. I will avoid any form of autocracy and will protect the freedom and dignity of the individuals and the rights that the constitution has granted the nation. I will not withdraw from any endeavor toward safeguarding the borders and the political, economic, and cultural independence of the country. By seeking help from God and following the Prophet of Islam and the Immaculate Imams, peace be upon them, I, like a wise and devoted trustee,

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<sup>23</sup> Article 121 (1979 Edition): The President of the Republic must take the following oath and add his signature to it at a session held at the National Consultative Assembly in the presence of the Supreme Court and the members of the Guardian Council:

In the Name of Allah, Most Gracious, Most Merciful

As President of the Republic I take an oath, before this glorious Qur'an and the Iranian nation, on God the exalted and the powerful, that I will guard the official religion of the country, the order of the Islamic Republic, and the constitution. I will employ all of my capabilities and qualifications toward fulfilling the responsibilities that I have undertaken. I will devote myself to the service of the people and the advancement of the country, dissemination of religion and morality, and protection of truth and justice. I will avoid any form of autocracy and will protect the freedom and dignity of the individuals and the rights that the constitution has granted the nation. I will not withdraw from any endeavor toward safeguarding the borders and the political, economic, and cultural independence of the country. By seeking help from God and following the Prophet of Islam and the Immaculate Imams, peace be upon them, I, like a wise and devoted trustee, will cherish as a sanctified trust, the power that the nation has bestowed upon me, which I will transfer to the person whom the people elect after me.

will cherish as a sanctified trust, the power that the nation has bestowed upon me, which I will transfer to the person whom the people elect after me.

**Article 122<sup>24</sup>:** The President of the Republic is responsible before the nation, the leader, and the Islamic Consultative Assembly, within the confines of the authorities and the duties that it has according to the constitution or the regular laws.

**Article 123:** The President of the Republic has the duty to sign the legislations that are approved by the Assembly, or the result of a referendum, after passing the legal procedures and are communicated to him. He must then send them to those responsible for their enforcement.

**Article 124<sup>25</sup>:** In order to fulfill his legal duties the President of the Republic can have deputies.

The first deputy of the President of the Republic, with his consent, has the responsibility of administrating the cabinet of the ministers and coordinating the other deputies.

**Article 125:** All the treaties, transactions, agreements, and contracts between the government of Iran and other governments as well as all the pacts related to the international unions, after they are approved by the Islamic Consultative Assembly, must be signed by the President of the Republic or his legal representative.

**Article 126<sup>26</sup>:** The President of the Republic is directly responsible for the budget, planning, administrative, and employment affairs of the country; he can transfer their administration to another.

**Article 127<sup>27</sup>:** In special instances, as dictated by necessity, with the approval of the Council of Ministers, the President of the Republic can delegate one or more special deputies with specific authorities. In these instances, the decisions of the aforementioned deputy or deputies are considered as the decisions of the President of the Republic and the Council of Ministers.

**Article 128<sup>28</sup>:** Ambassadors to foreign countries are selected upon the recommendation of the minister of foreign affairs and the approval of the President of the Republic. The President of the Republic signs the credentials of the ambassadors and accepts the credentials of ambassadors from other countries.

**Article 129:** The President of the Republic is responsible for the award of state decorations.

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<sup>24</sup> Article 122 (1979 Edition): The President of the Republic is responsible before the nation within the confines of his authorities and duties. The law determines how to investigate any deviation from this responsibility.

<sup>25</sup> Article 124 (1979 Edition): The President of the Republic nominates an individual as the prime minister and issues a decree appointing him the prime minister, after receiving the vote of consent from the National Consultative Assembly.

<sup>26</sup> Article 126 (1979 Edition): Governmental protocols and regulations are communicated to the President of the Republic after they are approved by the Council of Ministers. If he finds them in contradiction with the laws, he returns them, with his explanations, to the Council of Ministers for review.

<sup>27</sup> Article 127 (1979 Edition): In the event the President of the Republic finds it necessary, the meeting of the Council of Ministers will be held in his presence and chaired by him.

<sup>28</sup> Article 128 (1979 Edition): The President of the Republic signs the credentials of the ambassadors and accepts the credentials of ambassadors from other countries.

**Article 130<sup>29</sup>:** The President of the Republic must submit his resignation to the leader; until it is accepted, he must continue with his duties.

**Article 131<sup>30</sup>:** In case of death, dismissal, resignation, absence or sickness for longer than two months of the President of the Republic, or in case the term of presidency is over but as a result of obstacles the new President of the Republic is still not elected, or other circumstances of this kind, the first deputy of the President of the Republic, with the consent of the leadership, assumes the authority and responsibilities of the president. A council consisting of the head of the Assembly, the president of the judiciary power, and the first deputy of the President of the Republic are obliged to make arrangements that in a maximum of fifty days the new President of the Republic is elected. In case the first deputy dies or other circumstances prevent him from fulfilling his duties, or in case the President of the Republic does not have a first deputy, the leader assigns another person in his stead.

**Article 132<sup>31</sup>:** During the time that the authority and responsibilities of the President of the Republic are assigned to the first deputy or another person, who is allocated in accordance with Article 131, the ministers cannot be interrogated or be issued a vote of no-confidence; nor can any attempt be made to review the constitution or to initiate a referendum.

**Article 133<sup>32</sup>:** The ministers are appointed by the President of the Republic and introduced to the Assembly to obtain the vote of confidence. A change in the Assembly does not necessitate that a new vote of confidence should be received for the ministers. The law determines the number of ministers and the limits of their authority.

**Article 134<sup>33</sup>:** The leadership of the Council of Ministers is assigned to the President of the Republic who supervises the functions of the ministers; and by adopting necessary provisions coordinates the decisions made by the ministers and the Government Council; and with the cooperation of the ministers determines the programs of the government and implements the laws.

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<sup>29</sup> Article 130 (1979 Edition): In the event of the absence or illness of the President of the Republic, a council known as the Temporary Presidential Council composed of the prime minister, head of the National Consultative Assembly, and head of the Supreme Court, will perform his duties provided that the conditions excusing the president last no longer than two months. Also, if the president has been dismissed, or his term has expired, and a new president has not been elected because of certain obstacles, the responsibilities of president shall be exercised by this council.

<sup>30</sup> Article 131 (1979 Edition): In case of death, resignation, or sickness for longer than two months of the President of the Republic, or in case the president is dismissed, or other circumstances of this kind, the Temporary Presidential Council has the duty to assure that the new president is elected within a maximum of fifty days. During this time, this council implements all the responsibilities and authorities of the President of the Republic except in regard to the referendum.

<sup>31</sup> Article 132 (1979 Edition): During the period when the Temporary Presidential Council is assigned the duty of the president, the government cannot be asked to explain an issue, nor can the government be given a vote of no-confidence, nor steps taken to revise the constitution.

<sup>32</sup> Article 133 (1979 Edition): The ministers are appointed upon the recommendation of the prime minister and the approval of the President of the Republic, and then introduced to the Assembly to obtain the vote of confidence. The law determines the number of ministers and the confines of their authority.

<sup>33</sup> Article 134 (1979 Edition): The leadership of the Council of Ministers is assigned to the prime minister who supervises the functions of the ministers; and, by adopting necessary provisions, coordinates the decisions made by the government; and, with the cooperation of the ministers, determines the programs of the government and implements the laws.

The prime minister is responsible for the actions of the Council of Ministers before the Assembly.

If there are disagreements, or if there is intervention in the legal duties of government institutions, and if such matters do not necessitate an interpretation or legal changes, then the decision of the Council of Ministers, adopted on the basis of the recommendations of the President of the Republic, are binding.

The President of the Republic is responsible for the actions of the Council of Ministers before the Assembly.

**Article 135<sup>34</sup>:** The ministers remain at their posts as long as they are not dismissed, or issued a vote of no-confidence by the Assembly as a result of interpellation or asking for a vote of confidence.

The resignation of any individual minister or the Council of Ministers is submitted to the President of the Republic. Until the designation of the new government, the Council of Ministers continues with its duties.

The President of the Republic can delegate a supervisor, for a maximum of three months, for the ministries that do not have a minister.

**Article 136<sup>35</sup>:** The President of the Republic can depose the ministers. In that case, he must obtain a vote of confidence from the Islamic Consultative Assembly for the new minister/ministers. After the Assembly has announced its vote of confidence to the government, if half of the members of the Council of Ministers are changed, the president must again solicit a vote of confidence from the Islamic Consultative Assembly.

**Article 137<sup>36</sup>:** Each of the ministers is responsible for his own specific duties before the President of the Republic and the Assembly. He is also responsible for the actions of others in matters that are approved by the Council of Ministers.

**Article 138<sup>37</sup>:** In addition to instances when the Council of Ministers or a minister is assigned to draft the regulations for implementing the laws, the Council of Ministers has the authority to establish regulations and protocols for fulfilling administrative duties, for securing the implementation of the laws, and for organizing administrative offices. Each one of the ministers, also, within the confines of his own duties, and the legislation of the Council of Ministers, has

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<sup>34</sup> Article 135 (1979 Edition): The prime minister remains at his post as long as he has the vote of confidence issued by the Assembly. The resignation of the government is submitted to the President of the Republic. Until the designation of the new government, the prime minister continues with his duties.

<sup>35</sup> Article 136 (1979 Edition): In the event the prime minister decides to depose a minister and replace him with another, the President of the Republic must approve of this dismissal and substitution and obtain a vote of confidence from the Assembly for the new minister. After the Assembly has announced its vote of confidence to the government, in case half of the members of the Council of Ministers are changed, the government must again solicit a vote of confidence from the Assembly.

<sup>36</sup> Article 137 (1979 Edition): Each of the ministers is responsible for his own specific duties before the Assembly, but responsible for the actions of others in matters that are approved by the Council of Ministers.

<sup>37</sup> Article 138 (1979 Edition): In addition to instances when the Council of Ministers or a minister is assigned to draft the regulations for implementing the laws, the Council of Ministers has the authority to establish regulations and protocols for fulfilling administrative duties, for securing the implementation of the laws, and for organizing administrative offices. Each one of the ministers, also, within the confines of his own duties, and the legislations of the Council of Ministers, has the authority to establish regulations and to issue memoranda. But, the content of these regulations must not contradict the text and the spirit of the laws.

the authority to establish regulations and to issue memoranda. But, the content of these regulations must not contradict the text and the spirit of the laws.

The legislation of some of the matters that are pertinent to the duties of the government can be allocated by the government to commissions consisting of a few ministers. Given the approval of the President of the Republic, the legislation of these commissions must be executed within the limits of the law.

The regulations and protocols of the government, and the legislation of the commissions, mentioned in this article, are communicated to the President of the Republic as they are released for execution. In case the President of the Republic finds them opposed to the laws, by stating the reason, he will send them for review to the Council of Ministers.

**Article 139:** Resolving the litigation related to public and state property or referring it to arbitration is contingent, in each case, upon the approval of the Council of Ministers, and must be communicated to the Assembly. In cases where the party to the dispute is a foreigner and in important internal cases, it must also be approved by the Assembly. The law determines the important cases.

**Article 140<sup>38</sup>:** Accusations against the President of the Republic, his deputies, and the ministers, in cases of ordinary crimes, are investigated with the knowledge of the Islamic Consultative Assembly at the common courts of justice.

**Article 141<sup>39</sup>:** The President of the Republic, his deputies, the ministers, and the government employees cannot hold more than one governmental position. They are prohibited from holding any other kind of job at institutions whose capital, partially or entirely, belongs to the government or public institutions. Nor can they be a representative at the Islamic Consultative Assembly, or an attorney of court, a legal advisor, or the president, executive manager, or member of the board of directors of any kind of private company; except for cooperative companies of offices and institutions.

Educational positions at universities and research institutes are exempt from this rule.

**Article 142<sup>40</sup>:** The wealth of the leader, the President of the Republic, his deputies, the ministers, and their spouses and children, will be examined by the head of the judiciary before and after their term of office, in order to determine if it is increased illegitimately.

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<sup>38</sup> Article 140 (1979 Edition): Accusations against the President of the Republic, the prime minister, and the ministers, in cases of ordinary crimes, are investigated with the knowledge of the National Consultative Assembly at the common courts of justice.

<sup>39</sup> Article 141 (1979 Edition): The President of the Republic, the prime minister, the ministers, and the government employees cannot hold more than one governmental position. They are prohibited from holding any other kind of job at institutions whose capital, partially or entirely, belongs to the government or public institutions. Nor can they be a representative at the National Consultative Assembly, or an attorney of court, a legal advisor, or the president, executive manager, or member of the board of directors of any kind of private company; except for cooperative companies of offices and institutions. Educational positions at universities and research institutes are exempt from this rule. The prime minister can accept directorship of some of the ministries on a temporary basis, if necessary.

<sup>40</sup> Article 142 (1979 Edition): The wealth of the leader, or members of the Leadership Council, the President of the Republic, the prime minister, the ministers, and their spouses and children, will be examined by the Supreme Court before and after their term of office, in order to determine if it is increased illegitimately.

## **Section Two: The Army and the Islamic Pasdaran Revolutionary Corps**

**Article 143:** The Army of the Islamic Republic of Iran is responsible for protecting the independence and territorial integrity of the country and 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. It must accept into its service deserving individuals who are true to the goals of the Islamic Revolution and devoted to realizing them.

**Article 145:** No foreigner will be admitted in the army or the security forces of the country.

**Article 146:** It is forbidden to establish any kind of foreign military base in the country, even for peaceful purposes.

**Article 147:** In time of peace, the government, in complete respect for the criteria of Islamic justice, must utilize the army's personnel and technical equipment for relief operations, educational and productive endeavors, and the Reconstruction Campaign ( jehād-e sāzandegi), to the degree that the army's combat-readiness is not impaired.

**Article 148:** Any form of personal use of military equipment and facilities, as well as personal use of its personnel as servants, chauffeurs, and other such uses, is forbidden.

**Article 149:** Promotion in military rank and its withdrawal is in accordance with the law.

**Article 150:** The Islamic Pasdaran Revolutionary Corps, established in the early days of the victory of the Revolution, will remain in effect in order to continue in its role of protecting the Revolution and its achievements. The range of the duties and responsibilities of this Corps, in relation to the duties and range of responsibilities of other armed forces, will be determined by law, with emphasis on fraternal cooperation and harmony among them.

**Article 151:** In accordance with the venerable Qur'anic verse, "Muster against them all the men and cavalry at your command, so that you may strike terror into the enemy of God and your enemy and others beside them who are unknown to you but known to God" (8: 59), the government is responsible for providing for all the citizens a program of military training and its facilities, in accordance with the criterion of Islam such that everyone will always be able to engage in the armed defense of the country and the order of the Islamic Republic of Iran. However, the possession of arms requires the permission of the official authorities.

## **Chapter Ten: Foreign Policy**

**Article 152:** The foreign policy of the Islamic Republic of Iran is based on the rejection of any kind of domination, both its exercise and submission to it; the preservation of the all-inclusive independence of the country and its territorial integrity; the defense of the rights of all Muslims; non-alignment in relation to the domineering powers; mutual peaceful relations with non-aggressive states.

**Article 153:** Any form of agreement that would result in foreign domination over the natural and economic resources, foreign domination over culture, the army, and other affairs of the country, is forbidden.



**Article 154:** The Islamic Republic of Iran considers human happiness throughout human society as its ideal. It considers independence, freedom, and the governance of justice and truth as the right of all the people of the world. Consequently, while it completely abstains from any kind of intervention in the internal affairs of other nations, it supports the struggles of the oppressed for their rights against the oppressors anywhere in the world.

**Article 155:** The Islamic Republic of Iran can grant amnesty to the persons who seek political asylum unless according to the laws of Iran they are identified as traitors and criminals.

### **Chapter Eleven: The Judiciary**

**Article 156:** The judiciary is an independent power that protects individual and social rights and is responsible for actualizing justice. It is responsible for the following duties:

1. investigating and issuing judgment on grievances, infringements of the law, complaints, settling litigations and resolving hostilities, making decisions and taking the necessary actions in probate matters as determined by the law;
2. restoring public rights and promoting justice and the legitimate freedoms;
3. overseeing the quality of the execution of the laws;
4. uncovering crimes, prosecuting, punishing and reprimanding criminals; and enforcing the conditions and regulations of the established Islamic penal code;
5. taking appropriate steps to reform the criminals and to prevent crimes.

**Article 157<sup>41</sup>:** In order to fulfill the responsibilities of the judiciary power in all of the judicial, administrative, and executive matters, the leadership designates for a period of five years a just scholar of jurisprudence (mujtahid), who is knowledgeable of judicial matters and is a competent administrator as the head of the judiciary power: the supreme position in the judiciary power.

**Article 158<sup>42</sup>:** The duties of the judiciary power are as follows:

1. creating the necessary institutions in the Ministry of Justice in accordance with the responsibilities of Article 156;

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<sup>41</sup> Article 157 (1979 Edition): In order to fulfill the responsibilities of the judiciary power a council called the Supreme Judiciary Council is formed which is the highest authority of the judiciary power. Its responsibilities are as follows:

1. creating the necessary institutions in the Ministry of Justice in accordance with the responsibilities of Article 156;
2. preparing judicial bills appropriate with the Islamic Republic;
3. employing just and meritorious judges, dismissing and appointing them, changing their place of assignment, specifying their jobs, promotions, and similar administrative affairs, in accordance with the law.

<sup>42</sup> Article 158 (1979 Edition): The Supreme Judiciary Council will consist of five members:

1. the head of the Supreme Court;
2. the prosecutor-general;
3. three just and learned judges who are scholar of jurisprudence (mujtahid), as selected by the judges of the country.

Members of this council are selected for five years in accordance with the law. Their re-election is not prohibited. The law determines the qualifications of the candidates and the electors.

2. preparing judicial bills appropriate for the Islamic Republic;
3. employing just and meritorious judges, dismissing and appointing them, changing their place of assignment, specifying their jobs, promotions, and similar administrative affairs, in accordance with the law.

**Article 159:** The Ministry of Justice is the official source for submitting grievances and complaints. The composition of the courts and their competence are subject to the law.

**Article 160<sup>43</sup>:** The minister of justice has responsibility for all the affairs concerning the relationship between the judiciary power and the legislative and the executive powers. The minister is selected from among the persons who are proposed by the judiciary to the President of the Republic.

The head of the judiciary can delegate to the minister of justice complete financial and administrative authority and also authority over the employment of those who are not judges. In this case, the minister of justice has the same authorities and responsibilities that are foreseen in the law for the ministers in the supreme executive position.

**Article 161<sup>44</sup>:** The Supreme Court is formed on the basis of the criteria that are set forth by the head of the judiciary in order to supervise the correct enforcement of the laws in the courts, create uniformity in the judicial procedure, and fulfill the responsibilities that are allocated to it according to the law.

**Article 162<sup>45</sup>:** The head of the Supreme Court and the prosecutor general must be just scholars of jurisprudence and knowledgeable of judicial matters. The head of the judiciary power, in consultation with the judges of the Supreme Court, shall be appointed to the post for a period of five years.

**Article 163:** The attributes and qualifications of a judge are defined through the law in accordance with the criteria of jurisprudence.

**Article 164<sup>46</sup>:** A judge cannot be temporarily or permanently dismissed from the position he occupies without a trial and proof of guilt or a misdemeanor that is cause for his removal. Nor can his position or place of service be changed without his consent unless it benefits society, upon the decision of the head of the judiciary, after consultation with the head of the Supreme

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<sup>43</sup> Article 160 (1979 Edition): The minister of justice has the responsibility for all the affairs concerning the relationship between the judiciary and the legislative and the executive powers. The minister is selected from among the persons who are proposed by the supreme judiciary to the prime minister.

<sup>44</sup> Article 161 (1979 Edition): The Supreme Court is formed on the basis of the criteria that are set forth by the Supreme Judiciary Council in order to supervise the correct enforcement of the laws in the courts, create uniformity in the judicial procedure, and fulfill the responsibilities that are allocated to it according to the law.

<sup>45</sup> Article 162 (1979 Edition): The head of the Supreme Court and the prosecutor general must be just scholars of jurisprudence and knowledgeable of judicial matters. The leadership, in consultation with the judges of the Supreme Court shall appoint them to these posts for a period of five years.

<sup>46</sup> Article 164 (1979 Edition): A judge cannot be temporarily or permanently dismissed from the position he occupies without a trial and proof of guilt or a misdemeanor that is cause for his removal. Nor can his position or place of service be changed without his consent unless it benefits society, with the approval and unanimous vote of members of the Supreme Judicial Council. The periodic transfer of the judges takes place according to the general criteria that are established by law.

Court and the prosecutor general. The periodic transfer of the judges takes place according to the general criteria that are established by the law.

**Article 165:** Trials are held openly and the presence of the public is not banned, unless the court determines that their openness contradicts public chastity or public order; or if, in private disputes, the parties involved request that the court not be open.

**Article 166:** Court verdicts must be substantiated, and based on the articles of the law, and the principles that have determined the verdict.

**Article 167:** The judge must try to base the verdict of each dispute on the codified laws. If his attempt fails, he should issue the verdict on the case by referring to reputable Islamic sources or religious rulings (fatwas). He cannot refrain from issuing a verdict under the pretext of silence, deficiency, brevity, or inconsistency in the laws.

**Article 168:** Investigating political and press offenses is conducted openly in the courts of the Ministry of Justice before a jury. The manner and conditions of jury selection and their authorities and the definition of political offenses are defined by the law on the basis of Islamic criteria.

**Article 169:** No action or lack of action is considered an offense on the basis of a law that is legislated subsequent to it.

**Article 170:** Judges of courts have the duty to refrain from enacting governmental statutes and protocols that are opposed to Islamic laws and regulations or are outside the domain of the authority of the executive power. Anyone can request the annulment of these kinds of regulations from the Court of Administrative Justice.

**Article 171:** In the event that one suffers financial or spiritual damage as a consequence of a failure or mistake of a judge in the case, the verdict, or the application of the verdict to the specific case, in case of guilt, the one who is guilty is liable in accordance to Islamic criteria; otherwise, the damage is compensated by the government. In all cases the reputation of the accused will be cleared and restored.

**Article 172:** Military courts will be formed in accordance with the law in order to investigate the offenses that are related to the specific duties or the security duties of the members of the army, the gendarmerie, the police, and the Islamic Pasdaran Revolutionary Corps. But the common court investigates their general offenses or the offenses that they commit in the capacity of guardians of the Ministry of Justice.

The office of the General Prosecutor and the military courts are a part of the country's judiciary and are subject to the principles in connection with this power.

**Article 173<sup>47</sup>:** In order to investigate the complaints, grievances, and objections of the people against governmental officials, units, and protocols, and in order for the people to restore their

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<sup>47</sup> Article 173 (1979 Edition): In order to investigate the complaints, grievances, and objections of the people against governmental officials, units, and protocols, and in order for the people to restore their rights, a court called the Court of Administrative Justice will be established under the supervision of the Supreme Judicial Council. The law determines the domain of authority and operation of this court.

rights, a court, named the Court of Administrative Justice, will be established under the supervision of the head of the judiciary. The law shall determine the responsibility and the mode of operation of this court.

**Article 174<sup>48</sup>:** On the basis of the right of the judiciary to supervise the appropriate proceedings of affairs and the correct enforcement of the law in the administrative organizations, an institution named the National General Inspectorate will be established under the supervision of the head of the judiciary.

The law determines this organization's domain of authority and its responsibilities.

## **Chapter Twelve: Mass Media**

**Article 175<sup>49</sup>:** Freedom of expression and dissemination of ideas must be granted through the mass media of the Islamic Republic of Iran, with due observance of Islamic criteria and the welfare of the country.

The leader appoints and removes the head of the mass media of the Islamic Republic of Iran. A council consisting of representatives of the President of the Republic, the head of the judiciary, and the Islamic Consultative Assembly (two persons from each), will supervise this organization.

The law determines the agenda, administrative construct, and supervision of this organization.

## **Chapter Thirteen: Supreme Council of National Security**

**Article 176:** In order to protect national welfare, safeguard the Islamic Republic, and territorial integrity and national sovereignty, the Supreme Council of National Security is established under the leadership of the President of the Republic. Its duties are as follows:

1. determining the defense and security policies of the country within the boundaries defined by the leadership;
2. coordinating political, social, informational, cultural, and economical activities in relation to general defense and security concerns;
3. benefiting from the country's material and spiritual resources in confronting domestic and foreign threats.

Members of the council consist of the following:

- . the heads of the three powers;
- . the commander-in-chief of the armed forces;

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<sup>48</sup> Article 174 (1979 Edition): On the basis of the right of the judiciary to supervise the appropriate proceedings of the affairs and the correct enforcement of the law in the administrative organizations, an institution named the National General Inspectorate will be established under the supervision of the Supreme Judiciary Council.

The law determines this organization's domain of authority and its responsibilities.

<sup>49</sup> Article 175 (1979 Edition): In the mass media (radio and television), freedom of press and advertisement must be granted in accordance with the Islamic criteria. The media is administered under the joint supervision of the three powers: the judiciary (the Supreme Judicial Council), legislature, and executive. The law determines how this is to take place.

- . the administrative officer of the budget and programming;
- . two representatives elected by the leadership;
- . the ministers of state, foreign affairs, and intelligence;
- . the highest designated minister and the highest authority of the army and the Islamic Pasdaran Revolutionary Guards;

The Supreme Council of National Security, in respect to its duties, establishes sub-councils such as the defense council and the national security council. The President of the Republic or one of the members of the Supreme Council, who is appointed by the President of the Republic, is the president of each of the sub-committees.

The constitution determines the range of authority and responsibilities of the sub- committees and the Supreme Council approves their formation.

The legislation of the Supreme Council of National Security can be executed after the approval of the leadership.

#### **Chapter Fourteen: Revisions in the Constitution**

**Article 177:** Revisions in the Constitution of the Islamic Republic of Iran can take place in urgent cases as follows.

After consultation with the Expediency Council, the leadership, in a statement addressed to the President of the Republic, poses the instances that require correction or amendment to the constitution, to the Council of Reevaluating the constitution, which consists of the following:

1. members of the Guardian Council;
2. the heads of the three powers;
3. the permanent members of the Expediency Council;
4. five members of the Assembly of Experts;
5. ten individuals selected by the leadership;
6. three members of the Council of Ministers;
7. three individuals from the judiciary;
8. ten members of the Islamic Consultative Assembly;
9. three academics.

The constitution determines the quality of the functions, the selections, and the conditions for the selections.

After the leader approves and signs the legislation of the Council, the proceedings must be put to public vote and be approved by the absolute majority of the participants in a referendum.

The observation in Article 59 is not necessary in the referendum for “the reevaluation of the constitution.”

It is impossible to change the content of the articles which concern the Islamic nature of the system; establishment of all the laws and regulations on the bases of Islamic criteria and the faith and aims of the Islamic Republic of Iran; the form of the government as a republic; the sovereignty of the command [of God] and religious leadership of the community [of believers]; administration of affairs with reliance on general referendums, and the official religion and ideology of Iran.

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