



Constitution of the Islamic Republic of Iran

Constitution of the Islamic Republic of Iran

Name of the book: Constitution of the Islamic Republic of Iran

Translated by: Dr. Hossein Mohyeddin Ghomshei

**Publisher: Ministry of Islamic Guidance, Office for the Planning & Coordination
of Foreign Propagation.**

Date of Publication: 1985 / Tehran

**In the Name of God
The Compassionate, the Merciful**

**«We sent aforetime Our prophets with
Clear Signs And Sent down with them
the Book and the Balance that humanity
might Stand forth in Justice»**

Koran: 57/25

Preamble

The Constitution of the Islamic Republic of Iran as the expressor of the cultural, social, political and economic institutions of Iranian society, is based upon Islamic principles and precepts which reflect the true aspiration of the Islamic community. This fundamental aspiration was clarified in the essence of the great Islamic Revolution of Iran and the course of struggles of the Moslem people which was, from the beginning to victory, crystallized in explicit and decisive slogans of all the various groups of people. Now, at the vanguard of this great fulfillment of its victory, our nation seek the fulfillment of it with all its being.

The fundamental particularity of this Revolution, as compared with other movements in Iran in the last century, is that it is Islamic and has developed from a school of thought. The Moslem people of Iran, after passing through the anti-despotic movement for a constitutional monarchy and anticolonialist movement for the nationalization of oil, acquired the valuable experience that the main cause for the lack of success of these movements was the fact that the struggles did not arise from a school of thought. Even though in recent movements, an Islamic line of thought and progressive religious leadership held a major and basic share, but the movements failed to succeed because the struggles moved away from their original Islamic positions and quickly stagnated.

From here on, the awakened conscience of the people, under the leadership of His eminence Ayatollah Imam Khomeini, the great religious authority whose dictates on matters of jurisprudence are followed, realized the necessity for the movement to pursue

genuine Islamic and ideological course. This time the active clergymen who were continuously at the forefront of the people's movements, as well as writers and intellectuals committed to their society, under his leadership, founded a new movement. The recent movement of the Iranian nation in 1382 A.H. of the lunar calendar corresponding to 1341 A.H. of the solar year equivalent to 1962 A.D.

The Vanguard of the Movement

The devastating protest of Imam Khomeini at the American conspired 'White Revolution', which was a step towards reinforcing the foundations of a despotic rule and consolidating the political, cultural and economic dependence of Iran upon world imperialism, was the factor which caused the unified monolithic movement of the nation. It was the wake of that great and bloody Revolution of the Islamic community in Khordad, 1342, (June, 1963), which was, in reality, the turning point of the glorious and widespread uprising that confirmed and established Imam Khomeini as the central point of the Revolution. Despite the exile of the Imam from Iran because of his objection to the degrading law of 'capitulation' (providing legal immunity for U.S. advisors) the bonds between the community and the Imam strengthened. The Moslem nation of Iran and in particular the committed intellectuals and activist clergymen, continued their struggle in the midst of exile, prison torture and execution.

Here, awakened and responsible groups of society continued to enlighten people from the strong-hold of the mosques, theological centers and the university. With inspiration from the revolutionary and prolific ideology of Islam, they began uninterrupted and fruitful efforts in raising the level of conscience and awareness of the struggling and devoted Moslem people.

The despotic regime which began to suppress the Islamic movement by brutally attacking the Faiziyyeh Theological Center (in Qom), the university and other active, revolutionary

centers, resorted to the most savage and vicious tactics to free themselves from the revolutionary anger of the people. The Moslem people of Iran continued to pay the price of firing squads, barbaric torture and long-term prison sentences as proof of their strong resolve and dedication to continuing the struggle.

The blood of hundreds of young faithful men and women who were either executed by firing squads at dawn amidst the cries of Allaho Akbar or who became the targets in the streets and alleys for the enemies bullets, brought unfailing continuity to the Revolution. Continuous declarations and messages of Imam Khomeini upon different occasions gave greater depth and profundity to the awakened and resolute Moslem community.

Islamic Government

The plan of the Islamic government, based upon the rule of theologians, which was presented by Imam Khomeini at the height of the political suppressions of the despotic regime, brought about a clear and consistent motive in the Moslem people. It opened the real way for the ideological struggle of Islam and consolidated the efforts of the activist and committed Moslems both inside and outside the country.

The movement continued along this until finally the dissatisfactions and the severity of the raging anger of the people, due to the increasing pressure and suffocation within the country, disclosures and the reflections of the struggle by means of the religious leaders and activist students throughout the world, severely shook the foundations of the sovereignty of the regime and compelled it and its masters to ease the pressure and suffocation resulting in the so-called opening up of the political environment so that, according to their opinion they would be able to slowly release the pressure in order to prevent the foregone conclusion of their fall. But the rebellious nation, aware and firm, under the decisive leadership of the Imam, who remained ever undaunted, began its widespread, victorious and unified upheaval.

The Anger of the Nation

The publication of an insulting article against the sacred position of the clergymen and in particular, Imam Khomeini, on Day 17, 1356 (January 7, 1978), by the ruling regime, enhanced the momentum. It brought about an explosion of anger amongst the people throughout the country. The regime tried to control the volcanic rage of the people and to end their protestive revolt by trampling upon them which all the more enhanced the flow of blood in the veins of the Revolution.

This gave life, warmth and solidarity to the unceasing pulse beat of the Revolution through the seventh day and fortieth day of mourning ceremonies for the martyrs of the Revolution. It brought enhancing life to the movement throughout the country.

The movement acquired gravest momentum when all organizations of the country actively participated in their unified strike and in street demonstrations». which caused the final downfall of the despotic regime. The widespread solidarity of men and women from all religious and political sects and flanks in this struggle was an obvious determining force, in particular, the presence of women in all the scenes of this great jihad (a divine struggle enjoining the good and prohibiting evil) in an active and widespread level.

Scenes that showed a mother carrying her child in her arms, fearlessly walking towards the field of battle and gun barrels, demonstrated large contribution and determining role of this great part of society in the struggle.

The price the Nation paid

The seedling of the Revolution after a year or so of continuous and unceasing struggle reached fruition following the fertilization by the blood of more than 60,000 martyrs and 100,000 maimed and wounded and with billions of Tomans of damages amidst the cries of «Independence, freedom, Islamic government,» The great movement», relying upon faith, unity and decisive leadership in exciting and critical stages of the movement as well as upon sacrifices of the people, reached victory and succeeded in

disrupting all of the calculations and relationships of the imperialists» which because of its unique characteristics, opened a new charter in the widespread Revolutions of the masses in the world.

The 21st and 22nd of Bahman, 1357, (10th and 11th of February, 1979) were days which brought about the collapse of the monarchical foundation, internal despotism and its foreign domination, with this great triumph, the vanguard of the Islamic government which was the long cherished desire of the Moslem people brought the good tidings of a final victory.

The unified Iranian nation in conjunction with the religious jurisprudents and the Moslem leaders and the position of the leader expressed their firm and decisive determination to establish the Islamic Republic in a referendum. 98.2% of the electorate voted affirmatively for and Islamic Republic.

Now the Constituion of the Islamic Republic of Iran, as the expressor of the desires of political, social, cultural and economic relations of society, must pave the way for the consolidation of the foundations of an Islamic government and present a new plan for the establishing of the country's government upon the ruins of the previous tyrannical regime.

The Method of Government in Islam

Government, from the view point of Islam, is not a product of any class position or the supremacy of an individual or a group. Rather, it is the crystalization of political ideals of a people of the same religion and thought which gives itself organization so that in the process of developing the thoughts and beliefs it opens the way towards the final goals, moving towards God.

Our nation, in the process of its revolutionary evolution. cleansed itself of the rust and dust of tyranny and alien thoughts in order to return to the original mode of thinking and world view of Islam. Now, it is on the threshold of building an exemplary society (oswah) on the basis Islamic precepts.

The mission of this Constitution is to create conditions for the foundation of the beliefs of the movement and bring about

conditions whereby humanity is nourished by higher values of Islamic universal teachings.

With due regard to the Islamic content of the Iranian Revolution, which was a movement for the victory of all the oppressed against the oppressors, the Constitution provides the ground internally and externally for the continuation of the Revolution. particularly in the spreading of international relations, with other Islamic and popular movements, as it tries to prepare the way for the advent of a unified world community, «Verily, this (Islam) is your community, one community for all and I am your Lord, therefore worship (the one God)!» (21:92). In view of the nature of this great movement, the Constitution is a guarantor against any form of social or intellectual tyranny and economic monopoly and in breaking away from a despotic system, it endeavours to put the destiny of people in their own hands. «He removes from them their burden and the yokes which were upon them.» (7:157)

In laying new political foundations and institutions which are themselves the basis of the formation of our society, ideologically the righteous will be responsible to govern and administer the country. «My righteous servants shall inherit the earth.» (21:105). Legislation, which is the expressor of the administrative criteria of the society, will be determined by the Quran and the Traditions. Thus, detailed and serious supervision from just, pious and committed persons well-versed in Islam (just-theologians) is a decreed and essential matter. Since the government aims at training people to grow toward divine order («And to God is the eventual return» (24:42), to prepare the ground for the manifestation and flourishing of talents to enable the divine dimension of the talents of human beings to blossom. («Adopt a divine disposition,» Tradition). This cannot be achieved without the active and widespread participation of all of the elements of society, in the process of the evolution of society.

With attention to this fact of the Constitution, the groundwork for such participation is prepared at all levels of political and destiny-making decision for all groups of society so that upon the way of human evolution, each individual will be

involved and responsible for the growth, development and leadership. This will be the very realization of the government of the deprived on the earth. “And we desired to bestow a favor upon those who were deemed deprived in the land, and to make them the Imams (leaders) and to make them the heirs.” (28:5)

Leadership of Justice - Seeking Theologians

Based upon the principle of continuous leadership (Imamate), the Constitution shall prepare the ground for the realization of leadership of qualified theologians who are recognized as a leader by the people, (“Give the administration of affairs to spiritual theologians, those who safeguard that which God allows (halal) and prohibit that which God prohibits (haram)” –Traditions) as part of their original Islamic duty, to guarantee against any deviations by various organizations.

Economy as a Means Not as Objective

In consolidating economic foundations, the principle is to alleviate the needs of human beings in the course of their growth and evolution, unlike other economic systems where the objective is concentration of wealth and profitseeking. In materialistic oriented societies, economics becomes an element of destruction, corruption and deprivation. But in Islam, economics is a means, a means in anticipation of nothing other than more efficiency in reaching an objective.

On the basis of this view, the economic program of the Islamic government is to prepare the ground for the emergence of diverse human creative forces. It is the responsibility of the Islamic government, therefore, to provide equal and suitable possibilities, to create work for all human beings and to alleviate the essential needs towards the continuation of their evolution.

Women in the Constitution

In the establishing of Islamic foundations human energies, which have been in the complete service of foreign exploitation, will regain their real identity and human rights. In this regaining, it is natural that women, who have suffered greater oppression, up to now, from the tyrannical system, will enjoy more of a fulfillment of their rights.

The family is the fundamental unit of society and the main center of growth and transcendence for humanity. The concordance of ideals and ideology in the forming of a family as the main provider of the ground for the evolutionary movement and development of human beings is a basic principle and the providing of principles, and the provision of the possibility for achieving this purpose is one of the responsibilities of the Islamic government.

With such precepts, a woman, as a unit of society will no longer be regarded as a 'thing' or a tool serving consumerism and exploitation. In regaining her important duty and most respectful role of a mother in the nourishing of human beings devoted to their ideology, as an avant - gaurde with men, as a warrior in the active battlefields, of life the result will be her accepting a more serious responsibility and in the view of Islam, she will assume higher value and dignity.

The Army of Ideology

In the setting up and equipping of defense forces of the country, attention is paid to the fact that faith and ideology be the criterium and the rule. Accordingly, the armed forces of the Islamic Revolution is formed with the above aim. They are responsible not only to protect and safeguard the borders but they also have the mission to spread the school of thought, that is, Jihad (struggle; enjoining the good and prohibiting evil) for the cause of God and struggle for the spreading of the sovereignty of divine rule in the world. "And prepare against them whatever force you can and steeds of war at the garrison to dismay the enemy of God thereby and your enemy and others

besides them whom you know not.” (8:60)

The judiciary in the Constitution

The question of the judiciary in guarding the rights of people aligned with the Islamic movement with the idea of preventing local deviations within the Islamic community is of vital importance. In this way, the establishment of a judiciary system based upon Islamic justice comprising of upright and fair judges well acquainted with precise religious precepts has been foreseen. This system, because of its fundamental sensitivity and care in its being a school of thought and action, is required to keep distance from any unhealthy relationships. “And when you judge between men, judge with justice.” (4:58)

The Executive

The Executive branch, because of its particular importance in the implementation of the Islamic laws and precepts, with the purpose of reaching a just relationship sovereign over society, and considering the vital significance of this objective in laying the foundations for reaching the final goals, must pave the way for establishing an Islamic society. Consequently, confining itself to any closed system which will prevent it from reaching this goal, is condemned from the Islamic point of view and accordingly a bureaucratic system, which is a product of tyrannical rules will be strongly rejected so that it will have greater efficiency and speed in implementing its administrative commitments.

Mass Media

The mass media (radio / television) must take the direction of the evolutionary course of the Islamic Revolution in the service of spreading Islamic culture. In this respect, it must enjoy the healthy encounter of thoughts and seriously prevent the spreading and dissemination of destructive and anti-Islamic traits.

It is the responsibility of all to follow such divine law, the aim of which is the freedom and dignity of mankind, and paving the way for the evolution and growth of all human beings. It is necessary that the Moslem community by selecting faithful and efficient representatives and continually supervising their service have an active and responsible participation in the building of an Islamic society hoping to succeed in the establishment of a model Islamic society (oswah) which can then be an example and a witness for all nations of the world. "And thus have we made you a community of middling stands that you may be witnesses over mankind." (2:143)

Representative

The Assembly of Experts consisted of the representatives of the people, present this Draft Constitution, which is based upon a draft made by the government and includes all of the suggestions which came from all of the various groups of the people, in twelve parts which then consists of one hundred and seventy five articles.

The study of the Assembly of Experts ended at the threshold of the 15th century of the Hegira of the great Prophet (may peace be upon him), the founder of the liberating school of Islam with the aforementioned motives and purposes hoping that this century will be the century rule for the oppressed destruction for all oppressors.

Part One

General Principles

Article 1

The Government of Iran is an Islamic Republic which the nation of Iran, based on their traditional belief in a government of the truth and justice of the Qoran, following the victorious Islamic Revolution led by Ayatollah Al-Ozma Imam Khomeini, endorsed in the National Referendum held on the 10th and 11th of Farvardin, 1358 (corresponding to the 30th and 31st of March, 1979) coinciding with the 1st and 2nd of Jomad al-oula, 1399". with a majority of 98.2% of eligible voters, giving an affirmative vote.

Article 2

The Islamic Republic is a system based upon faith in the following:

1. Monotheism (as reflected in the phrase, 'there is no god but God'), sovereignty and legislation as solely belonging to Him and the necessity of surrender to His command.
2. The Divine Revelation and its fundamental role in determining the laws.
3. The Resurrection and its constructive role in the evolutionary course leading mankind towards God.
4. Divine Justice in Creation and legislation.
5. Imamate as continuous leadership and the basic role of it in the continuity of the Islamic Revolution.
6. Human dignity and the noble human values, and man's free will with the responsibility that goes with it before God, providing for the establishment of justice, political, economic,

social and cultural independence and national integrity through the following:

a. The continuous practice and initiative of qualified religious jurists based upon the Quran (the Book), Traditions of the infallible Prophet and the Holy Imams (peace be upon them all).

b. The use of science and technology and advanced human experiences and the efforts made towards development of the same in taking them forward.

c. Negation of all kinds of oppression and surrender to it, and the negation of tyranny or acceptance thereof.

Article 3

The Government of the Islamic Republic of Iran is responsible for the attainment of the objectives envisioned in Article two and will apply all its possibilities for the realization of the following:

1. Creation of a favorable environment for the growth of ethical virtues based upon faith and piety and struggle against all aspects of vice and corruption.

2. Raising the level of the general knowledge of the public in all fields through correct use of the press and mass media and other means of communication.

3. Providing free education and physical training for all at all levels; facilitation and generalization of higher education.

4. Enhancing the spirit of research, enterprise and initiation in all areas of scientific, technical, cultural and Islamic areas through the establishment of research centers and encouragement of scholars.

5. Complete rejection of colonialism and prevention of foreign influence.

6. Obliteration of any kind of despotism, and monopolistic tendencies.

7. Securing political and social freedom within the limits of law.

8. Participation of all people in determination of their political, economic, social and cultural destiny.

9. Elimination of all inadmissible discrimination and creation of fair possibilities for all, in all material and spiritual areas.

10. Establishment of a correct administrative system and elimination of unnecessary organizations.

11. Complete reinforcement of the foundations of national defence by means of public military training for the preservation and safeguarding of the independence, territorial integrity and the Islamic system of the country.

12. Laying the groundwork for a sound and just economy, based on Islamic regulations, aiming at creation of comfort, elimination of poverty and all kinds of deprivations regarding food, housing, jobs and hygiene as well as generalization of social insurances.

13. Securing self-sufficiency in science, technology, industry, agriculture and military affairs and similar areas.

14. Securing the comprehensive rights of individuals whether women or men and providing just legal security for all and equality for all before the law.

15. Expansion and enhancement of Islamic brotherhood and public co-operation among all of the people.

16. Adoption of a foreign policy based upon Islamic criteria, brotherly commitment to all Moslems and unsparing protection for the under-privileged and deprived peoples of the world.

Article 4

All civil, penal, financial, economic, administrative, cultural, military, political, and other laws and regulations should be based upon the Islamic precepts. This article absolutely and universally governs all other articles of the Constitution as well as other rules and regulations, to be decided upon at the discretion of the Islamic jurists of the Guardianship Council.

Article 5

During the time when the 12th Imam (may God expediate his

appearance) is in occultation, in the Islamic Republic of Iran, the leadership of the affairs and guidance of the people is the responsibility of a just and pious jurisprudent, aware of the time, courageous and possessing drive and initiative whom the majority of the people know and accept to be their Leader. In case no such jurisprudent enjoys such a majority, a Leadership Council consisting of jurisprudents meeting the above requirements will assume the same responsibility.

Article 6

In the Islamic Republic of Iran the affairs of the country should be conducted according to the general votes of the people either through electing a President of the Republic, Representatives of the Islamic Assembly, Members of the Councils, and so forth or through a referendum as provided in other articles of this Constitution.

Article 7

According to the Qoranic injunctions, "Their affair being counsel between them" (42:38), take counsel with them in the affair, "(3:152), the councils constitute the main organs of decision making and administration of affairs of the country. The National Assembly Council, Provincial Councils, Municipal Councils, Town Councils," Neighborhood Councils, District councils, Village councils and so forth. The occasions, procedure of formation, extent of authority and the responsibilities of these councils will be specified in the Present Constitution and the laws proceeding there from.

Article 8

In the Islamic Republic of Iran, calling people to virtue, enjoining the good and prohibiting evil is a universal and mutual duty of the people towards one another and the people with respect to the government. The specifications, limitations and nature of this

duty is established by law. as referred to in the HolyQoran:“And the believers”men and women, are freinds of one another, they enjoin the good and forbid evil.” (9: 71)

Article 9

In the Islamic Republic, freedom, liberty, unity and territorial integrity of the country are inseparable from one another, the preservation of which is the responsibility of the governmnet and each individual of the Iranian nation. No individual or group and no authority has the right to make the slightest violation of the political, cultural, economic or military independence and/or the territorial integrity of Iran through misapplication of the name of freedom and no authority has the right to deny legitimate freedoms under the pretext of safeguarding independence and the territorial integrity of the country even if done through enacting of laws and regulations.

Article 10

Considering that the family unity is the fundamental unit of Islamic society, all relevant laws, regulations and planning provisions should serve the purpose of facilitating the establishing of families and safe-guarding the sacredness of the family instituion and strengthening family relations on the basis of the Islamic Law and morality.

Article 11

In accordance with the Qoranic verse, “Surely this community of yours is one community, and I am your Lord, so serve Me.” (21:92), all Moslems are one nation and the government of the Islamic Republic of Iran is responsible that its total political policy be based upon the coalition and solidarity of the Islamic nations and to make continuous efforts to realize the political, economic and cultural unity of the world of Islam.

Article 12

The official religion of Iran is Islam of the Ja,fari 12 Imam sect and this article is inalterable in perpetuity. The other sects of Islam,whether the Hanafi, Shafe'i, Maleki, Hanbali and Zaidi are regarded with full respect and the followers of these sects enjoy complete freedom in performing their religious rituals according to their own jurisprudence, and in respet of their religious instructions and personal status (including marriage, divorce, inheritance and framing of wills) and the causes relating thereto are considered to be official in courts of law. In every region where the followers of any of these sects enjoy a majority the local regulations will be formulated according to precepts of the particular sects within jurisdiction of the councils of that region with the assurance that the rights of followers of other sects will be preserved.

Article 13

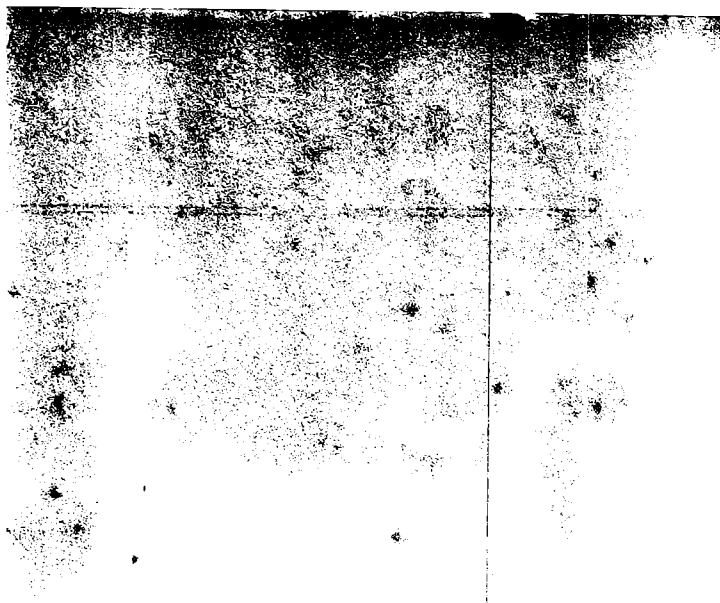
Iranian Zoroastrains, Jews and Christians are the only recognized minority religious groups who, within the limits of law, are free to perform their religious rites and ceremonies, and in personal status and religious teaching, they may act in conformity with the dictates of their own creed.

Article 14

National sovereignty, according to the Qoranic verse, "God forbids you not, as regards those who have not fought you in religion's cause, nor expelled you from your habitations that you should be kind to them and act justly towards them: surely God loves the just." (60: 8), the government of the Islamic Republic of Iran and all Moslems are obliged to conduct themselves with moderation, justice and equity towards non-Moslems and should observe their human rights. The provisions of this article hold valid only for those who do not conspire or act against Islam and the Islamic Republic of Iran.

Part Two

**The language, Script, Hisotry and
official flag of the country**



Article 15

The official and common language and script of the people of Iran is Persian. All official correspondence, documents and texts, as well as text books must be in this language and script; however the use of local or tribal dialects is allowed to be used along with the Persian language in publications and mass media, and the instruction of their literature in schools is permitted.

Article 16

Since Arabic is the language of the Koran and of the Islamic sciences and teachings and since Persian literature is completely intermixed with it, this language must be taught in all classes and in all fields after the elementary school until the end of the intermediate school.

Article 17

The official calender of the country begins with the migration of the Prophet of Islam. Both the solar and lunar calendars are valid, but the date to be used by the government is solar. The official weekly holiday is Friday.

Article 18

The official flag of Iran is green, white and red with the Islamic Republic insignia and the slogan, Allaho-Akbar, imprinted on it.

Part Three

Rights of Nation

Article 19

The people of Iran of whatever ethnic or tribal origin shall enjoy equal rights irrespective of color, race, language or like features.

Article 20

Every individual citizen of the nation whether female or male, shall enjoy equal protection under the law and is entitled to all human, political, economic, social and cultural rights in accordance with Islamic precepts.

Article 21

The government is obliged to guarantee women's rights according to Islamic criteria and provide for the following:

1. Favorable conditions for the fostering of the character of the women and restoration of her material and spiritual rights.
2. Support of mothers, in particular, during pregnancy, and child care, and protection of children who are without guardian.
3. Establishment of a competent court for the protection of the existence and stability of the family.
4. Establishment of a special insurance for widows, elderly women and women without guardian.
5. Entrusting the guardianship of children to worthy mothers for the benefit of the children in cases where there is no legal guardian according to Islamic law.

Article 22

Prestige, life, property, salary, housing and occupation of people are inviolable unless the law prescribes otherwise.

Article 23

Prosecution of beliefs is forbidden and no person may be penalized for the mere possession of a certain set of beliefs

Article 24

Publication and the press are free to express their ideas unless they are injurious to the fundamentals of Islam or to public rights. Details will be determined by law.

Article 25

Interception and inspection of the mail and recording and revealing the contents of telephone conversations or telegraphic or telex messages and censorship and failure to transmit or deliver messages, eavesdropping and espionage of any kind is prohibited except as dictated by law.

Article 26

The people shall be free to establish religious, political and professional parties, associations and Islamic societies or the societies of recognized religious minorities provided that parties or societies are not inimical to the independence, liberty, sovereignty, national unity of the country nor to the Islamic precepts and the foundation of the Islamic Republic. Individuals are free to participate in such groups. No one may be prevented or forced to participate in such groups.

Article 27

Individuals shall be free to organize peaceful, unarmed

assemblies and demonstrations, unless they are injurious to Islamic principles.

Article 28

Every person has the right to pursue the occupation of his or her choice, insofar as this is not contrary to Islam, the public interest or the rights of others. The government is obliged to meet the needs of society for various occupations by providing equal possibilities for all individuals to have equal job opportunities as well as equal possibilities for all to choose their own profession.

Article 29

It is a universal right of all to enjoy social insurance of other forms of security for retirement, unemployment, old age and disability, lack of guardianship, being a stranded wayfarer accident and the need for health and treatment services and medical care, The government, in accordance with law and by drawing on national revenues, is required to provide such insurance and economic protection to each and every citizen of the country.

Article 30

The government is obliged to provide free educational facilities for the whole nation until the end of the secondary school, and develop free means for higher education to the extent that the country may attain the state of self sufficiency.

Article 31

The enjoy of suitable housing is the right of each individual and each Iranian family. The government is obliged to provide for the implementation of this article, giving priority to those who are in more urgent, particularly the villagers and laborers.

Article 32

No one may be arrested except in accordance with and in the manner prescribed by law. In the case of arrest, the nature of the accusation and the reasons thereof must be immediately communicated and explained to the accused in writing and within a maximum of 24 hours, a preliminary file must be placed in the hands of competent legal authorities and trial proceedings must be initiated as soon as possible. Violation of this provision is punishable according to law.

Article 33

No one may be exiled from the place of residence, or prevented from living in the place of his or her choice, or forced to reside in a particular place, except in such cases as prescribed by law.

Article 34

The right to seek Justice is universally enjoyed by all. Every individual can refer to authorized courts for redress and all people of the nation are entitled to have access to these courts and no one can be prevented from referring to the courts to which he or she can turn according to law.

Article 35

In all courts, the parties to the case have the right to choose his or her own lawyer and if they cannot afford to secure legal counsel, it must be provided for them through legal aid.

Article 36

Punishment sentence and the injunction for execution thereof shall solely be issued through an authorized court and in accordance with law.

Article 37

Universal innocence is an assumed principle and no one may be

considered guilty before the law unless guilt is proven in an authorized court.

Article 38

It is forbidden to inflict physical or psychological torture with the intention of extracting a confession, It is absolutely forbidden to coerce a person to give evidence, to confess or to take an oath. Evidence, confessions or oaths so secured are void and without validity. Violation of this provision is liable to punishment by law.

Article 39

It is forbidden to violate, in any form the honor or dignity of an individual who has been arrested, imprisoned or exiled. Such violation is punishable by law.

Article 40

No one is entitled to exercise his rights in such a way as to inflict injury on others or infringe upon public intereste,

Article 41

The right to Iranian citizenship is an absolute right of all its citizens and the government may not deny citizenship to any Iranian unless the individual so requests or else when a person becomes a citizen of another country.

Article 42

Foreign nationals may assume Iranian citizenship in accordance with law. Citizenship of such persons may be revoked from them only when another state would grant them citizenship or they should so request.

Part Four

Economy and Financial Affairs

Article 43

In order to secure economic independence of the society and in order to eradicate poverty and deprivation and to meet the human needs in the course of this growth, while preserving his dignity, the economy of the Islamic Republic of Iran is based on the following criteria:

1. Providing the basic needs: housing, food, clothing, public health, medical treatment, education and the necessary conditions for establishing a family for all.

2. Providing the possibilities and opportunities of work for all towards achieving full employment and providing the means of work for all who are able to work but lack the means, in the form of cooperatives, interest free loans and through any other legal means in such a manner that neither capital is centralized or exchanged through the hands of particular individuals or groups nor the government does become an absolute great employer. These provisions should be implemented in full consideration of the necessities governing general economic planning of the country in all phases of growth.

3. Organizing the economic program of the country in such way that the form, the content and the hours of work should be so regulated that each individual in addition to professional effort will have the opportunity and sufficient energy for spiritual, social and political self-development as well for active participation in leading the country and enhancing his efficiency and initiative.

4. Regard for independent job selection, refrain from forcing to a particular job, and prevention of exploitation of others labour.

5. prohibition of causing injury to others, as well as monopoly, speculation, usury and other illegal or forbidden void transactions.

6. Prohibiting wastage of resources in all areas of the economy including consumption, investment, production, distribution or services.

7. Utilization of sciences and technology and training of skilled individuals as needed for the development of the economic advancement of the country.

8. Prevention of foreign domination over the economy of the country.

9. Emphasis on increasing agricultural, animal and industrial production in order to secure public needs and to achieve a self-sufficient state free from all dependence in this regard.

Article 44

The economy of the Islamic Republic of Iran is based upon three sectors: public, cooperative and private.

The public sector consists of all large and major industries, foreign trade, large mines, banking, insurance, energy programs, large dams and irrigation networks, radio and television, post, telegraph, aviation, shipping and railways, whose ownership is at the disposal of the government.

The cooperative sector includes production and distributive cooperative companies and enterprises which are established in cities and villages according to Islamic criteria.

The private sector consists of those parts of agriculture, industry, animal husbandry, trade and services which complements cooperatives and government economic activities.

Ownership in all three sectors of the economy, in so far as it conforms to other provisions of this article, does not contravene Islamic laws, and helps to advance economic growth and development of the country and would not be injurious to the society, will enjoy full protection of law in the Islamic Republic of Iran. Details of regulations, limitations and conditions for the function of all three sectors is to be determined by law.

Article 45

Natural resources and national wealth such as waste lands or deserted lands, mines, seas, lakes, reed beds, natural woods, virgin land and pastures, heirless property and property of unknown ownership and public property restored from usurpers are in the possession of the Islamic government which will determine the best way to utilize them in the interests of the nation. Details and manner of utilization of each shall be determined by law.

Article 46

Every person is the owner of the product of his or her legal labor and industry and no one is entitled to deprive others from opportunities for work and industry under the pretext of owning the fruits of his or her labor.

Article 47

Private property, acquired through legitimate means, is respected. The relevant criteria shall be determined by law.

Article 48

There must be no discrimination in exploitation of natural resources and allocation of national revenue at the provincial level as well as in distribution of economic activities among the provinces and different areas of the country so that every region should have access to necessary capital and facilities according to its needs and potentialities.

Article 49

The government is required to confiscate all wealth derived from usury, usurpation, bribery, misappropriation of public funds, theft,

gambling, misappropriation of endowments, public contracts and transactions, sale of waste lands and natural resources, centers of corruption, and other illicit practices and should return such wealth to its proper owner, and in cases where the owner is unknown, the wealth should be submitted to the public purse. The present provision should be carried out after proper investigation and establishment of proofs according to religious laws.

Article 50

In the Islamic Republic the protection of the natural environment, in which the present generation and future generations must enjoy a developing social life, is a public duty of all. Hence, all economic and other activities which involve pollution or irreparable destruction of the environment is forbidden.

Article 51

No taxes shall be imposed except as provided by law. Tax exemptions, release from payment of taxes and tax reductions shall also be determined by law.

Article 52

The annual National Budget shall be drawn up by the Government and it shall be submitted for approval to the Islamic Assembly in the manner prescribed by law. Any revision in the figures of the budget shall also be subject to procedures laid down by Law.

Article 53

All the revenues of the government shall be centralized in the accounts of the Treasury. All payments will be made in keeping with authorized allocations foreseen by the laws.

Article 54

The General Accounting Office of the country is under the direct supervision of the Islamic Assembly and its offices and the organization and administration of the affairs thereof in Tehran and the centers of the provinces shall be determined according to law.

Article 55

The General Accounting Office will, in the manner prescribed by law, review or audit all the accounts of the ministries, government organizations, government companies and other organizations that in some fashion derive funds from the National Budget. It will ensure that no expenditure exceeds the approved allocations, and that every sum is spent for the purpose designated. It will collect the relevant accounts and documents and shall each year submit to the Assembly a list of detailed disbursements of the Budget, along with its own suggestions. This report should be made available to the public.

Part Five

**National Sovereignty and the Powers
Deriving From it**

Article 56

Absolute sovereignty of the world and humanity belongs to God who has so ordained that humanity should have sovereignty over his social destiny. No one can deprive a person of this God—given right or to apply it in the interest of a person or group. The nation shall exercise this right according to the following provisions.

Article 57

The sovereign powers in the Islamic Republic are the Legislature, the Executive and the Judiciary, which are exercised under the supervision of the religious leadership (imamate) according to the forthcoming articles of the present Constitution. The three powers are independent from each other and the President is the link between all three of them.

Article 58

The Legislature powers herein granted is vested in the Islamic Assembly consisting of elected representatives of the people. The ratified enactments of the Assembly are passed on to the Executive and Judiciary for execution after the completion of the various stages described in the forthcoming articles.

Article 59

On important questions concerning the future of the country or very important economic issues, the approval of the laws may be

secured by recourse to a referendum and direct referral to the votes of the people. The request to hold the referendum must be approved by two - thirds of the total representatives of the Assembly.

Article 60

The Executive authority shall be exercised by the president of the Republic, the prime Minister and the Council of Ministers except in cases where the leader is directly responsible according to the present constitution.

Article 61

The judicial authority shall be exercised through the judicial courts, which should be established on the basis of Islamic precepts and which will apply themselves to the settlement of disputes, the protection of public rights and the expansion and administration of justice and the execution of Divine decrees.

Part six

The Legislature

Section one : The Islamic Assembly

Article 62

The Islamic Assembly is constituted by the representatives of the nation, who shall be elected directly and by secret ballot. Conditions affecting eligibility of voters and candidates as well as voting procedures shall be determined by law.

Article 63

The Representatives of the Islamic Assembly shall be elected for a term of four years. The elections for each legislative term must be completed before the end of the previous term in such a manner that the Islamic Republic shall at no time remain without an Assembly.

Article 64

The Islamic Assembly shall be composed of 270 members. At the end of each 10 year period, should the population of the country have increased, in each of the constituencies, one deputy shall be added for every 150,000 persons. Zoroastrians and Jews will have one representative each and Assyrian Christians and Chaldean Christians will have one representative together and Armenian Christians of the North and South will have one representative each. In the event of an increase in population after ten years, each of the minorities will have one additional representative for each additional 150,000 persons. Regulations concerning the elections shall be determined by law.

Article 65

After completion of general elections, sessions of the Islamic Assembly will be considered officially to have quorum with at least two - thirds of the representatives present.

Rtaificaion of projects and bills shall be carried out according to the internal regulations approved by the assembly except in cases where a special quorum has been specified in the Constitution. A two third majority vote is needed for approval of the internal regulations.

Article 66

The procedure for the election of the President of the Assembly, the presidium, the number of committees and the duration thereof, and matters concerning deliberations and discipline of the Assembly, shall be determined by the internal regulations of the Assembly.

Article 67

The members of the Assembly should take the following oath at the first session and should sign the text of the oath:

In the Name of God, the Compassionate, the Merciful, I do swear by Almighty and trusting my human dignity do hereby undertake to guard the sanctity of Islam and the fruits of the Islamic Revolution of the Iranian nation and the principles of the Islamic Republic and to uphold with faith and justice, as a just trustee, the trust that the nations has placed in our hands, to observe piety in the exercise of the duties of a Representative and always to stand firm in upholding the independence and exaltation of the country and committed to the pereservation of the rights of the nation and service to the people, to uphold the integrity of the Constitution, and in speaking, writing and expressing my views, to consider only the independence of the country and the liberty and interests of the people.

The Representatives of the religious minorities will take this oath by referring to their own holy scriptures.

Any Representatives who are not present in the first session should take the oath in the first session they participate in.

Article 68

In the event of war and military occupation of the country, elections of the occupied regions or the whole country will be suspended for a specified period of time at the proposal of the President and approval of three - quarters of the total number of representatives of the Assembly and endorsement of the Guardianship continue its operation.

Article 69

The deliberations of the Assembly must be in public and a full report of minutes must be made to the nation through official press and mass media. In an emergency situation when the security of the state is at stake, the Assembly will hold closed sessions, at the request of the Prime Minister, a Cabinet Minister or 10 representatives of the Assembly. The decisions of the Assembly reached in closed session shall be valid and binding only if reached in the presence of the Guardianship Council and approved by three - quarters of the Assembly representatives. A full report of the discussions held in secret must be made to the nation after the end of the emergency situation.

Article 70

The President, Prime Minister and Cabinet Ministers can participate in the open sessions of the Assembly either individually or collectively and they can have their advisers accompany them.

The President, the Prime Minister and the Cabinet are obliged to appear before the Assembly if deemed necessary by the Representatives and they will be heard if they so request.

An invitation to the President to attend the Islamic Assembly must be approved by the majority of the representatives of the Assembly.

Section two: Powers and Authority of the Islamic Consultative Assembly

Article 71

The Islamic consultative assembly may enact laws on all matters, within the limits of Jurisdiction specified in the Constitution.

Article 72

The Islamic Consultative Assembly cannot enact laws in contravention of the principles and precepts of the Constitution or the official religion of the country. Determination of this principle is entrusted to the Guardianship Council as provided in Article 96.

Article 73

The interpretation of ordinary laws lies within the jurisdiction of the Islamic Assembly. This article shall not prevent the interpretation of the laws as undertaken by the judges in the dispensing of justice.

Article 74

Government bills, after being approved by the Council of Ministers, will be presented to the National Assembly for consideration. Legal projects and proposals which have the support of 15 representatives of the Assembly can be discussed in the sessions of the Islamic Consultative Assembly.

Article 75

Motions, proposals and amendments that Representatives introduce in regard to bills and which result in the decrease in general revenues or the increase in general expenditures may be brought up for consideration in the Assembly only when these proposals make clear the means by which the decrease in revenue in expenditures shall be met.

Article 76

The Islamic Consultative Assembly is empowered to investigate and inquire in to all the affairs of the country.

Article 77

International treaties, protocols, contracts and agreements must be approved by the Islamic Consultative Assembly.

Article 78

Any alteration in the country's border lines is prohibited except for minor adjustments compatible with the nation's interests provided that they are not of a unilateral nature or detrimental to the independence and territorial integrity of the country and that they are approved by four-fifth of the representatives of the Islamic consultative Assembly.

Article 79

The declaration of martial law is prohibited. In time of war or similar emergency situations, the government shall be authorized to establish temporary limitations with the approval of the Islamic Consultative Assembly, but the duration of such limitations may not exceed thirty days. Should the emergency persiss and limitations must remain in force, the government should seek to obtain new permission from the National Consultative Assembly for this purpose.

Article 80

The contraction or extension of foreign and domestic loans and aids and non-refundable grants by the government must be approved by the National Consultative Assembly.

Article 81

Granting concessions to foreigners for the establishment of public companies and organizations or enterprises in the commercial, agricultural, industrial, mining and service sectors, is absolutely forbidden.

Article 82

Employment of foreign experts by the government is forbidden unless their services are highly essential. Such employment must be with the approval of the Islamic Consultative Assembly.

Article 83

Public buildings and property which are of the rare heritage of the nation may not be transferred to others unless by the approval of the Islamic Assembly and then only if it is not a singular monument.

Article 84

Each of the representatives of the Assembly is individually responsible before the whole nation and as such is entitled to express views on all domestic and external affairs of the country.

Article 85

The Assembly cannot delegate its powers to make laws to another body or person, but in cases of necessity it can delegate the enactment of certain laws to its own internal committees taking into view the provisions of Article 72. The laws so enacted

shall be carried out on a trial basis for a specific period of time determined by the Assembly. The final approval shall rest with the Assembly.

Article 86

Representatives of the Assembly may not be arrested or prosecuted for the views they express in the Assembly or the vote they cast in the fulfillment of their duties as representatives.

Article 87

The Council of Ministers, following its formation and introduction, must first secure a vote of confidence from the Assembly. During its period in office, the Government may also ask the Assembly for vote of confidence on questions of importance which may give rise to conflict of views.

Article 88

In cases where a representative should pose enquiries to a responsible minister the minister in question is obliged to get present before the Assembly and give proper explanation within a time not exceeding ten days except for reasonable excuse accepted by the Assembly.

Article 89

Representatives of the Islamic Assembly can, in certain cases which they deem necessary, impeach the Board of Ministers or any Cabinet Minister in the Assembly. Impeachment can be considered in the Assembly if at least 10 members of the Assembly so demand in writing.

The Board of Ministers or the Minister in question must appear before the Assembly not later than 10 days after the raising of impeachment and answer the questions posed to by the members of the Assembly and secure their vote of confidence.

The Assembly can pass it a vote of non-confidence in the Board of Ministers or the Minister in question if the latter fails to appear before the Assembly to answer questions. If the Assembly passes a vote of non confidence in the Board of Ministers or the Minister in question they shall be removed from office. In both cases the Prime Minister or the impeached minister cannot become a member of the Board of Ministers in the immediately succeeding cabinet.

Article 90

When the complaint relates to the Executive or Judiciary, the Assembly should call them to investigate and provide adequate answers and should also announce the results in a reasonable period of time. And in cases where the question relates to the public ,the Assembly should make a public announcement of the result.

Article 91

With a view to safeguarding the constitutaion and the Islamic principles ensuring that no statute approved by the Assembly would prove inconsistent with the aforementioned principles a council entitled “The Guardianship Council” will be established consisted of the following members:

1. Six qualified religious Jurisprudents who are well versed in Islamic jurisprudence, and well aware of contemporary affairs and time expediencies. The appointment of such persons is the responsibility of the Leader or of the Leadership Council.
2. Six lawyers who are qualified in various branches of law from among Moslem jurists who are introduced to the Assembly by the High Judiciary Council and appointment by the Assembly.

Article 92

Members of the Guardianship Council will be elected for a period of six years but, in the first term after three years, half of

the members of each group will be replaced by new members by drawing lots.

Article 93

Without the Guardianship Council, the Assembly has no legal validity as such, except for the approval of the representative, credentials and the election of the six jurists belonging to the Guardianship Council.

Article 94

All legislation passed by the Assembly must be sent to the Guardianship Council for examination. The Guardianship Council in a maximum period of 10 days must ensure that the contents of the legislation does not contravene Islamic precepts and the principles of the Constitution. If there is any contravention, they should return it to the Assembly for re-examination and if not, the legislation shall be enforceable.

Article 95

If the Guardianship Council feels that 10 days are inadequate for the examination of the legislation, it can ask the Assembly for a further 10 days, giving its reasons for such a request.

Article 96

The decision as to whether a legislation passed by the Assembly complies with Islamic precepts is made by the majority of the religious Jurisprudents of the Guardianship Council. As regards the question whether it complies with the Constitution or not, the majority members of the Guardianship Council must vote in this regard.

Article 97

Members of the Guardianship Council are at liberty to attend the sessions of the Assembly during the deliberations of the members on various government bills for purposes of speeding up the affairs. But when an emergency bill is being considered by the Assembly, members of the Guardianship Council are obliged to attend the Assembly and express their views on the bill in question.

Article 98

The interpretation of the Constitution is the responsibility of the Guardianship Council, approved on the basis of a majority decision by three-fourths of its members.

Article 99

The Guardianship Council has the responsibility for supervising the elections of the President, the Islamic Assembly and referendums.

Part Seven

Councils



Article 100

In order to ensure a speedy implementation of social, economic, development, health, cultural and educational plans and other welfare programs with the cooperation of the people and giving due consideration to local needs, the management of the affairs in every village, rural district, town, city and province will be governed under the supervision of councils called Village, District, Town city or Provincial Council whose members will be elected by the people of the locality concerned.

The conditions relating to the qualifications of electors and candidates, as well as their duties and responsibilities, procedure of election and supervision of the said councils and the hierarchy there of shall be determined by law with due consideration of the Principles of national unity and territorial integrity of the Islamic Republic of Iran and allegiance to the Central Government.

Article 101

With a view to preventing bias and prejudice and calling for collaboration in preparation of welfare and development programs for the provinces and providing supervision over their coordination, a High Council of the Provinces will be set up in this regard, consisted of representatives from various local councils in the province. Details of the formation and duties of this council shall be determined by law.

Article 102

The High Council of the Provinces is entitled, within the framework of its duties and responsibilities, to propose plans to the Assembly directly or through the government. These plans and proposals must be considered by the Assembly.

Article 103

Governor-generals, governors and county governors and other local government officials who are appointed by the government have an obligation to abide by the decisions of the local councils made within the scope of their authority.

Article 104

With a view to securing Islamic justice and ensuring cooperation in the preparation and coordination of programs for the progress of affairs in production and agro-industrial units, councils will be set up consisted of the representatives of labourers, peasants and other employees and managers, and in educational and administrative service and other units councils will be established comprising of the representatives of the members of the latter units.

Details of the formation of these councils as well as their duties and powers are to be determined by law.

Article 105

The decisions of the councils must not contravene Islamic principles and the laws of the country.

Article 106

The dissolution of the Councils is prohibited unless it can be established that there has been a deviation from their legal duties. The authority to distinguish the decision and the procedure by which such councils can be dissolved or re-formed

are determined by law. Should a council have any objections to its dissolution it has the right to take the matter to a competent court and the court must give priority to the request of the council in this matter.

Part Eight

The Leader or Leadership Council

Article 107

Whenever any theologian meets the conditions set forth in Article five of this Constitution, is accepted and recognized by decisive majority of the people as the head and leader that person will be the leader as it was the case with the distinguished religious authority (Marja) and the Leader of the Revolution , the great Ayatollah Imam Khomeini . This leader has the sancity of command and all responsibilities emanating thereof. Otherwise, experts elected by the people will consult regarding the competence of all candidates for leadership. Whenever one candidate is found to be above the others in all required qualities, that person will be introduced to the people as the sole leader and otherwise three or five competent religious authorities who meet the conditions of leadership will be chosen as the members of leadership council and they will be introduced to the people.

Article 108

The law concerning the number and qualifications of the experts and the method of their election as well as the internal regulations governing their sessions for the first round should be prepared and approved by the majority of religious jurisprudents of the first Guardianship Council and ratified by the Leader of the Revolution . Henceforth any change or revision in this law shall be within the competence of the Assembly of Experts.

Article 109

The qualifications and characteristics of the Leader or members of the Leadership Council:

1. Eligibility as regards the scholarship and virtues essential for religious leadership and issuing religious decrees.
2. Political and social insight, courage, capability and sufficient administrative abilities.

Article 110

The duties and responsibilities of leadership:

1. Nomination of the religious jurists of the Guardian Council.

2. Appointment of the highest judicial authority of the country.

3. In the capacity of commander-in-chief of the armed forces.

a. Appointment and dismissal of chief of the joint staff.

b. Appointment and dismissal of the chief commander of the Guardian Corps of the Islamic Revolution.

c. Establishment of a Supreme National Defense Council consisting of seven members as follows:

(1) The President.

(2) The Prime Minister.

(3) The Minister of Defense.

(4) Chief of the joint Staff.

(5) Chief Commander of the Guardian Corps of the Islamic Revolution

(6) And two advisers appointed by the Leader

d. Appointment of the Senior Commanders of the three forces as proposed by the High Defense Council.

e. Declaration of war and peace and mobilization of forces as proposed by the High Defense Council.

4. Signing the credentials of the President after election by the people. The competence of the candidates for presidency as regards assuring the qualifications set forth in the present law should be confirmed by the Guardianship Council before elections and in the first presidential term by the Leader.

5. The dismissal of the President due to considerations of national interest after such decision had been issued by the Supreme Court affirming the President's disobedience in performing official duties or the Assembly has voted for the political incompetence of the President.

6. Granting amnesty to the condemned or reducing their sentences within the framework of Islamic principles upon recommendation of the Supreme Court.

Article 111

In case Leader or any member of the Leadership Council should prove unable to carry out his official duties or should lose one of the qualifications set forth in Article 109, that person will be removed from office. The determination of such incompetence is the responsibility of the experts mentioned in Article 108. Regulations for the meeting of the experts for consideration and execution of this Article shall be determined in the first session of the Assembly of Experts.

Article 112

The Leader or members of the Leadership Council are equal before the law with all other members of the nation.



Part Nine

The Executive Branch

1857

Section One: The Presidency

Article 113

The president is the highest official position of the country after the position of the Leader. The president is responsible for implementing the Constitution, regulating the three branches of government and directing the Executive branch except in cases which relate directly to the Leader.

Article 114

The President shall be elected for a four year term by direct general ballot. The President may be re-elected for only one further successive term.

Article 115

The President shall be elected from among religious and political personalities possessing the following qualifications: A natural born Iranian of Iranian parentage, possessing Iranian nationality, initiator and administrator of good name, trustworthy and pious, believing in the tenets of the Islamic Republic of Iran and the official creed of the country.

Article 116

Candidates for the office of Presidency must officially announce their candidacy before the commencement of elections. The manner of conducting the elections shall be determined by law.

Article 117

The President shall be elected by an absolute majority of the votes cast in the elections. If, however, none of the candidates can secure such majority, a second round of elections will be held on the Friday of the following week. Only two candidates winning the highest number of votes on the first round will be allowed to participate in the second poll. Likewise, if some of the candidates having the highest number of votes should abstain from participating in the second poll, two of the remaining candidates securing the largest majority of votes in the first poll shall again be put forward for presidency.

Article 118

The responsibility to supervise presidential elections shall rest in accordance with Article ninety-nine of the present Constitution with the Guardianship Council but prior to formation of the first guardianship council a supervisory board, appointed by law for this purpose, shall preside over the elections.

Article 119

The new President shall be elected at least one month before the termination of the office of the former President. Within the interval between election of the new President and termination of the office of the former President, the former shall perform the presidential duties.

Article 120

In case one of the presidential candidates whose eligibility has been established according to the present Constitution, should demise ten days before the elections are held, the elections will be postponed for a period of two weeks. The same procedure shall apply in the event of the death of one of the two candidates, in the interval between the two polls who have secured the highest majority of votes in the first round of elections.

Article 121

The president-elect will take and sign the following oath of office in the Assembly in a special session attended by the head of the Supreme Court and members of the Guardianship Council.

«In the Name of God, the Merciful, the Compassionate, I, as the president of the Republic, upon the Holy Koran and before the Iranian nation, do swear in the Name of Almighty God to safeguard the official creed of the State, the Islamic Republic and the Constitution of the country; to use all my powers and talents to the best of my ability in carrying out my responsibilities, to devote myself to the service of the nation and exaltation of the country, to enhance religion and morality, to support right and justice, refrain from all self-willed acts and to protect the freedom and dignity of individuals and the rights of the nation recognized by the Constitution for all individuals, to grudge no efforts in safeguarding the frontiers of the country preserving the political, economic and cultural freedom of the Nation and, by seeking the help of Almighty God and following the example of the Prophet of Islam and the Holy Imams, shall guard the power which the nation has bestowed upon me in sacred trust as an honest and devoted trustee and to entrust the same to the nation's choice after me.»

Article 122

The president is responsible to the nation, within the limits of his duties and authority. The manner of dealing with any violations shall be determined by law.

Article 123

The President is obliged to sign laws approved by the Assembly or the results of a referendum after being duly passed and sent to the President. The President will then put them at the disposal of relevant authorities for implementation.

Article 124

The President shall suggest an individual to assume the position of Prime Minister. Once the designated person has been approved by the Assembly, the President shall endorse the appointment.

Article 125

The President or the legal representative of this office shall sign treaties, protocols, agreements and contracts agreed upon by the Government of Iran with other governments as well as any agreements of international unions, pending ratification by the Assembly.

Article 126

Government decrees and regulations, after being approved by the Council of Ministers, shall be brought to the attention of the President. Should the President feel that such regulations contravene the current rules of the nation, the President will send them back to the Council of Ministers for review, giving due reasons for not accepting them.

Article 127

The Council of Ministers shall convene a session whenever deemed necessary by the President who will attend and preside over the session.

Article 128

The President shall sign the credentials of Iranian ambassadors and receive the credentials of foreign ambassadors to Iran.

Article 129

Government honors and decorations shall be awarded by the President.

Article 130

In the absence of the President due to illness or other reasons a provisional Council composed of the prime Minister, President of the Assembly and President of the Supreme Court, shall perform the duties of the President provided the absence of the President does not exceed two months. In the event of dismissal of the president, or in case when the term of the President has expired and the new president has not been elected due to certain problems, the duties of the presidency shall be performed by the same Council.

Article 131

In case of demise, resignation or dismissal of the President, or in case of his absence exceeding a period of two months due to illness or other reasons, the Provisional Council of the Presidency is charged to make arrangements for election of a new President within 50 days, during which the Provisional Council shall take charge of all duties and authorities of the President, save in the case of referendum.

Article 132

During the period that the Provisional Council is to discharge the duties of the President, the government may not be impeached nor given a vote of non - confidence, nor any attempt shall be made to revise the Constitution.

Section Two: The Prime Minister and Ministers

Article 133

Ministers shall be appointed as proposed by the Prime Minister and approved by the President and shall be presented to the Assembly for receiving a vote of confidence. The number of Ministers and the extent of their jurisdiction shall be determined by law.

Article 134

The Board of Ministers shall be headed by the Prime Minister who will preside over the activities of the Ministers, and shall take necessary measures to coordinate the decisions made by the government. The Prime Minister shall further outline the policy of the government in collaboration of Ministers and shall enforce the law. The Prime Minister shall be responsible before the parliament for all actions taken by the Ministers.

Article 135

The Prime Minister shall remain in power as long as he or she enjoys the confidence of the Assembly. The Board of Ministers shall submit its resignation to the President. The Prime Minister shall continue to perform the duties of his office pending formation of a new Board of Ministers.

Article 136

If the Prime Minister should choose to dismiss a Minister and

substitute another person, such dismissal and appointment shall take place with the approval of the president. The Prime Minister shall then secure the Assembly's vote of confidence for the new Minister. In case no less than half the number of Ministers should change after the Assembly has declared confidence in the Board of Ministers the government should again request the Assembly for a vote of confidence.

Article 137

Each Minister shall be responsible before the Assembly for his or her own special discharges, but with respect to the affairs approved by the Board of Ministers, he or she is held responsible for the actions of other Ministers as well.

Article 138

Besides the cases where the Board of Ministers or a Minister is commissioned to draw up procedural regulations of the law, the Board of Ministers shall have the right to make decrees and regulations for discharge of administrative duties and ensuring the enforcement of law and also regulating administrative organizations. Each minister shall also be entitled, within his or her jurisdiction and the decrees of the Council of Ministers, to formulate regulations and issue circulars. However, the content of such regulations should not be contrary to the letter and spirit of the law.

Article 139

Any compromise as to litigations concerning the public or government property or referring such cases to arbitration shall be subject to approval by the Council of Ministers, and should be notified to the Assembly. In cases where the party to such litigations is a foreigner or the case is of great domestic importance, the matter should also be approved by the Assembly. The importance of a case shall be determined by law.

Article 140

Charges brought against the President, Prime Minister or a Minister, as far as ordinary offences are concerned, shall be dealt with an ordinary court of justice with prior knowledge of the Assembly.

Article 141

The President, the Prime Minister, Ministers and government employees shall not be entitled to have more than one government occupation nor shall they be allowed to have any other occupation in an establishment whose capital is wholly or partly owned by the government or public institutions. They are also forbidden to serve as an official court barrister, legal adviser, or be the chairman, governor-general or member of the board of directors in any type of private company, save the cooperative societies of institutes and organizations. Provisions of this article shall not apply to educational posts at universities and research institutions. The Prime Minister, shall, if deemed necessary, take provisional charge of the affairs of certain ministries.

Article 142

The holdings of the Leader or members of the Council of Leadership, the President, Prime Minister, Ministers, their spouses and children shall be examined by the Supreme Court before and after their service to assure that no holdings have been illegally gathered.

Section Three: The Army and the Guardian Corps of the Revolution

Article 143

The army of the Islamic Republic of Iran is charged to safeguard the independence and territorial integrity of the country and to preserve the Islamic Republic system of the nation.

Article 144

The army of the Islamic Republic of Iran shall be an Islamic army of popular and ideological nature and shall recruit competent persons faithful in the objectives of the Islamic Revolution and devoted to the cause of their realization.

Article 145

No foreigner shall be recruited by the army or by the police forces of the country.

Article 146

No foreign military base shall be set up in Iran even though it should bear the guise of peaceful purposes.

Article 147

During times of peace, the Government must employ military personnel and its technical facilities in aiding educational and production activities of the Reconstruction Corps, fully observing the precepts of Islamic justice, to the extent that no harm is made

to the combat readiness of the troops.

Article 148

Any utilization whatsoever for personal purposes of the facilities of the army or private employment of the army personnel to serve as a waiter or chauffeur or similar jobs, is strictly forbidden.

Article 149

Promotion and demotion of military personnel shall take place as determined by law.

Article 150

The Guardian Corps of the Islamic Revolution, established in the early days of the victory of this Revolution, shall continue its function in order to continue its role in safe-guarding the Revolution and the fruits thereof. The scopes of the functions and duties of this Corps in relationship to the functions and duties of other armed forces shall be determined by law emphasizing brotherly cooperation and coordination between them.

Article 151

In accordance with the holy verse, "And prepare against them whatever force you can and steeds of war to frighten thereby the enemy of God and that of yours and others besides them whom you know not, but God knows them," (8: 60), the government is bound to provide all people with military courses and facilities in conformity with Islamic principles so that all subjects of the nation shall be able to take up arms and defend the country and the Islamic Republic of Iran. However, the keeping of arms should be authorized by official authorities.

Part Ten

Foreign Policy

Article 152

The foreign policy of the Islamic Republic of Iran is based on negation of all form of domination or submission thereto, preservation of all-embracing independence and territorial integrity of the country defending the rights of all Moslems, non-alignment before dominating powers and mutual peaceful relations with non-belligerent states.

Article 153

Conclusion of any contract involving foreign domination over the natural and economic resources, the culture, the army and other domains of the nation is forbidden.

Article 154

The Islamic Republic of Iran aspires for the happiness of human beings within the community of mankind and recognizes independence, freedom and the rule of justice as universal rights to be enjoyed by all peoples of the world. Accordingly, while refraining from all interference in domestic affairs of other nations, the Islamic Republic shall support any rightful struggle of deprived peoples against the oppressing classes anywhere on the face of the earth.

Article 155

The Islamic Republic of Iran may grant political asylum to individuals seeking refuge in Iran, excepting those who are recognized to be traitors and criminals according to the laws of Iran.

Part Eleven

The Judiciary

Article 156

The Judiciary is an independent power that supports individual and social rights of the people and is responsible for administration of justice. The Judiciary is also charged to perform the following duties:

1. Investigation and issuance of decisions in respect of grievances, complaints, and cases of injustice, settlement of claims and litigations, and removal of disputes and adoption of necessary decisions on such non-litigable affairs determined by law.
2. Restoration of public rights and promotion of justice and legal freedoms.
3. Supervision over good administration of law.
4. Detection of crimes and offences, prosecution, punishment and chastisement of wrong-doers and giving out Islamic justice.
5. Taking adequate measures to prevent crime and reform criminals.

Article 157

With a view to performing responsibilities of the Judiciary, a council named the High Judicial Council shall be formed to be the highest judicial authority charged with the following duties,

1. Creation of appropriate justice organizations to fulfil the requirements referred to under Article 156 above.
2. Drafting judicial bills compatible with the principles of the Islamic Republic.
3. Recruitment of competent and righteous judges, their

appointment and dismissal, promotion, assignment of posts and transfers and other administrative affairs in accordance with law.

Article 158

The High judicial Council shall be composed of the following members:

1. The President of the Supreme Court
2. Prosecutor General
3. Three judges versed in Islamic theology and jurisprudence, elected by the judicial bench of the country.

The members of the Council shall be elected for five years in accordance with the law and there is no objection to their re-election for a further term. The qualifications of the candidates and electors shall be determined by law.

Article 159

The official authority to investigate litigations and complaints rests with the Ministry of Justice. Formation of Courts of Justice and their jurisdiction shall be determined by law.

Article 160

The Minister of Justice shall be responsible for all issues concerning relations of the judiciary with the executive and legislative powers and shall be appointed as such from among candidates proposed by the High Judicial Council to the Prime Minister.

Article 161

The Supreme Court shall be formed on the basis of the criteria set forth by the High Judicial Council in order to supervise the sound administration of laws at justice courts, maintain an identical judicial procedure and perform the responsibilities intrusted to it by law.

Article 162

The President of the Supreme Court and the Prosecutor General are chosen from among righteous authorities on Islam well-versed in judicial issues and shall be appointed as such by the Leadership Council for a period of five years.

Article 163

The qualifications of the judiciary shall be determined by law in conformity with the principles of Islamic jurisprudence.

Article 164

Judges shall not be dismissed provisionally or permanently without due trial by law and establishment of their crime or offence which gives ground for such dismissal nor shall they be transferred to other posts or undergo a change in position without their prior consent except in cases where the interests of society should so demand. Such decision shall be effected with unanimous approval of the members of the High Judicial Council. Periodic transfer of judges shall take place according to the general regulations determined by law.

Article 165

Trials shall be held in open sessions with the public admitted to attend except when the court so decides that open sessions would be contrary to public decency of order or when in private litigations the parties there to may request that trial should not be held in open sessions.

Article 166

Court decisions and judgements shall be issued on sufficient proof and reason and on the strength of pertinent laws and principles.

Article 167

Judges are obliged to make adequate efforts in order to find the applicable ruling to any litigation in the written laws. If they should fail to find such ruling they shall make out the proper judgement on the strenght of reliable Islamic sources or precedents given by accepted religious authorities. They may not refuse to investigate a litigation and refrain from issuing verdict thereon under such pretexts that the written laws are silent, ambiguous, defective or contradictory, on the issue in question.

Article 168

Investigation of political and press offences shall be held in open sessions of the Courts of Justice in the presence of a jury. The procedure for appoinment of jury members, their legitibility and jurisdiction as well as the definition of a political offence shall be determined by law in accordance with Islamic criterial.

Article 169

No act or omission shall be considered an offence on the strength of the law enacted thereafter.

Article 170

Judges of the courts of justice shall refrain from the execution of any government decrees or regulations which should prove contrary to Islamic laws and precepts or should lie beyond the jurisdiction of the Executive Power. All individuals are entitled to request the administrative courts for annulment of such decrees and regulations.

Article 171

In case an individual should suffer material or moral damages as a result of a fault or mistake by a judge, if the judge be at fault, that judge is liable according to Islamic precepts, and in cases of a

government mistake, the loss is recompensated for by the government and the prestige of the accused shall be re-established.

Article 172

To investigate the offences related to the special military or security duties of the personnel of the Armed forces, Gendarmerie, Police and the Guardian Corps of the Islamic Revolution, military tribunals shall be formed according to the law in order to investigate the offences. However, ordinary offenses of such personnel or their offenses in their capacity as officers of justice shall be investigated at ordinary courts of justice. Military tribunals and prosecuting offices are an integral part of the judicial system of the country and shall be subject to the provisions relating to this branch.

Article 173

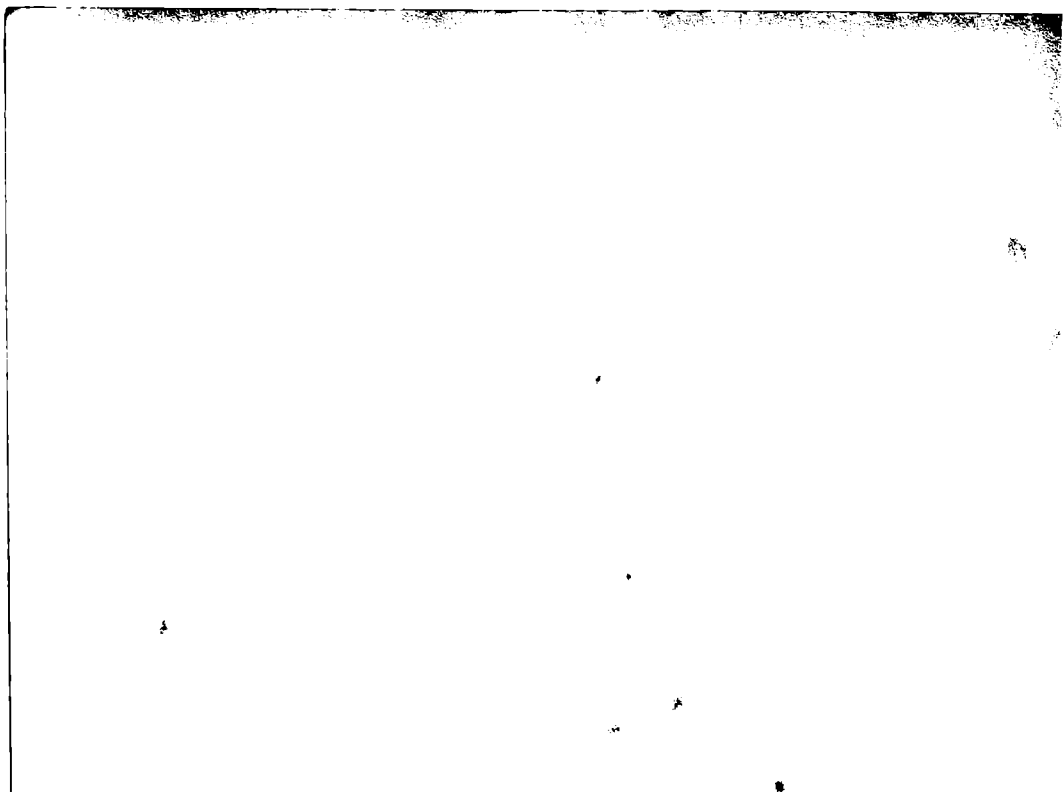
A tribunal called the Administrative Court of Justice shall be formed under the supervision of the High Judicial Council in order to investigate complaints and protests of the public against government officials, units or regulations as well as to administer justice and establish their right. The jurisdiction and procedures for functioning of this tribunal shall be determined by law.

Article 174

Based on the right of Judiciary to control the satisfactory course of affairs and proper execution of laws in administrative organizations, an institution by the name of the General State Inspectorate Organization shall be formed under the supervision of the High Judicial Council. The jurisdiction and procedure for functioning of this institution shall be determined by law.

Part Twelve

The Mass Media



Article 175

Freedom of publicity and propaganda in the Mass Media (radio and television) shall be ensured on the basis of Islamic principles. The management of the media shall be under the joint supervision of the Judiciary (High Judiciary Council), legislative, and Executive. Details of such management are determined by law.

The Constitution of the Islamic Republic of Iran, prepared in Twelve parts comprising one hundred and seventy five articles which was approved by a majority of two-thirds of the representatives of the Constituent Assembly commissioned with the final consideration of the Constitution, received a final approval on Aban 24, 1358 A.H. corresponding to Zihajjeh 24, 1399 of the lunar calendar (November 15, 1979).

1

1