



**IHRDC Translation of the  
Internal Regulation on the Commission of Article 90 of the Constitution**

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## **Internal Regulation on the Commission of Article 90 of the Constitution**

### **Preamble:**

Article 90 of the Constitution put the Parliament in charge of investigating complaints made about the “operation” [\*] of the Parliament [*Majlis*], Executive and Judiciary. The Parliament, therefore, has the right and the duty to supervise and inspect its own, as well as the “operations” of the other Powers; and shall investigate the complaints made in this regard, and, where it relates to the “public”, shall make the outcomes public; and, of course, in all cases resulting in abuses of the rights of the Public treasury (*beytolmal*) or natural or juridical persons, shall refer the case, accordingly, to the Judiciary or other relevant authorities to apply legal regulations.

The Parliament has delegated this important duty to the Commission of Article 90 to exercise it in accordance with the Constitution and other statutory laws and its self-adopted Internal Regulations.

On this basis, this Regulation (in accordance with the amendments made to the Internal Regulation of the Islamic Consultative Assembly [Parliament], especially Article 132), is adopted by the members of the Commission as follows:

### **Chapter One: Legal Duties and Powers of the Commission**

**Article 1.** By virtue of Article 90 of the Constitution, as well as other laws and regulations of Parliament, the legal duties and powers of the Commission are as follows:

1. To regulate and make efficient the Parliament and the Members of Parliament. [1]
2. To investigate the operation of Parliament, Executive, Judiciary, and their officials, and to investigate related complaints, and to demand responses from the aforementioned branches of power. [2]
3. To declare the outcome of investigations and make them public where they relate to the public. [3]
4. To inspect the reports of the specialized Commissions that are presented from the tribunal of the Parliament, at their request, and to declare the outcome to the Parliament [4].

5. To communicate and refer to the three branches of power, ministries, organizations, their related associations, foundations, revolutionary bodies and organizations related in some way to one of the aforementioned Powers [5].
6. To report to relevant judicial authorities the failure of authorities to respond, or their failure to respond properly, to the Commission, or their non-acceptance of the invitations of the Commission, for application of legal penalties [6].
7. To send inspector(s) to conduct investigations and deal with complaints, and [it is] the obligation of the relevant authorities to cooperate with them [7].
8. To report violations by the authorities of the organs (of their own operation) to the appropriate judicial authorities for out-of-turn proceedings [8].
9. To take legal actions on the basis of the final reports of the investigations received from the specialized Commissions [9].
10. To submit the reports related to the public to the Presiding Board of the Parliament, and to present it at the open meeting of the Parliament [10].
11. To request extraordinary investigations of the State General Inspection Organization [11].

## **Chapter Two: The Structure of the Commission**

**Article 2.** The Commission shall have 8 permanent members and 13 other members who shall be appointed pursuant to article 32 of the Internal Regulation of the Parliament.

Note: Any non-permanent member of the Commission that misses 3 consecutive or a total of 5 meetings within a year shall be deemed to have resigned; and the relevant Commission shall appoint a replacement.

**Article 3.** The Commission of Article 90 shall have two Units:

- 1- The Unit for investigation of the operations and the received complaints, which shall be composed of member MPs, and consultants and experts;
- 2- The Unit of office for administration of executive affairs which shall be composed of the staff of the Parliament.

## **A- The Unit for investigation of the operations and the received complaints**

**Article 4.** There shall be three Sections established in order to investigate the operation of Parliament, Executive and Judiciary, and their related complaints and reports:

- 1- The Section of investigation of the operation of Executive and related complaints
- 2- The Section of investigation of the operation of the Judiciary and related complaints
- 3- The Section of investigation of the operation of Parliament (and special affairs) and related complaints

Note: Each Section may, if appropriate, establish Committees.

- 1- The Section of investigation of the operation of Executive and related complaints

One of the Vice-Chairpersons [of the Commission] shall take charge of this Section; and one of the members of the Commission shall take charge as its Deputy. There shall be five Committees established as set forth below:

1/1- Cultural Committee: In order to investigate the operations and complaints that fall within the scope of the duties of the “Cultural” and “Education and Research” Commissions [of the Parliament] relating to: Ministry of Education - Ministry of Science, Research, and Technology - Ministry of Culture and Islamic Guidance - Hajj Organization - Endowments and Charity Affairs Organization - Cultural Heritage, Handcrafts and Tourism Organization - Broadcasting Organization [IRIB] - Islamic Propaganda Organization - Islamic Culture and Relations Organization - National Sports Organization - National Youth Organizations - Technical and Vocational Training Organization - Islamic Azad University, etc.

1/2- Economic Committee: In order to investigate the operations and complaints that fall within the scope of the duties of the “Economic” and “Plan, Budget and Accounts” Commissions [of Parliament] relating to: Ministry of Commerce - Ministry of Economic Affairs and Finance - banks - insurance [corporations] - Islamic Republic of Iran Customs Administration - Islamic Revolution *Mostazafan* [oppressed] Foundation, etc.

1/3- Political and Military Committee: In order to investigate the operations and complaints that fall within the scope of the duties of the “National Security and Foreign Policy” and “Councils and Interior Affairs” Commissions [of the Parliament] relating to: Presidency and its Deputies and associated organizations (which are not mentioned in other committees) - Ministry of Interior Affairs - Ministry of Defense and Logistics - Ministry of Foreign Affairs - Military and Police forces - local provincial governments - mayoralities - Islamic Councils, etc.

1/4- Social Committee: In order to investigate the operations and complaints that fall within the scope of the duties of “Health and Treatment” and “Social” Commissions [of the Parliament] relating to: Ministry of Health and Medical Education - Ministry of Labour and Social Affairs - Ministry of Welfare and Social Security - Ministry of Cooperation - Foundation of Martyrs and Veteran Affairs - Red Crescent society - 15th *Khordad* Foundation, etc.

1/5- Technical and Civil Committee: In order to investigate the operation and complaints that fall within the scope of the duties of “Industries and Mines”, ”Civil”, “Energy” and “Agriculture, Water and Natural Resources” Commissions [of the Parliament] relating to: Ministry of Energy - Ministry of Communication and Information Technology - Ministry of Industries and Mines - Ministry of Housing and Urban Development - Ministry of Roads and Transportation - Ministry of Petroleum - Environmental Protection Organization - Islamic Revolution Housing Foundation, etc.

## 2- The Section of investigation of the operation of Judiciary and related complaints

One of the Vice-Chairpersons [of the Commission] shall take charge of this Section; and one of the members of the Commission shall take charge as its Deputy. There shall be a Committee established with the title of Judicial Committee in order to investigate the operation and complaints relating to the Judiciary (including the Supreme Court - State General Inspection Organization - Supreme Administrative Court - Attorney General of the State - State Organization of Documents and Properties Registration - Judicial Organization of Armed Forces - Forensic Medicine Organization - State Prisons and Security and Corrective Measures Organization - Judicial Administrations), Ministry of Justice, Executive Committee of Imam’s Order, etc.

## 3- The Section of investigation of the operation of Parliament (and special affairs) and related complaints

The Chairperson of the Commission shall take charge of this Section and shall appoint its Deputy. There shall be a Committee established with the title of Parliament and Special Affairs Committee in order to investigate the operation and complaints relating to Parliament, Members of Parliament, the Commissions, the branches, the State Audit Tribunal, the Parliament Research Centre, etc. This Committee shall also investigate the special affairs (reports related to the Ministry of Intelligence, national security, and all cases classified [as confidential]).

**Article 5.** Each Committee of the Commission shall have a Chairperson, a Secretary and a required number of consultants and experts that shall be appointed by the Presiding Board of the Commission.

Note 1: The Presiding Board, subject to the agreement of the Commission, may employ former Members of Parliament on the Committees.

Note 2: The Presiding Board of the Commission, the Chairpersons of the Committees and the delegates of the Commission to assemblies and councils shall be elected from the permanent Members of the Commission. Nevertheless, subject to the opinion of the Presiding Board of the Committee, the other members of the Committee may be elected, or participate, as the Chairpersons of the Committees and the delegates of the Commission in assemblies and councils.

Note 3: Every permanent member of the Commission, according to his/her specialized Committee, shall take a responsibility in the relevant Committee.

Note 4: In every case when opinions of consultants and/or experts of a specific field are needed, the Chairperson of the Committee may report the issue to the Chairperson of the Commission to be pursued with his/her agreement.

Note 5: For the issues that, in the opinion of the Presiding Board of the Commission, relate to various Committees, a Special Committee (composed of the members of the relevant Committees) shall be established.

Note 6: None of the Committees may interfere with the cases and affairs of the other Committees, unless with the agreement of the Chairperson or the Presiding Board of the Commission.

Note 7: The Presiding Board of the Commission, if necessary, either temporarily or permanently, may establish specialized working-groups for each Committee.

## **B- The Unit of Office:**

**Article 6.** The administrative affairs of the Commission and its subordinates, including leave and attendance, and other administrative affairs of the inspectors, consultants and experts, shall be conducted by the General Director of the Executive Office and under supervision of the Chairperson of the Commission.

**Article 7.** The Presiding Board of the Commission shall elect the lawyers, consultants, and experts of the Commission, and, especially, the Secretary of the Commission from virtuous, honest, experienced, well reputed, expert (according to the duties and needs of the Commission) persons and nominate them to the Administrative Department of the Parliament to issue their decrees.

**Article 8.** In a case where the incompetence of a staff member is known to the General Director of the Executive Office, s/he, with the agreement of the Chairperson or the Presiding Board, shall refer such person to the Administrative Department of the Parliament.

**Article 9.** All letters classified [as confidential], shall be opened under the supervision of the Chairperson of the Commission.

Note: The persons in charge of the Committees shall refer every case relating to special affairs to the relevant Committee.

### **Chapter Three: The procedure of the investigation of the complaints**

**Article 10.** All letters, reports and complaints received shall be registered and examined by the General Director of the Executive Office, and summaries or specific suggestions shall be sent to the responsible person for assignments of the Commission within one week.

**Article 11.** Recognizing that a case falls outside the jurisdiction of the Commission, the responsible person for assignments [of the Commission] (who shall be elected from the permanent members of the Commission by the Presiding Board), shall, through the Executive Office, notify the complainant (with required guidance for the pursuit [of the complaint]). Other cases shall be referred to the relevant Committees.

**Article 12.** All the complaints received shall be investigated according to the date received by the related Committees, and at each stage of the investigation, according to the date received at that stage, [the complaints] shall be processed, except in necessary cases, at the discretion of the person in charge of the Committee.

**Article 13.** In the case of an urgent need of investigation of a case, where the members of the relevant Committee are not available, or for any reason it is not deemed expedient, the Chairperson, or the Presiding Board of the Commission, at its own discretion, may refer the case to another Committee or take required measures itself.

**Article 14.** The Executive Office has the duty to notify the complainant about the outcome of the measures taken by the Commission, except in classified cases [as confidential] or in the case of disagreement of the person in charge of the Committee.

**Article 15.** The person in charge of each Committee may distribute the received complaints among the MP members of the Committee, consultants and the relevant expert who is in charge of agency. The relevant expert shall perform all the duties assigned to him/her within one month, via the fastest means available, such as telephone, fax, negotiation, etc., and remove the ambiguities and deficiencies of the documents of the case and submit it to the person in charge of the Committee for further decision. The time may be extended at the discretion of the person in charge of the Committee once.

**Article 16.** None of the cases shall remain in the Committee for more than four months unless the Chairperson of the Committee submits sufficient reasons to the Presiding Board.

**Article 17.** Each case, after the final decision is made, for further measures (either archiving or reporting to the Presiding Board) shall be noticed to the General Director of the Executive Office, under signature of the person in charge of the Committee.

**Article 18.** Each case, after the agreement of the Presiding Board of the Commission, shall be included in the work plan of the Commission.

**Article 19.** The complaints arising out of ambiguity or deficiency of the laws relating to the administration of the three Powers, along with a proposal for amending the law, shall be reported to the Presiding Board after consideration in the relevant Committee, in order to be dealt with and discussed at a general meeting of the Commission; and after the final approval, it shall be submitted to the Government or the relevant Commission for amendment of the law.



**Article 20.** All initial proposals for amending laws and the operations of organs shall have been approved by the Commission.

**Article 21.** All communications with the Leader, the Heads of the three Powers, the Chairpersons of the Expediency Discernment Council, Guardian Council, the Assembly of Experts of the Leadership, the High Council of Cultural Revolution, the high Commanders of the armed forces (General Staff, Common Staff, triple [military] forces and the national police), First Vice-President, and so on shall be conducted under signature of the Chairperson of the Commission.

Communication with other Vice-Presidents, Ministers and their equals may be conducted under signature of either the Chairperson or the Vice-Chairpersons; and communication with other state or military or judicial officials may be also conducted under signature of the Chairperson of the Committee.

Note: In necessary cases, the Chairperson of the Commission may, specifically, delegate the signing of the aforementioned letters to the Vice-Chairpersons.

**Article 22.** In sending the contents of the complaints to others, the authorities of the Commission shall give regard to Islamic ethics and necessary precautions, especially in security-related affairs.

**Article 23.** If the relevant organs, up to one month following the day they receive a letter from the Commission, fail to reply or fail to provide a convincing response, the Chairperson of the Committee, after sending a follow-up letter and their failure to respond, shall report the issue to the Presiding Board of the Commission for an appropriate decision.

**Article 24.** The Heads of the three Powers may be invited upon the suggestion of the Chairperson of the Commission and affirmation of the Presiding Board and approval of two-thirds of the Members of the Commission and keeping the Presiding Board of the Parliament informed.

**Article 25.** Invitation of the authorities of the three Powers to the Commission shall be conducted in accordance with article 21.

**Article 26.** The General Director of the Executive Office of the Commission, according to the addressees of the letters, and on the basis of the order of the person in charge of the Committee, may sign the follow-up letters.

**Article 27.** The General Director of the Executive Office of the Commission may sign the letters addressed to the Chairpersons of the various sections of the Administrative Department of Parliament.

**Article 28.** Where, at the suggestion of the persons in charge of the Committees and the discretion of the Presiding Board or the Chairperson of the Commission, for investigation of a case it is deemed required to dispatch a team, the team shall be dispatched on the basis of the notification of the Chairperson of the Commission. It shall be the duty of the aforementioned team, within 15 days after finishing the mission, to submit its report of the mission (together with its opinion and suggestions) to the Chairperson of the Commission. Subject to agreement of the Presiding Board and approval of the Commission, the report shall be published.

Note: The dispatched team shall consist of one member of Parliament (with priority given to the Chairperson of the relevant Committee) as the Chairperson, and the consultant and the expert of the Committee (with the agreement of the Chairperson of the Commission). Subject to the agreement of the Chairperson of the Commission, the presence of the experts of the other organs is permissible.

**Article 29.** All reports of cases that are required to be presented at the open session of Parliament, shall have been approved by the Commission.

**Article 30.** The governmental and judicial officials and the Members of Parliament may view the documents available in the Commission only upon a written request and agreement of the Chairperson of the Commission.

**Article 31.** The documents and papers of cases shall not be taken out of the Commission, except when necessary, subject to the written agreement of the Chairperson of the Commission.

**Article 32.** The General Director of the Executive Office of the Commission may attend the official meetings of the Commission and the Presiding Board, except in special cases.

This regulation, including 32 articles and 12 notes, is adopted unanimously by the Commission on 1388/6/3 [25 August 2009].

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[\*] “Operation” means the method of administration of relevant affairs. Therefore any kind of failure of authorities in performing their assigned duties, delaying tasks, not considering lawful requests of clients, not economizing the public treasury (*beytolmal*), inculcating false and misleading information to the public, and so on, shall be regarded as “operation.”

[1] Article 32 of the Internal Regulation of the Islamic Consultative Assembly [*Majlis*, i.e. the Parliament]: “in order to regulate and make efficient the Parliament and the Members of Parliament, especially, regarding to operation of the Executive, the Judiciary and Parliament, under the various Articles of the Constitution, especially Article 90, there shall be established a Commission with the title of the Commission of the Article 90 of the Constitution to administer and exercise its functions in accordance with its related approved laws. The members of the Commission are as set forth below: 1- One person from each specialized Commission 2- Eight (8) Members of Parliament who shall be appointed as permanent members by the Chairpersons of the branches and the Presiding Board”.

[2] Article 90 of the Constitution, article 5 of the Method of Enforcement of the Article 90 of the Constitution Act, Article 32 and the note 3 of Article 25 of the Internal Regulation of the Parliament, and the interpretative comments of 1366/8/27 [November 18, 1987] and 1366/10/23 [January 13, 1988] of the Guardian Council.

[3] Article 90 of the Constitution.

[4] Note 1 of Article 33 of the Internal Regulations of Parliament.

[5] Permitting the Commission of Article 90 to Conduct Direct Communications with Governmental Organs in order to Deal with the Public Complaints Act, Article 2 of the Method of Enforcement of Article 90 of the Constitution Act.

[6] Adding One Note to the Single Article Regarding Permitting the Commission of Article 90 to Conduct Direct Communications with Governmental Organs in Dealing with the Public

Complaints Act approved on 1359/11/1 [January 21, 1981] by Parliament, and Articles 2 and 7 of the Method of Enforcement of Article 90 of the Constitution Act.

[7] Article 3 of the Method of Enforcement of Article 90 of the Constitution of the Islamic Republic of Iran Act.

[8] Note to Article 5 of the Method of Enforcement of Article 90 of the Constitution of the Islamic Republic of Iran Act.

[9] Note 5 of article 198 of the Internal Regulation of Parliament.

[10] Single article of Method of Reporting of the Commission of Article 90 of the Constitution Act and Article 116 of the Internal Regulation of Parliament.

[11] Section B of Article 2 of the Amendment of Articles of Establishment of the State General Inspection Organization Act and Adding One Note to the Method of Enforcement of Article 90 of the Islamic Republic of Iran Constitution Act.

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