



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



این کتاب در چهل و دومین سالگرد تأسیس مجلس شورای اسلامی ایران، در سال ۱۳۸۸ هجری قمری، در تهران، در چاپخانه ...  
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IN THE NAME OF GOD

# THE CONSTITUTION OF THE ISLAMIC REPUBLIC OF IRAN, 1979

Last amended in 1989



Islamic Consultative Assembly

The Constitution of the Islamic Republic of Iran

Second printing

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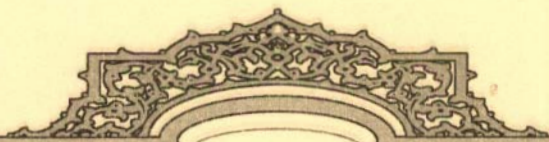
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THE CONSTITUTION OF THE ISLAMIC  
REPUBLIC OF IRAN

*In the name of God the Merciful, the Compassionate  
We did send our prophets with manifest signs, and  
We did come down with the book of knowledge*

IN THE NAME OF  
GOD

THE COMPASSIONATE  
THE MERCIFUL

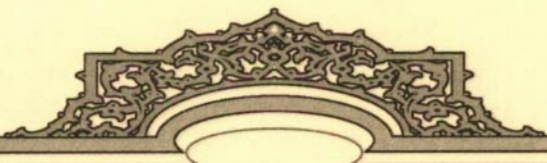


The constitution of the Islamic Republic of Iran respecting the cultural, social, political and economic aspects of the Iranian society, is based on Islamic principles. The Islamic nation of Iran, in the course of its struggle of the Muslim world from the beginning of its victory, which crystallized in the Islamic Revolution, has realized that the Islamic nation has utilized these principles in the course of this great victory our nation deserves the achievement of such aspirations with all its heart and soul.

The fundamental principle of the Islamic Revolution compared with other movements in Iran was its Islamic, cultural and Islamic character. The Muslim nation of Iran, through the anti-dictatorial Constitutional Movement and anti-colonial Nationalization of Oil Movement learned this precious lesson that the basic and clear reason for the failure of those movements was the fact that they were not ideological.

Although the recent movements of Iran contained an Islamic line of thought and the defiant clergy played a major role in leading them, the movements soon became secular due to the fact that these struggles deviated from the true path of Islam. At this juncture the enlightened conscience of the nation, led by the eminent religious leader grand Ayatollah Imam Khomeini, grasped the necessity of following a true ideological and Islamic guideline for the movement. This time, the defiant clergy of the nation who have always been at the front ranks of movements of the masses, and committed writers and intellectuals gained a new momentum under his leadership. (The recent movement of the Iranian nation started in the lunar year One thousand three hundred and eighty two, corresponding to solar year One thousand three hundred and forty one<sup>1</sup>.)

1- The Chapter of Iran, 25, 46, Quran



## THE CONSTITUTION OF THE ISLAMIC

### REPUBLIC OF IRAN

*In the name of God the Merciful, the Compassionate.*

*We did send our prophets with manifest signs; and*

*We did send down with them the Book and the  
balance, that men might stand by justice<sup>(1)</sup>.*

### PREAMBLE

The constitution of the Islamic Republic of Iran bespeaking the cultural, social, political and economic organs of the Iranian society, is based on Islamic principles and precepts and reflects the true aspirations of the Islamic nation. The nature of the great Islamic Revolution of Iran and the course of struggle of the Muslim people from the beginning till victory, which crystallized in decisive and forceful slogans of all sections of the people has outlined these fundamental aspirations, and now at the dawn of this great victory our nation demands the achievement of such aspirations with all its heart and soul.

The fundamental characteristic of this Revolution as compared with other movements in Iran during the last century is its ideological and Islamic character. The Muslim nation of Iran, after going through the anti-dictatorial Constitutional Movement and anti-colonial Nationalization of Oil Movement learned this precious lesson that the basic and clear reason for the failure of those movements was the fact that they were not ideological.

Although the recent movements of Iran contained an Islamic line of thought and the defiant clergy played a major role in leading them, the movements soon became stagnant due to the fact that those struggles deviated from the true path of Islam. At this juncture the enlightened conscience of the nation, led by the eminent religious leader grand Ayatollah Imam Khomeini, grasped the necessity of following a true ideological and Islamic guideline for the movement. This time, the defiant clergy of the nation who have always been at the front ranks of movements of the masses, and committed writers and intellectuals gained a new momentum under his leadership. (The recent movement of the Iranian nation started in the lunar year One thousand three hundred and eighty two, corresponding to solar year One thousand three hundred and forty one<sup>(2)</sup>.)

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1- The Chapter of Iron 25, the Koran

2- 1962

### **Dawn of the Movement**

The devastating protest of Imam Khomeini at the US conspiracy of "White Revolution", which was a step towards the steadying of the foundations of the rule of dictatorship and consolidating the political, cultural and economic dependence of Iran to the world imperialism, caused a monolithic movement by the nation, following which the great and bloody revolution of the Islamic nation in Khordad of One thousand Three hundred and Forty Two<sup>(1)</sup>, which in fact was the starting point of the blossoming of this glorious revolt, established and consolidated the Islamic leadership of the Imam as the focal point of the Revolution. Despite the Imam's exile from Iran following his protest at the ignominious treaty of capitulations (immunity to US advisers) the strong bonds between the Imam and the nation perpetuated furthermore, and the Muslim nation, particularly the committed intellectuals and the defiant clergy continued their struggle amid exile, imprisonment, torture and execution.

Meanwhile, the responsible and informed sections of society continued to enlighten people from their bases at mosques, theological schools and universities. By drawing inspiration from the revolutionary and fruitful ideology of Islam they launched a perpetuating and fruitful struggle to raise the level of combat and ideological vigilance and awareness of the Muslim nation.

The dictatorial regime which had started suppressing the Islamic movement by barbaric attack on Faizieh Theological school, universities and all other tumultuous centres of the Revolution, resorted to the most desperate brutal measures to save itself from the revolutionary anger of the people. Amidst this, the firing squad, medieval tortures and long-term prison sentences were the price that our Muslim nation had to pay for its firm intention to continue the struggle.

The blood of hundreds of young and faithful men and women who cried "Allah-o-Akbar"<sup>(2)</sup> at dawns before the firing squads, or became targets of bullets of the enemy in streets and bazars, gave perpetuity to the Islamic Revolution of Iran. Statements and messages after message by the Imam on various occasions gave an ever-deepening and widening awareness and determination to the Muslim nation.

1- 1963

2- God is Great

### Islamic Government

The plan of the Islamic government based on the concept of "Velayat-e Faqih"<sup>(1)</sup> presented by Imam Khomeini at the height of suppression and repression by the dictatorial regime, created a new distinct and clear impetus among the Muslim people and opened up before them the true path of ideological struggle of Islam which consolidated the efforts of committed Muslim combatants in and outside the country.

Along this line the movement continued until dissatisfaction and extreme anger of the people due to ever-increasing suppression in the country, and the divulgence and reflection of the struggle by the combatant clergy and students on global level, strongly shook the foundations of the ruling regime, forcing the regime and its masters to reduce the pressure and repression and to "open the political environment", so to say, of the country so that they could, in their opinion, open a safety valve to prevent their definite collapse. However, the agitated alert and determined nation, under the firm and decisive leadership of the Imam, launched its victorious and monolithic revolt on a wide and extensive basis.

### Anger of the Nation

The publication of a libellous letter against the sanctities of the clergy and particularly the Imam on 17th Dey, 1356<sup>(2)</sup> by the ruling regime increased the momentum of the movement and caused explosion of anger of the people throughout the country. In order to subdue this volcano of anger of the people the regime resorted to force and violence for silencing the protest revolt but this in itself added fuel to the fire of the Revolution. The continuous throbbing of the Revolution during the weekly and fortieth memorials of martyrs of the Revolution gave an ever-increasing life, warmth and enthusiasm to this movement throughout the country. In continuing and perpetuating the movement of the people, all the institutions of the country took active part in collapsing the dictatorial regime by staging massive strikes and street demonstrations.

The expanded solidarity of men and women from all religious and political sections and parties was notably a determining factor in this struggle. Particularly women, in a valuable manner, had a widespread and active

1- Rule of the clergy

2- January 7, 1978

participation in all the scenes of this great crusade. Scenes in which mothers were seen, running, with babies in their arms, toward the battlefield and machine-gun muzzles, express the major and deciding share of this great section of society in the struggle.

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

The tree of Revolution, after a year or more of continuous struggle and being fertilized with the blood of more than sixty thousand martyrs and hundred thousand injureds and invalids leaving behind billions of Rials in material damages, finally blossomed among the shouts of "Freedom, Independence, Islamic Government"

This great movement, counting on faith, unity and decisiveness of its leadership during the sensitive and critical phases as well as on the devotion of the nation, embraced victory and succeeded in shaking all imperialist calculations and foundations which in itself opened a new chapter in the widespread peoples' revolutions in the world.

Bahman 21 and 22, 1357<sup>(1)</sup> were the days when the foundations of monarchy collapsed and the internal dictatorship and the foreign domination based on it were shattered. With such great victory the dawn of Islamic government, which is the long-cherished aspiration of Muslim people, heralded the final victory.

The Iranian nation unanimously and in participation with religious authorities, theologians of Islam as well as the leader of the Revolution declared their definite and final decision in the referendum on the Islamic Republic for the creation of a new system of Islamic Republic and voted positively for the creation of the system of Islamic Republic with a majority of 98.2%.

Now the Constitution of the Islamic Republic of Iran, as an expression of political, social, cultural and economic institutions and relationships of the society, must pave the way for the consolidation of the foundations of an Islamic government and must present a new plan for the system of government on the ruins of the former "Taghouti"<sup>(2)</sup> system.


### **Method of Government in Islam**

From the viewpoint of Islam, government is not a product of the class

1- February 10 and 11, 1979

2- Satanic





## Constitution of I.R. of Iran

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system or individual or group domination but it is the crystallization of political ideal of a nation that has same ideology and religion and organizes itself to move, in the process of its ideological evolution, towards the final goal (movement towards Allah).

Our nation, in the process of its revolutionary evolution, cleansed itself from the satanic filth and rust, wiped off the blend of alien thought, and returned to genuine ideology of Islam. Now it is on the threshold of creating its ideal society (Osweh) in accordance with the principles of Islam. Based on this, it is the mission of the Constitution to materialize the ideology of the Movement and create such conditions under which Man may grow according to the noble and universal values of Islam.

With due consideration to the Islamic content of the Iranian Revolution, which was a movement for the victory of all the oppressed people over their oppressors, the Constitution paves the way for the perpetuation of this Revolution in and outside the country, particularly in the area of expansion of international relations with other Islamic and peoples' movements; it tries to prepare the ground for the creation of a single world Ommat<sup>(1)</sup> [*Verily, this your nation is one nation; and I am your Lord, and so serve me*<sup>(2)</sup> ], and the perpetuation of the struggle for delivering all the deprived and oppressed nations of the world.

With due consideration to the nature of this great Movement, the Constitution guarantees the negation of any form of intellectual and social oppression and economic monopoly, and tries to break away from the dictatorial system so as to place the destiny of people in their own hands [*and removes from them their burdens and the yokes which were upon them*<sup>(3)</sup>].

In creating political foundations on the basis of ideological interpretations, which in itself is the basis of organizing a society, the pious men shall bear the responsibility of government and management of the country [*The earth shall my righteous servants inherit*<sup>(4)</sup>]. Legislation, which is indicative of standards of social management, shall follow on the course of the Koran and traditions of the Prophet. Therefore, serious and minute supervision by just pious and committed Islamic scholars (just Faqihs) is necessary and

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1. Nation

2. The Chapter of the Prophets, Verse 92

3. The Chapter of the Al Araf, Verse 157

4. The Chapter of the Prophets, Verse 105

indispensable. Whereas the objective of government is to foster the growth of Man in such a way that he progresses towards the establishment of the Divine Rule (*"and toward God is the movement"*)<sup>(1)</sup> so that the grounds for the blossoming of talents to reflect the divine dimensions of Man are laid (cultivate godly disposition)<sup>(2)</sup> and this cannot be achieved except with the active and broad participation of all elements of society in the course of social development. The Constitution, in view of this direction, shall lay the ground for such participation by all members of society in all stages of political and fateful decision-making so that in the course of evolution of Man, every individual would be involved in growth, development and leadership. This in fact is the realization of the concept of government on earth by the oppressed [*And we wished to be gracious to those who were weakened in the earth, and to make them the Imams, and to make them the heirs.*]<sup>(3)</sup>


#### **Rule by the Just Faqih**

On the basis of the concept of "Velayat-e Amr va Imamat-e- Mostamar"<sup>(4)</sup> the Constitution will lay the ground for the realization of leadership by the fully qualified Faqih<sup>(5)</sup> recognized by the people as their leader (People's affairs have been entrusted to faithful ulema or religious authorities who know of what is allowed and what is forbidden)<sup>(6)</sup> so that the Faqih may safeguard against any deviations by various organs of state from their true Islamic functions.

#### **Economy is a Means, Not an End**

For the consolidation of economic foundations, the underlying principle is

- 1- The Chapter of Imran's Family, Verse 28
- 2- This is a Hadith or narration related by religious authorities.
- 3- The Chapter of the Story, Verse 5
- 4- Or the "rule by the clergy and perpetual leadership" embodies the idea that until the appearance of Imam Mahdi or the Messiah, the leadership of the Muslims rests with the representative of Imam or the clergies.
- 5- Jurisconsult
- 6- This is a Hadith or narration related by religious authorities.



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to satisfy the needs of Man in the process of his growth and evolution, unlike other economic systems centralizing and multiplying wealth and seeking profits. That is so because in materialistic schools of thought, economy is an objective in itself. Therefore, during the stages of growth economy becomes a tool of destruction and corruption. But in Islam economy is a means, and what is expected of a means is nothing but better efficiency for attaining an objective.

From this viewpoint the plan of Islamic economy is to provide suitable grounds for the emergence of various human creativities. Therefore, it is the responsibility of the Islamic government to provide appropriate and equal facilities to create work for all and to satisfy necessary human wants for perpetuating Man's evolutionary movement.

#### **Woman in the Constitution**

For creating Islamic social foundations, the human resources which so far had been in the service of all-embracing foreign colonialism, shall regain their original identity and their human rights. To that end it is natural that women shall enjoy greater rights for the reason that so far they had suffered more oppression at the hands of the Taghouti<sup>(1)</sup> regime.


Family is the fundamental unit of society and the focal point of growth and elevation of Man. Ideological and idealistic concurrence in the setting up of a family, which is the main factor of growth and evolutionary movement of Man, is a fundamental principle, and it is the duty of the Islamic government to provide opportunities to attain this objective. Under such approach of the family unit, Woman will cease to be "a mere object" or "a work tool" in the service of propagation of consumerism and exploitation and regaining her enormous and worthy role of motherhood for bringing up pioneer and ideological Man, she is a companion of men in the battlefield of life. Consequently, she will assume greater responsibilities and enjoy greater value and esteem from the viewpoint of Islam.

#### **Ideological Army**

In establishing and equipping the defence forces of the country, it shall be taken into consideration that faith and ideology are the basis and criterion. Therefore, the Army of the Islamic Republic and the Revolutionary

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1- Satanic



## Constitution of I.R. of Iran

Guard Corps will be formed in conformity with the above objective, and will be responsible not only for protecting and safeguarding the frontiers but also for the ideological mission, that is, Jihad<sup>(1)</sup> For God's sake and struggle for promoting the rule of God's law in the world [*And prepare ye against them what force and companies of horse ye can, to make the enemies of God, your enemies, and others besides them, in dread thereof.*]<sup>(2)</sup>

### Judiciary in the Constitution

The judiciary is of vital importance in relations to the safeguarding of people's rights along the line of Islamic movement, and the preventing of the ideological deviations within the Islamic nation. Therefore, provision has been made for the creation of a judicial system based on Islamic justice and consisting of just judges well-versed in subtle and precise religious rules. This system, due to its basic sensitive nature and its being ideological, must be kept free from any unhealthy relations and connections [*God bids you when ye judge between men to judge with justice*]<sup>(3)</sup>

### Executive

Due to its special significance in relation to the enforcement of Islamic rules and regulations for achieving just relations and connections governing the society, and likewise in view of its vital role in paving the way for attaining the ultimate goal of life, the executive branch of the government must strive to create an Islamic society. Thus, surrounding it with any complicated bureaucratic system, that slows down the attainment of this objective shall be rejected from the Islamic point of view. Therefore, the bureaucratic system, which is a product of the Taghouti<sup>(4)</sup> rule, shall be strongly rejected so that an executive system with more speed and efficiency may be created for carrying out administrative obligations.

### Mass Media

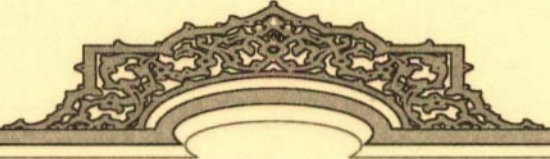
The mass media (radio-television) in pursuit of the evolutionary course of the Islamic Revolution, must be in the service of propagating Islamic

1- Crusade

2- The Chapter of the Spoils, Verse 60

3- The Chapter of Women, Verse 58

4- Satanic



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culture. To this end, it must try to benefit from healthy encounter of various thoughts and views. However, it must seriously refrain from propagating destructive and anti-Islamic attitudes.

It is the duty of all to abide by the Articles of this Law which regards the freedom and dignity of Man as its main objective and paves the way for evolution and perfection of Man. It is essential for the Muslim nation to elect experienced and honest officers and to exercise perpetual supervision over their activities and participate in the creation of an Islamic society in the hope that such participation may be successful in building an ideal Islamic society (Osweh) which may serve as a model to the peoples of the world, and be witness to its perfection. *[Thus have we made you a model nation, to be a witness against men].*<sup>(1)</sup>

### **Representatives**

The Assembly of Khobregan<sup>(2)</sup> consisting of the representatives of people, completed the task of drafting the constitution by examining the draft proposed by the Government as well as other proposals made by various groups of people, in fourteen chapters comprising one hundred and seventy seven Articles, on the eve of 15th Centenary of the Hegira of the Prophet (peace be upon him), the founder of the liberating school of thought of Islam, with the objectives and aspirations aforementioned, in the hope that this century may witness the world Government of the oppressed people and the defeat of their oppressors.

**In the name of God the Merciful, the Compassionate**

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


### **Chapter One GENERALITIES**

**ARTICLE 1** - The form of government of Iran is that of Islamic Republic which the Iranian nation, on the basis of its longstanding conviction in the rule of truth and justice of the Koran and in the wake of its victorious Islamic

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1- The Chapter of the Heifer, Verse 143

2- Experts



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Revolution under the leadership of its eminent religious leader Ayatollah Imam Khomeini, approved by a majority of 98.2% of all those having the franchise in a national referendum held on 10th and 11th Farvardin 1358<sup>(1)</sup>.

**ARTICLE 2** - The Islamic Republic is a system based on faith in:

- 1- The One and only God [*There is no God but Allah*], His exclusive Sovereignty and Legislation and the necessity of submission to His command.
  - 2- The Divine Revelation and its basic role in the exposition of laws.
  - 3- The concept of Resurrection and its constructive role in the course of evolution of Man towards God.
  - 4- The justice of God in the Creation and Legislation.
  - 5- Perpetual Imamat and leadership and its fundamental role in the perpetuation of the Islamic Revolution.
  - 6- Eminent dignity and value of Man, his freedom coupled with his responsibility before God,
- which provides justice and political, economic, social and cultural freedom and national unity through:

- a) the perpetual practice of religious jurisprudence by the fully qualified Faqihs<sup>(2)</sup> on the basis of the Koran and the Traditions of the Innocents<sup>(3)</sup> (Peace be upon them).
- b) the use of arts, sciences and advanced human experiences and strife for their furtherance.
- c) the negation of the perpetration or the suffering of any injustice or dominance.

**ARTICLE 3** -The Government of the Islamic Republic of Iran is required, in order to achieve the objectives set forth in Article 2, to direct all its resources for the following:

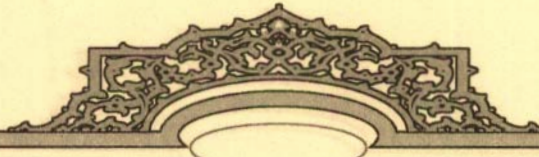
1. To create a suitable environment for the growth of moral virtues on the basis of faith, piety and struggle against all manifestations of vice and corruption.

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1- Corresponding to March 30 and 31, 1979

2- Jurisconsult


3- Prophet Mohammad, his daughter and the 12 Imams



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2. To raise the level of public awareness in all areas by making proper use of the press, mass media and other means.
3. To provide free education and physical training for all at all levels, and to provide and promote facilities for higher education.
4. To encourage the spirit of enterprise, initiative and research in all scientific, technical, cultural and Islamic fields by establishing research centres and encouraging researchers.
5. To totally reject colonialism and to prevent foreign influence.
6. To eliminate all forms of dictatorship, autocracy and monopoly.
7. To provide political and civil liberties within the framework of law.
8. To seek public participation in the determination of their political, economic, social and cultural destiny.
9. To eliminate undesirable discrimination and to create equal opportunities for all in all material fields or otherwise.
10. To create a correct administrative system and to eliminate unnecessary establishments.
11. To fully reinforce national defences by imparting general military training for preserving national independence, integrity and the Islamic system of the country.
12. To lay the foundations of correct and just economy on the basis of Islamic rules for creating welfare, removing poverty and eliminating any form of deprivation whatsoever in the fields of nutrition, housing, employment, health care and generalizing the social insurance.
13. To provide self-sufficiency in science, technology, industry, agriculture, military affairs and the like.
14. To provide all-embracing rights for men and women, to create legal security for all and equality of all before the law.
15. To develop and consolidate Islamic brotherhood and general cooperation among all people.
16. To develop foreign policy based on Islamic standards, brotherly obligations vis-a-vis all Muslims and unqualified support for all the oppressed nations of the world.

**ARTICLE 4** - All laws and regulations including civil, criminal, financial, economic, administrative, cultural, military, political or otherwise, shall be based on Islamic principles. This article shall apply generally on all the Articles of the Constitution and other laws and regulations. It shall be decided by the jurisconsults of the Guardian Council whether or not such



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laws and regulations conform to this article.

**ARTICLE 5** - During the Occultation of Hazrate-e Valli-e Asr<sup>(1)</sup> (May God hasten his reappearance) the leadership of the nation in the Islamic Republic of Iran shall be the responsibility of a Faqih<sup>(2)</sup> who is just, virtuous, has contemporary knowledge, is courageous and efficient administrator. He shall assume such responsibility in accordance with the provisions of Article 107.

**ARTICLE 6** - In the Islamic Republic of Iran the affairs of the State shall be managed by relying on public opinion, through the elections such as the election of the president, representatives of the Majlis-e Shura-e Islami<sup>(3)</sup> members of councils and the like, or through referendum in cases set forth in other articles of this law.

**ARTICLE 7** - According to the instructions of the Koran, "... and whose affairs go by council amongst themselves ..." <sup>(4)</sup> and "... take council with them in the affairs ..." <sup>(5)</sup> councils, such as the Majlis, provincial council, city, local, district, village councils and the like, shall be the decision-making and administrative organs of the State.

The instances, manner of establishment and the scope of functions and authorities of the said councils shall be set forth by this law and the laws arising therefrom.

**ARTICLE 8** - Inviting to do good deeds, directing to do what is lawful or good and enjoining not to commit what is unlawful or bad shall be a public and reciprocal duty of all people vis-a-vis each other in the Islamic Republic of Iran, of the Government vis-a-vis people and vice versa. Conditions and limits thereof shall be determined by law.

*[ And the believers, men and women, are some the patrons of others; they bid*

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1- The Mahdi (or the Messiah)


2- Jurisconsult

3- The Islamic Consultative Assembly or the Majlis

4- The Chapter of Counsel, Verse 38

5- The Chapter of Imran's Family, Verse 159





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*what is reasonable, and forbid what is wrong.]<sup>(1)</sup>*

**ARTICLE 9** - In the Islamic Republic of Iran freedom, independence, unity and territorial integrity of the country shall be inseparable from each other. It shall be the duty of the Government and every single member of the nation to safeguard them. No individual, group or authority shall be allowed, on the pretext of enjoying freedom, to vitiate in any manner whatsoever the political, cultural, economic and military independence and territorial integrity of Iran. No authority shall be allowed to usurp legal freedoms and liberties on the pretext of safeguarding the national independence and territorial integrity, even by enacting laws and regulations.

**ARTICLE 10** - Since the family is the basic unit of the Islamic society, all laws and regulations and pertinent shall strive to facilitate the setting up of a family to protect its sanctity and to stabilize family relations on the basis of Islamic laws and ethics.

**ARTICLE 11** - According to the stipulation of the Koranic verse [*verily, this your nation is one nation; and I am your Lord, so serve me*]<sup>(2)</sup> all Muslims are one Ommat<sup>(3)</sup> and the Government of the Islamic Republic of Iran shall be under obligation to lay its general policy on the basis of coalition and unity of Muslim nations and strive perpetually to achieve political, economic and cultural unity of the Muslim world.

**ARTICLE 12** - The official religion of Iran shall be Islam and faith Jafari Athna Ashari, and this article shall be eternal and immutable. Other Islamic faiths such as the Hanafi, Shafei, Maleki, Hanbali and Zaidi, shall enjoy full respect. The followers of these faiths are free to carry out their religious rites according to their own Fegh<sup>(4)</sup> their religious education and training, personal status (marriage, divorce, inheritance and will) and lawsuits related thereto shall be officially recognized by courts of law. In any region where the followers of these faiths have a majority, the local rules and regulations,


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1- The Chapter of Repentence, Verse 71

2- The Chapter of the Prophets, Verse 92

3- Body of believers, or nation

4- Religious Jurisprudence



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within the scope of authorities of councils, shall be in conformity with these faiths, by reserving the rights of followers of other faiths.

**ARTICLE 13** - Iranian Zoroastrians, Jews and Christians shall be the only recognized religious minorities who, within the limits of law, shall be free to carry out their religious rites and practice their religion in personal status and religious education.

**ARTICLE 14** - According to the stipulation of the Koranic verse [*God forbids you not respecting those who have not fought against you for religion's sake, and who have not driven you forth from your homes, that ye should act righteously and justly towards them; verily, God loves the just*]<sup>(1)</sup> The Government of the Islamic Republic of Iran and the Muslims are required to treat the non-Muslims with good manners and Islamic justice and observe their human rights. This article applies to those who do not plot or act against Islam and the Islamic Republic of Iran.

**Chapter Two**

**OFFICIAL LANGUAGE, SCRIPT, CALENDAR & FLAG**

**ARTICLE 15** - The common and official language and script of the people of Iran is Farsi. Official documents, correspondence and texts as well as text books must be in this language and script. However, the use of local and ethnic languages in the press and mass media or the teaching of their literatures in schools, along with Farsi, shall be free.

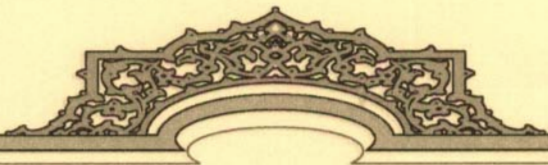
**ARTICLE 16** - Since Arabic is the language of the Koran and Islamic sciences and education, and the Farsi literature is completely intermixed with it, this language<sup>(2)</sup> shall be taught in all classes and in all fields of knowledge after the primary classes up to the end of the high school education.

**ARTICLE 17** - The source of official calendar of the country shall be the Hegira of the Prophet of Islam (Peace be on him and his Family) and both solar and lunar calendars shall be valid. However, the solar calendar shall be used in Government institutions. Friday shall be the official weekly holiday.

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1- The Chapter of the Tried, Verse 8

2- Arabic



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**ARTICLE 18** - The official flag of Iran shall be in green, white and red colours with the special emblem of the Islamic Republic and the slogan of "Allah-o-Akbar."

**Chapter Three**

**RIGHTS OF THE NATION**

**ARTICLE 19** - The people of Iran, of whatever tribe and clan, shall enjoy equal rights, and colour, race, language and the like shall not be a privilege.

**ARTICLE 20** - All members of the nation, both men and women, shall receive equal protection of law and enjoy all human, political, economic, social and cultural rights, with due observance of the principle of Islam.

**ARTICLE 21** - The Government shall be required to guarantee the rights of women in all respects, by observing the principles of Islam, and shall carry out the following:


- 1- To create suitable environment for the growth of personality of Woman and to restore her material and moral rights.
- 2- To protect mothers, particularly during the period of pregnancy and custody of children, and to protect children without guardians.
- 3- To create competent courts for preserving the existence and survival of family .
- 4- To create special insurance for widows, elderly women, and women without guardians.
- 5- To grant guardianship of children to worthy mothers for protecting the children's interests, in case there is no legal guardian.

**ARTICLE 22** - Honour, life, property, rights, dwellings and jobs of people may not be violated except where allowed by law.

**ARTICLE 23** - Investigation of one's beliefs shall be prohibited. No one may be offended or reprimanded simply because of having a certain belief.

**ARTICLE 24** - Publications and the press shall have freedom of expression unless they violate the essentials of Islam or public rights. Its details shall be set forth by law.

**ARTICLE 25** - It shall be prohibited to inspect or fail to deliver letters, to



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record and divulge telephone conversations, to disclose telegraphic and telex communications, to censor them or fail to communicate or deliver them, to eavesdrop or to make any other search whatsoever, unless by order of law.

**ARTICLE 26** - It shall be allowed to form parties, societies, political or professional associations and Islamic or other religious societies of the recognized minorities, provided that they do not violate the principles of freedom, independence, national unity, Islamic standards and essentials of the Islamic Republic. No one may be stopped from participating in them or forced to participate in one of them.

**ARTICLE 27** - It shall be allowed to hold assemblies and marches, without carrying arms, provided that it does not violate essentials of Islam.

**ARTICLE 28** - Every one shall be allowed to take up a vocation he likes and which shall not be contrary to Islam, public interests and rights of others.


The Government shall be required, with due consideration to the need of society for a variety of professions, to create opportunities of work for all and equal conditions for obtaining it.

**ARTICLE 29** - It shall be the universal right of all to enjoy social security covering retirement, unemployment, old age, disability, destitution, accidents and calamities, and health, medical treatment and care services through insurance, etc.

The Government shall be required, according to law, to provide the aforesaid services and financial protection for every individual citizen of the country out of public revenues and incomes derived from public contributions.

**ARTICLE 30** - The Government shall be required to provide free education and training for the entire nation up to the end of high school education, and to expand the means of free higher education up to the level of self-sufficiency of the country.

**ARTICLE 31** - It shall be the right of every Iranian individual and family to have a house suitable to his needs. The Government shall be required to carry out this article with due observance of the priority of those who are more needy, particularly the villagers and workers.



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**ARTICLE 32** - No one may be arrested unless by order of and in the manner provided for by law. In case of an arrest, the accused person must immediately be served with in writing and made to understand the charges he is accused of and the grounds thereof. The preliminary file must be sent to competent judicial authorities within a maximum period of 24 hours and the trial proceedings must be started within the shortest period of time. The violator of this article shall be punished in accordance with the provisions of law.

**ARTICLE 33** - No one may be exiled from his place of domicile, or prohibited to take up domicile where he so wishes, or forced to take up domicile at a certain place except in cases provided for by law.

**ARTICLE 34** - It shall be the established right of every one to plead for justice. Every one may refer to competent courts to seek justice. All members of the nation shall have the right to have access to such courts. No one can be stopped from referring to the court to which he has a right to refer according to law.

**ARTICLE 35** - Both parties to a lawsuit have the right to appoint a lawyer in all courts and if they are not able to appoint a lawyer, facilities for appointing a lawyer shall be provided for them.

**ARTICLE 36** - Penal judgments can only be passed by and enforced through a competent court in accordance with law.

**ARTICLE 37** - Innocence is always presumed and thus no one shall be regarded as guilty in the eye of law unless his guilt is proved in a competent court.

**ARTICLE 38** - It shall be prohibited to apply any form of torture to obtain a confession or information. It shall not be allowed to force a person to give testimony, make a confession or take an oath; such testimony, confession or oath shall have no validity whatsoever. The violator of this article shall be punished according to law.

**ARTICLE 39** - Defamation or aspersions in any manner whatsoever of persons arrested, detained, jailed or exiled by order of law shall be prohibited and

punishable by law.

**ARTICLE 40** - No one may inflict loss on another or violate public interests by means of exercise of his rights.

**ARTICLE 41** - It shall be the established right of every Iranian to have Iranian citizenship. The Government may not deprive any Iranian of his citizenship unless he so requests or acquires the citizenship of another country himself.


**ARTICLE 42** - Foreign nationals may, within the framework of law, acquire Iranian citizenship, and such persons may be divested of their citizenship only if another State agrees to accord them its citizenship, or if they apply themselves for it.

#### **Chapter Four**

### **ECONOMY & FINANCIAL MATTERS**

**ARTICLE 43** - For ensuring economic independence of society, uprooting poverty and deprivation and meeting the needs of Man in the process of growth, while maintaining his freedom, the economy of the Islamic Republic of Iran shall be based on the following considerations:

1. Satisfaction of basic needs: housing, nutrition, clothing, hygiene, medical treatment, education and necessary facilities for the setting up of a family, for all.
2. Creation of work conditions and opportunities for all for the purpose of achieving full employment and placing means of work at the disposal of those who are able to work but lack the means, in the form of cooperatives, by extending interests-free loans, or by any other legitimate method that leads neither to accumulation or circulation of wealth in the hands of certain individuals or groups nor to the Government becoming a big and absolute employer. Such measures shall be taken with due consideration to the needs governing the general planning of national economy in every phase of growth.
3. The drawing up of the country's economic plan in such a way that the form, content and working hours are such that every individual, in addition to his vocational pursuits, has sufficient time and ability for moral, political and social self-development, active participation in the leadership of the country as well as the development of skills and initiative.



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4. Observance of the freedom of choice of vocation, non-coercion of individuals to take up a certain job and prevention of exploitation of labour of others.
5. Prohibition of causing harm to others, monopoly, hoarding, usury and other religiously void and prohibited transactions.
6. Prohibition of wastage and extravagance in all concerns of economy, whether consumption, investment, production, distribution or services.
7. Use of science and technology and training of exports in accordance with the growth and development requirements of the country's economy.
8. Prevention of foreign economic domination over the country's economy.
9. Emphasis on increase of agricultural, cattle and industrial production so as to meet public needs; leading the country to self-sufficiency; and making it free from dependence on others.

**ARTICLE 44** - The economic system of the Islamic Republic of Iran shall be based on public, cooperative and private sectors, with proper and regulated planning.


The public sector includes all large-scale industries, mother industries, foreign trade, large mines, banking, insurance, power supply, dams and large irrigation channels, radio and television, post, telegraph and telephone, aviation, shipping, roads, rails and the like, which are public property and at the disposal of the Government.

The cooperative sector includes cooperative production and distribution companies and institutions established in cities and villages on the basis of Islamic principles.

The private sector includes such activities related to agriculture, cattle-raising, industry, trade and services that supplement the economic activities of public and cooperative sectors.

Ownership in the aforesaid three sectors, insofar as it conforms to other articles of this chapter, does not surpass the limits of Islamic laws, causes economic growth and development of the country, and does not harm the society, shall enjoy protection of law in the Islamic Republic.

Details of regulations, scope and conditions of the three sectors shall be determined by law.



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**ARTICLE 45** - Anfal<sup>(1)</sup> and public wealth, such as Mavat<sup>(2)</sup> or abandoned lands, mines, seas, rivers, lakes and other public waters, mountains, passes, woods, reed beds, natural groves, unbounded pastures, legacy without heirs, unclaimed property and public property taken from usurpers, are at the disposal of the Islamic Government to be dispensed with according to public interests. Details and the manner of utilization of each one of them will be determined by law.

**ARTICLE 46** - Every one is the owner of the fruits of his own legitimate trade and business. No one may, as owner of his trade and business, deprive another of the opportunity of trade and business.

**ARTICLE 47** - Private ownership acquired legitimately shall be respected. Regulations thereof shall be determined by law.

**ARTICLE 48** - There shall be no discrimination between various provinces with respect to the exploitation of natural resources, use of national income and the distribution of economic activities among the various provinces and regions of the country so that each region has access to the necessary capital and opportunities commensurate with its needs and growth potential.

**ARTICLE 49** - The Government shall be required to take wealth derived from usury, usurpation, bribery, embezzlement, theft, gambling, misuse of pious endowments, misuse of Government contracts and transactions, sale of original Mavat<sup>(2)</sup> and Mubahat<sup>(3)</sup> centres of corruption and other illegitimate acts, and to return it to its rightful owner; in case the owner is not known, to return it to the Treasury. This provision shall be carried out by the Government by examining, investigating and substantiating the proof in accordance with the provisions of Sharia<sup>(4)</sup>.

**ARTICLE 50** - It shall be considered a public duty in the Islamic Republic to protect the natural environment in which the present as well as future

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1- Spoils

2- Ownerless barren lands

3- Ownerless Properties

4- Religious law





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generations shall have a developing social life. Therefore, economic activities or otherwise which cause pollution or an irreparable damage to environment shall be prohibited.

**ARTICLE 51** - No taxes may be levied unless by order of law. Instances of tax exemptions and reductions shall be determined by law.

**ARTICLE 52** - The Annual State Budget shall be drawn up by the Government in the manner provided by law, and be submitted to the Majlis<sup>(1)</sup> for its review and approval. Any amendments whatsoever in the figures of the budget shall also be subject to the provisions of law.

**ARTICLE 53** - All Government receipts shall be deposited in the Treasury accounts and all payments shall be effected within the limits of credit allocations approved by law.

**ARTICLE 54** - The State Audit Office shall operate under the direct supervision of the Majlis<sup>(1)</sup> Its organization and the management of its affairs in Tehran and at the provincial capitals shall be determined by law.

**ARTICLE 55** - The State Audit Office shall examine or audit, in the manner stipulated by law, all accounts of ministries, government companies, institutions and other organizations which in any manner whatsoever benefit from the State budget, to ensure that no expenditure exceeds credit allocations and that each sum has been spent for its allotted purpose. The State Audit Office shall collect accounts and relevant papers and documents according to law and submit each year's budget liquidation report together with its own comments to the Majlis<sup>(1)</sup> such report must be made available to the public.


**Chapter Five**

**NATION'S RIGHT OF SOVEREIGNTY AND  
THE POWERS ARISING THEREFROM**

**ARTICLE 56** - God Almighty has absolute sovereignty over the world and Man, and He has made Man the master of his own social destiny. No one

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1- The Islamic Consultative Assembly



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can divest Man of this divine right or apply it in the service of interests of a particular individual or group. The Nation shall exercise this God-given right in the manner set forth in the following articles.

**ARTICLE 57** - The sovereign powers in the Islamic Republic of Iran consist of the Legislature, the Executive and the Judiciary, which shall be exercised under the absolute Velayat-e Amr va Imammat-e Ommat<sup>(1)</sup> in accordance with the following articles of this law. These powers shall be independent of each other.

**ARTICLE 58** - The legislative power shall be exercised by the Majlis<sup>(2)</sup> shall consist of elected members of the people, and its approvals after passing through the proceedings set forth in the following articles shall be notified to the Executive and Judiciary for implementation.

**ARTICLE 59** - The legislative power may be exercised through referendum and by seeking the direct vote of the people, in matters involving very important economic, political, social and cultural issues. The request to seek the direct vote of the people shall be approved by two-thirds of the total representatives of the Majlis<sup>(2)</sup>.

**ARTICLE 60** - The executive power shall be exercised by the President and the Ministers, except in cases for which the Leader has been made directly responsible by this law.

**ARTICLE 61** - The judicial power shall be exercised by the courts of justice administration which shall be established according to the Islamic precepts and shall engage in setting disputes and claims, safeguarding the public rights, promoting and carrying out justice and implementing Hodoud<sup>(3)</sup> as ordained by religion.

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- 1- Authority and leadership of the Imam
  - 2- The Islamic Consultative Assembly
  - 3- Penance by the lash

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**Chapter Six**

**THE LEGISLATURE**

**Treatise I- MAJLIS SHURA-E-ISLAMI<sup>(1)</sup>**

**ARTICLE 62** - The Majlis Shura-e-Islami<sup>(1)</sup> shall consist of representative of the Nation elected directly by secret ballot. The qualifications of voters and candidates, and the manner of elections shall be laid down by law.

**ARTICLE 63** - The term of office of the representatives of the Majlis shall be four years. The elections of each term shall be held before the termination of the earlier term so that the country shall never be left without a Majlis.

**ARTICLE 64** - The Majlis<sup>(1)</sup> shall have two hundred and seventy (270) representatives. As of the date of referendum conducted in One thousand three hundred and sixty eight<sup>(2)</sup> no more than twenty representatives may be added to this number after every ten (10) years, by taking into account the human, political, geographical and other similar factors.

The Zoroastrians and Jews shall have one representative each; Assyrian and Chaldean Christians collectively shall have, one representative, and the Armenian Christians of the south and the north shall each have one representative.


The boundaries of the electoral constituencies and the number of representatives shall be laid down by law.

**ARTICLE 65** - After the holding of elections, the sessions of the Majlis be validly held with a quorum of two-thirds of the total number of representatives. Legal drafts and bills shall be passed in accordance with the approved internal regulations except in cases where a special quorum has been prescribed by the Constitution. For approving the internal regulations the votes of a majority of two-thirds of those present shall be needed.

**ARTICLE 66** - The internal regulations of the Majlis<sup>(1)</sup> shall lay down the manner of election of its Speaker and Presiding Board, number of committees, terms of their office and matters related to the Majlis deliberations and discipline

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**ARTICLE 67** - The representatives shall, at the first session, of the Majlis<sup>(1)</sup> take the following oath of office and sign the text of the oath:

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

"In the presence of the Holy Koran I swear to God Almighty and undertake upon my human dignity to protect the sanctity of Islam and safeguard the achievements of the Islamic Revolution of Iranian people and the essentials of the Islamic Republic, to uphold the trust placed in us by the Nation as a just trustee, to observe piety and honesty in the discharge of my functions as a representative of the people, to remain always faithful and true to the independence and dignity of the country, protection of rights of the Nation and service to people, to defend the Constitution, and to uphold the independence of the country and the freedom and interests of the people in words, writings and comments".

The representatives of religious minorities shall take the above oath by swearing to their own holy books.

The representatives who are not present at the first session of the Majlis must take the oath of office at the very first session they attend.

**ARTICLE 68** - In time of war or military occupation of the country, elections shall be suspended for a definite period of time at the places under occupation or in the entire country, upon proposal by the President, approval by three-fourths of the total number of representatives and ratification by the Guardian Council. In case a new Majlis<sup>(1)</sup> is not formed, the former Majlis shall continue to function.

**ARTICLE 69** - The deliberations of the Majlis<sup>(1)</sup> must be open and a full report thereof shall be made public through the Radio and the official Gazette. In emergency conditions, under circumstances when the national security requires it, the Majlis sessions may be held in camera, upon the request by the President, or one of the ministers, or ten representatives. Law and regulations passed at a session held in camera shall be valid only if approved in the presence of the Guardian Council by three-fourths of the total number of representatives. The reports and approvals of such sessions

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must be made public after the emergency conditions have ceased to exist.

**ARTICLE 70** - The President, his deputies and the Ministers may participate in the open sessions of the Majlis<sup>(1)</sup> either collectively or individually and bring along their advisers. The Ministers are required to appear before the Majlis if requested to do so by the representatives. Likewise they will be heard by the Majlis if they so request it.

**Treatise II- AUTHORITIES AND COMPETENCE OF THE  
MAJLIS-E-SHURA-E-ISLAMI<sup>(1)</sup>**

**ARTICLE 71** - The Majlis may, within the limits of the Constitution, enact laws on all matters.

**ARTICLE 72** - The Majlis<sup>(1)</sup> may not enact laws contrary to the principle and rules of the official Faith of the country or the Constitution. This fact shall be decided by the Guardian Council in the manner set forth in Article 96.


**ARTICLE 73** - The interpretation of ordinary laws shall be within the competence of the Majlis<sup>(1)</sup>. However, this article shall not prevent the judges from interpreting laws while administering justice.

**ARTICLE 74** - Government bills shall be presented to the Majlis<sup>(1)</sup> after having been approved by the Council of Ministers. Members' bills may be proposed to the Majlis if sponsored by a number of at least fifteen (15) representatives.

**ARTICLE 75** - Members' bills, and proposals and amendments to government bills proposed by representatives [of the Majlis<sup>(1)</sup>] leading to reduction in public revenues or increase in public expenditures, may be presented to the Majlis, only if they also include ways and means of making good the reduction in income or of obtaining new revenues.

**ARTICLE 76** - The Majlis<sup>(1)</sup> shall be empowered to investigate and scrutinize all matters related to the country.

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**ARTICLE 77** - All international conventions, protocols, treaties and pacts shall receive approval by the Majlis<sup>(1)</sup>.

**ARTICLE 78** - Any alterations in the country's boundary lines shall be prohibited, with the exception of minor changes made with due observance of the country's interests provided, however, that the same shall not be unilateral, shall not damage the country's independence and territorial integrity, and shall be approved by a four-fifths majority of the Majlis<sup>(1)</sup> representatives.

**ARTICLE 79** - It shall be prohibited to proclaim martial law. In a state of war, or emergency conditions similar to it, the Government shall be allowed to provisionally, impose necessary restrictions with the approval of the Majlis<sup>(1)</sup>. However, its duration shall in no case exceed thirty (30) days. Should such contingency continues to persist, the Government shall be required to seek again permission of the Majlis.

**ARTICLE 80** - The Government may give or take loans or grants-in-aid, whether domestic or foreign, with the approval of the Majlis<sup>(1)</sup>.

**ARTICLE 81** - It shall be absolutely prohibited to grant concessions to foreigners for establishing companies and institutions in the areas of trade, industry, agriculture, mines and services.


**ARTICLE 82** - The employment of foreign experts by the Government shall be prohibited unless it is essential and approved by the Majlis<sup>(1)</sup>.

**ARTICLE 83** - Government buildings and properties constituting national heritage may not be transferred to another unless with the approval of the Majlis<sup>(1)</sup>, and that, too, shall be possible only when it is not single in its kind.

**ARTICLE 84** - Every representative [of the Majlis<sup>(1)</sup>] shall be responsible vis-a-vis the entire Nation and shall be entitled to express his views on all internal and external matters of the country.

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**ARTICLE 85** - The position of membership [of the Majlis<sup>(1)</sup>] shall be personal and may not be assigned to another. The Majlis may not delegate the right to legislate to another person or committee.

However, in necessary cases it may delegate the right to legislate certain laws to its own internal committees, with due observance of the provisions of Article 72. In this case, such laws shall be enforced on trial basis for the period set by the Majlis. Their final approval, however, shall rest with the Majlis.

Likewise the Majlis may delegate to its relevant committees the permanent approval of articles of association of Government agencies, companies or organizations, or those affiliated to the Government, with due observance of the provisions of Article 72, and/or authorize the Government to approve them. In such a case the Government approvals shall not be inconsistent with the principles and rules of the country's official Faith or the Constitution and the issue shall be determined by the Guardian Council in the manner laid down in Article 96. Moreover, the Government approvals shall not be inconsistent with the general laws and regulations of the country. While the Government notifies such approvals for implementation [to the ministries concerned], it shall also notify the same to the Majlis Speaker who shall examine and state whether or not they are inconsistent with the said laws.

**ARTICLE 86** - While carrying out their functions as Majlis<sup>(1)</sup> members, the representatives of the Majlis shall be completely free to express their views and cast their votes. They may not be prosecuted or arrested for expressing their views in the Majlis or casting their votes while discharging their functions as a representative.

**ARTICLE 87** - The President shall obtain a vote of confidence from the Majlis<sup>(1)</sup> for the Council of Ministers after the latter is formed and before proceeding with any other matter. He may also seek the Majlis's vote of confidence for the Council of Ministers during his term of office in respect of important and controversial issues.

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**ARTICLE 88** - Whenever at least one-fourth of the total number of representatives of the Majlis<sup>(1)</sup> have a question to ask from the president, or any of the representatives from the responsible minister on subject relating to their duties, the President or the minister concerned, as the case may be, shall be required to appear before the Majlis and answer the question. Such answer shall not be delayed for more than one(1) month in case of the President, or more than ten (10) days in case of the minister, unless there is a plausible excuse, as decided by the Majlis.

**ARTICLE 89**

1- The representatives of the Majlis<sup>(1)</sup> may impeach the Council of Ministers or any of the ministers in cases deemed necessary by them. The articles of impeachment may be proposed to the Majlis only if signed by at least ten(10) representatives of the Majlis. The Council of Ministers or the particular minister impeached shall appear before the Majlis within a period of ten (10) days from the date the articles of impeachment are proposed to the Majlis, answer the impeachment, and seek a vote of confidence from the Majlis.


In case the Majlis does not pass a vote of confidence, the Council of Ministers or the particular minister impeached shall be dismissed. In both cases the ministers impeached may not be a member of the Council of Ministers formed immediately thereafter.

2- If at least one-third of the representative of the Majlis impeach the President with respect to discharge of his duties of management of the Executive Power and running of the executive affairs of the State, the President shall appear before the Majlis within the period of one month from the date the articles of impeachment are proposed, and give sufficient explanations with respect to the issues raised. If after the statement made by the opposing and supporting representatives and reply by the President, the two-thirds majority of the representatives votes to the incompetence of the President, the Honorable Leader shall be informed of the circumstances for the enforcement of paragraph 10, Article 110 hereof.

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**ARTICLE 90** - Anyone having a complaint against the manner in which the Majlis<sup>(1)</sup>, the Executive or the Judiciary is carrying out its functions, may submit his complaint in writing to the Majlis. The Majlis shall then be bound to examine those complaints and give adequate reply. In case the complaint relates to the Executive or the Judiciary, it shall demand proper investigations and reply from them, and then declare the results thereof within a reasonable period of time; in cases where it relates to public, the Majlis shall inform the public at large.

**ARTICLE 91** - With a view to safeguarding the rules of Islam and the Constitution, and to see that the approvals of the Majlis<sup>(1)</sup> are not inconsistent with them, a Council known as the Guardian Council shall be established composed of the following:

1. Six Faqihs<sup>(2)</sup>, just and acquainted with the needs of the time and issue of the day. These individuals shall be appointed by the Leader.
2. Six jurists, specializing in various branches of law, elected by the Majlis from among Muslim jurists proposed to the Majlis by the Head of the Judiciary.

**ARTICLE 92** - Members of the Guardian Council shall be elected for a period of six years. However, after the passage of three years in the first term, half of the members of each group shall be changed by drawing lot, and new members shall be appointed in their stead.


**ARTICLE 93** - Without the Guardian Council the Majlis<sup>(1)</sup> shall have no legal validity except in case of approval of credentials of its representatives and election of six jurist members of the Guardian Council.

**ARTICLE 94** - All legislation passed by the Majlis<sup>(1)</sup> shall be sent to the Guardian Council. Within a maximum period of ten (10) days from the date of its receipt, the Guardian Council shall be required to examine the same to ensure that it conforms to the principles of Islam and the Constitution. If the Guardian Council finds any inconsistency in the legislation, it shall return it to the Majlis for review. Otherwise the said legislation shall be enforceable.

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2. Jurisconsults



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**ARTICLE 95** - Should the Guardian Council in certain cases feel that ten (10) days time is not sufficient for examining and giving a final opinion, it may request the Majlis to further extend the said time limit for a maximum period of another ten (10) days giving reasons for such request.

**ARTICLE 96** - The majority of Faqihs<sup>(1)</sup> of the Guardian Council shall decide whether or not the legislation passed by the Majlis is in conformity with the precepts of Islam. The majority of all members of the Guardian Council shall decide whether or not the same complies with the provisions of the Constitution.

**ARTICLE 97** - With a view to expediting the work, members of the Guardian Council may attend the Majlis sessions while a Government bill or a members' bill is being discussed, and listen to the deliberations. However, if an urgent Government or members' bill is on the agenda of the Majlis, members of the Guardian Council shall attend the Majlis sessions and express their views.

**ARTICLE 98** - The interpretation of the Constitution shall be the responsibility of the Guardian Council, which [interpretation] shall be approved with a three-fourths majority of its members.

**ARTICLE 99** - The Guardian Council shall be charged with the responsibility of supervising the elections of the Assembly of Experts for Leadership, the President, the Majlis-e-shura-e-Islami<sup>(2)</sup>, and referendums.

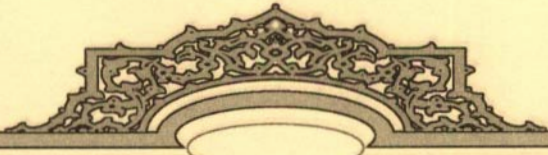
**Chapter Seven**  
**COUNCILS**

**ARTICLE 100** - With a view to expediting the speedy implementation of social, economic, development, health, cultural and educational plans and other welfare affairs, the management of the affairs of each village, district, city, town or province shall be carried out with the cooperation of the people, and with due consideration to the local needs, under the supervision of a Council known as Village, District, City, Town or Provincial Council whose members

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shall be elected by the people of the same locality.

The qualifications of the electors and candidates, their functions and authorities, the manner of election of and supervision by the said Councils and their hierarchy shall be laid down by law, with due consideration to the principles of national unity, territorial integrity, system of the Islamic Republic and allegiance to the Central Government.

**ARTICLE 101** - With a view to preventing discrimination in and obtaining cooperation for the drawing up of development and welfare plans, and exercising supervision over their coordinated execution, a High Council of the Provinces shall be established consisting of representatives of the provincial Councils. The manner of establishing and functions of this Council shall be laid down by law.

**ARTICLE 102** - The High Council of the Provinces shall be allowed, within the scope of its functions, to draw up bills and propose them to the Majlis-e-shura-e-Islami<sup>(1)</sup> either directly or through the Government. Such bills shall be discussed by the Majlis.

**ARTICLE 103** - Governors-General, governors, deputy-governors and other civil authorities appointed by the Government shall be required to abide by the decisions of the Councils made within the scope of their<sup>(2)</sup> authorities.

**ARTICLE 104** - Councils shall be established in production, industrial and agricultural units composed of the representatives of workers, farmers, other employees and managers, and in educational, administrative and services units and the like, composed of representatives of workers of such units, for the purpose of ensuring Islamic justice and cooperation for drawing up plans, and creating coordination for the furtherance of affairs.


The manner of establishment of such councils and the scope of their functions and authorities shall be laid down by law.

**ARTICLE 105** - The decisions of such councils shall not be contrary to the provisions of Islam and the laws of the country.

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1- The Islamic Consultative Assembly

2- i.e. of Councils



*Constitution of I.R. of Iran*

**ARTICLE 106** - The Councils may not be dissolved except in case of deviation from their legal functions. The authority to determine such deviation, the manner of dissolution of the councils as well as their re-establishment shall be laid down by law. In case of objection to its dissolution, a Council shall be allowed to complain to a competent court, and the court shall be required to examine the matter out of docket.

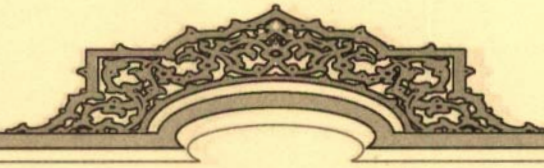
**Chapter Eight**

**LEADER OR COUNCIL OF LEADERSHIP**

**ARTICLE 107** - After the Religious Authority and great leader of the universal revolution of Islam and founder of the Islamic Republic of Iran, Late Ayatollah-AL-Ozma-Imam Khomeini, (may God bless him) who was recognized and accepted for religious and political leadership by the decisive majority of the people, the Leader shall be determined by the Khobregan<sup>(1)</sup> elected by the people. The Leadership Khobregan<sup>(1)</sup> shall examine and discuss about all Faqihs<sup>(2)</sup> qualified under Article 5 and Article 109 hereof. Should they find one of such Faqihs<sup>(2)</sup> as a greater authority on religious matters and issues of Fegh<sup>(3)</sup>, or on political and social issues, or having popularity or special distinction in one of the qualifications mentioned in Article 109 hereof, they shall choose such a Faqih as the Leader. Failing this, they shall choose and declare one of them as the Leader. The Leader thus chosen by the Khobregan<sup>(1)</sup> shall have Velayat-e Amr<sup>(4)</sup> and all responsibilities arising therefrom. The Leader is equal before law with other people of the country.

**ARTICLE 108** - The law relating to the number and qualifications of the Khobregan<sup>(1)</sup> to manner of their elections and the internal regulations pertaining to their meetings, shall be drawn up in the first term by the Faqihs<sup>(2)</sup> of the first Guardian Council, approved by their majority vote, and then finally ratified by the Leader of the Revolution. Thereafter, any amendment or review in this law, and the approval of other regulations

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- 1- Experts
  - 2- Jurisconsults
  - 3- Religious Jurisprudence
  - 4- Religious and political leadership



*Constitution of I.R. of Iran*

related to functions of the Khobregan<sup>(1)</sup> shall be within the competence of the Experts themselves.

**ARTICLE 109 - Qualifications and Attributes of the Leader:**

1. Academic qualifications necessary for issuing decrees on various issues of Fegh<sup>(2)</sup>.
2. Fairness and piety necessary for leading the Islamic Ommat<sup>(3)</sup>.
3. Proper political and social insight, prudence, courage, authority and power of management necessary for leadership.

In case there are many individuals who qualify the above conditions, the one who has stronger insight in Fegh<sup>(1)</sup> and politics shall be preferred.

**ARTICLE 110 - Functions and Authorities of the Leader:**

- 1- To determine the general policies of the system of the Islamic Republic of Iran after consulting with the Majma'-e- Tashkhis-e- Maslehat-e- Nezam<sup>(4)</sup>.
- 2- To supervise over the good performance of the system's general policies.
- 3- To decree referendums.
- 4- To hold the Supreme Command of the Armed Forces.
- 5- To declare war or peace, and mobilize the armed forces.
- 6- To appoint, dismiss, or accept resignations of:
  - a) The Faqihs<sup>(5)</sup> of the Guardian Council.
  - b) The highest authority of the Judiciary.
  - c) The head of Sazman Seda va Seema-e Jomhuri-e-Islami Iran <sup>(6)</sup>
  - d) Chief of Joint Staffs.
  - e) Chief Commander of the Islamic Revolutionary Guard Corps.
  - f) Chief Commanders of the Armed Forces and Police Forces.
- 7- To resolve disputes and coordinate relations between the three Powers<sup>(7)</sup>

1- Experts

2- Religious Jurisprudence

3- Islamic Nation

4- Regime's Expedience Council

5- Jurisconsults

6- The Islamic Republic of Iran Broadcasting Corporation

7- i.e. Executive, Legislature and Judiciary

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- 8- To resolve intricate questions of the System that cannot be settled through ordinary means through the Majma'-e Tashkhis-e Maslehat-e Nezam<sup>(1)</sup>.
- 9- To sign the order of appointment of the President after he is elected by the people. The competence of the presidential candidates , in respect of being qualified according to the Constitution, shall, before the elections, be ratified by the Guardian Council, being ratified at first term by the leader.
- 10- To dismiss the President of the Republic, by taking into account the interests of the country, after the Supreme Court has given a verdict on the violation, by the President, of his legal functions, or the vote of his incompetence has been passed by the Majlis<sup>(2)</sup> on the basis of Article 89 hereof.
- 11- To pardon or mitigate the sentences of condemned persons, within the scope of Islamic precepts, upon recommendation by the Head of the Judiciary.

The Leader may delegate some of his functions and authorities to another person.

**ARTICLE 111** - In case the Leader is unable to carry out his legal functions, or loses one of his qualifications mentioned in Article 5 and Article 109, or if it transpires that he did not qualify some of the conditions from the very beginning, he shall be dismissed from his position.

Such decision shall be made by the Khobregan<sup>(3)</sup> mentioned in Article 108.

In the case of death, resignation or dismissal of the Leader, the Khobregan<sup>(3)</sup> shall be required to determine and declare the new Leader at the earliest. As long as the Leader is not declared, a council composed of the President, Head of the Judiciary and one of the Faqihs<sup>(4)</sup> of the Guardian Council chosen by the Majma-e- Tashkhis-e- Maslehat-e- Nezam<sup>(1)</sup> shall collectively discharge the functions of the Leader on a temporary basis. If one of them is not able to discharge his duties for any reason whatsoever during this period, another person shall be appointed by the Majma<sup>(1)</sup> in his place,

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- 1- Regime's Expedience Council
  - 2- The Islamic Consultative Assembly
  - 3- Experts
  - 4- Jurisconsults

maintaining the majority of the Faqihs<sup>(1)</sup> in the council.

This council shall proceed with the discharge of the duties set out in paragraphs 1, 3, 5 and 10, and sub-paragraphs (d), (e) and (f) of paragraph 6, Article 110 hereof, after approval by three-fourths of the members of the Majma-e-Tashkhis-e-Maslehat-e-Nezam<sup>(2)</sup>.

If the Leader is temporarily unable to discharge the functions of the Leader as a result of sickness or other accident, the council mentioned in this article shall discharge his functions during such period.

**ARTICLE 112** - The Majma-e- Tashkhis-e- Maslehat-e- Nezam<sup>(2)</sup> shall be convened at the order of the Leader to determine such expedience in cases where the Guardian Council finds an approval of the Majlis<sup>(3)</sup> against the principles of Sharia<sup>(4)</sup> or the Constitution, and the Majlis in view of the expedience of the System is unable to satisfy the Guardian Council, as well as for consultation in matters referred to it by the Leader, and for discharging other functions laid down in this law.

The permanent and mutable members of this Majma shall be appointed by the Leader.

Regulations related to the Majma shall be prepared and approved by the members of the Majma itself and ratified by the Leader.

#### **Chapter Nine**

### **THE EXECUTIVE**

#### **Treatise I- THE PRESIDENT AND MINISTERS**

**ARTICLE 113** - Next to the Leader, the President shall be the highest official State authority who is responsible for the implementation of the Constitution and, as the Chief Executive, for the exercise of the executive powers, with the exception of those matters that directly relate to the Leader.


**ARTICLE 114** - The President shall be elected by the direct vote of the people for a four-year term of office. His consecutive re-election shall be allowed only for one term.

1- Jurisconsults

2- Regime's Expedience Council

3- The Islamic Consultative Assembly

4- Religious Law



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**ARTICLE 115** - The President shall be elected from among distinguished religious and political personalities having the following qualifications:

He shall be of Iranian origins, have Iranian citizenship, be efficient and prudent, have a record of good reputation, honesty and piety, and be true and faithful to the essentials of the Islamic Republic of Iran and the official Faith of the country.

**ARTICLE 116** - Presidential candidates shall officially announce their nominations before the commencement of elections. Provisions relating to the holding of presidential elections shall be laid down by law.


**ARTICLE 117** - The President shall be elected by an absolute majority of votes cast. However, if in the first round none of the candidates secures such majority, a second round of elections shall be held on the Friday of the following week. Only two of the candidates, who secure the highest number of votes in the first round, shall participate in the second round. But in case one or more of such candidates wish to withdraw from the elections, two candidates from among the rest, who secured the highest number of votes in the first round, shall be introduced for election.

**ARTICLE 118** - The Guardian Council shall be responsible for supervising over the presidential elections in accordance with the provisions of Article 99. But before the first Guardian Council is established, such responsibility shall be carried out by the Supervisory Council laid down by law.

**ARTICLE 119** - The new President shall be elected not later than one month before the termination of the term of office of the outgoing President. During the time the new President is elected and the term of the President comes to an end, the outgoing President shall carry out the presidential duties.

**ARTICLE 120** - Should one of the presidential candidates, whose competence has been established according to this law, dies ten (10) days before the elections, the elections shall be postponed for a period of two weeks. In case between the first and the second round of elections, too, one of the two presidential candidates who has secured the highest number of votes dies, the elections shall be postponed for two weeks.





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**ARTICLE 121** - The President shall take the oath of office at the Majlis<sup>(1)</sup> in a session attended by the Head of the Judiciary and members of the Guardian Council, and sign the following oath:

**In the name of God the Merciful, the Compassionate**

" I, as the President, upon the Holy Koran and in the presence of the Iranian Nation, do hereby swear in the name of Almighty God to safeguard the official Faith, the System of the Islamic Republic and the Constitution of the country; to use all my talents and abilities in the discharge of responsibilities undertaken by me; to devote myself to the service of the people, glory of the country, promotion of religion and morality, support of right and propagation of justice; to refrain from being autocratic; to protect the freedom and dignity of individuals and the rights of the Nation recognized by the Constitution; to spare no efforts in safeguarding the frontiers and the political, economic and cultural freedoms of the country; to guard the power entrusted to me by the Nation as a sacred trust like an honest and faithful trustee, by seeking help from God and following the example of the Prophet of Islam and the sacred Imams (Peace be upon them), and to entrust it to the one elected by the Nation after me".

**ARTICLE 122** - The President shall be responsible vis-a-vis the Nation, the Leader and the Majlis<sup>(1)</sup>, within the limits of his authorities and responsibilities undertaken by him by virtue of the Constitution and/or ordinary laws.


**ARTICLE 123** - The President shall have an obligation to assent all legislation of the Majlis<sup>(1)</sup> or the result of a referendum, after the same have duly been passed and notified to him, and to forward it to relevant authorities for implementation.

**ARTICLE 124** - The President may have deputies for the discharge of his lawful functions.

**ARTICLE 125** - The President or his legal representative shall sign treaties,

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1- The Islamic Consultative Assembly



*Constitution of I.R. of Iran*

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conventions, agreements and contracts concluded by the Government of Iran with other governments and likewise agreements concerning international unions, after the same have been ratified by the Majlis<sup>(1)</sup>.

**ARTICLE 126** - The President shall be directly responsible for the State Plan and Budget, and Administrative and Civil Services Affairs of the Country. He may delegate their administration to others.

**ARTICLE 127** - In special circumstances the President may appoint one or more special representatives, as may be required, with specific authorities, subject to approval by the Council of Ministers. In such cases the decisions made by said representative or representatives shall be tantamount to the decisions taken by the President and the Council of Ministers.

**ARTICLE 128** - Ambassadors shall be appointed upon proposal by the Minister of Foreign Affairs and approval by the President.

The President shall assent the credentials of the ambassadors, and receive the credentials of foreign ambassadors.

**ARTICLE 129** - The President shall award State decorations and medals.


**ARTICLE 130** - The President shall submit his resignation to the Leader, and shall continue to discharge his functions as long as his resignation is not accepted.

**ARTICLE 131** - The First Deputy of the President shall assume the President's authorities and responsibilities, with the approval of the Leader, in case of death, dismissal, resignation, absence or illness of the President lasting more than two months, or in case the term of office of the President has ended but the new President has not yet been elected due to certain obstacles or other such events. A council composed of the Majlis Speaker, Head of the Judiciary and the First Deputy of the President shall be required to arrange for the elections of the new President within a maximum period of 50 days.

In case of death of the First Deputy and/or other events preventing the

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1- The Islamic Consultative Assembly



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discharge of his functions as well as in the case where the President does not have a First Deputy, the Leader shall appoint another person in his place.

**ARTICLE 132** - During the period the functions and authorities of the President are assumed by the First Deputy or another person who is appointed under Article 131 hereof, the ministers may not be impeached or a vote of no confidence may not be passed against them; neither a review can be made in the Constitution nor a referendum held.

**ARTICLE 133** - Ministers shall be appointed by the President and presented to the Majlis<sup>(1)</sup> for a vote of confidence. No fresh vote of confidence shall be required for the ministers if the Majlis is changed. The number of ministers and the scope of authorities of each of them shall be laid down by law.

**ARTICLE 134** - The President shall be the head of the Council of Ministers. He shall supervise the work of ministers and by taking the necessary measures coordinate the decisions of individual ministers and the Council of Ministers; he shall determine the plan and policy of the Government and implement the law in cooperation with the ministers.

In cases of difference of opinion and/or interference in the legal duties of government organizations, the decision of the Council of Ministers taken at the proposal of the President shall be binding if it does not require interpretation of or amendment to the law.

The President shall be responsible vis-a-vis the Majlis<sup>(1)</sup> for the actions of the Council of Ministers.


**ARTICLE 135** - Ministers shall remain in office as long as they have not been dismissed or the Majlis<sup>(1)</sup> has not passed a vote of no confidence against them as a result of impeachment or motion for a vote of confidence.

The resignation of the Council of Ministers or of any individual minister shall be submitted to the President, and the Council of Ministers shall continue to function until such time as the new Government is appointed.

The President may appoint, for a maximum period of three months, acting heads for ministries not having ministers.

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1- The Islamic Consultative Assembly



*Constitution of I.R. of Iran*

**ARTICLE 136** - The President can dismiss the Ministers. In that case he must obtain a vote of confidence from the Majlis<sup>(1)</sup> for the new minister or ministers. If after the Majlis has given a vote of confidence to the Government half of the members of the Council of Ministers are changed, he shall again request the Majlis for a fresh vote of confidence for the Council of Ministers.

**ARTICLE 137** - Every individual minister shall be responsible vis-a-vis the President and the Majlis<sup>(1)</sup> for his own special duties. However, in certain matters approved by the Council of Ministers he may also be held responsible for the actions of others.

**ARTICLE 138** - In addition to the instances where the Council of Ministers or a particular minister is charged with the duty of drawing up administrative regulations of laws, the Council of Ministers shall be authorized to pass bylaws and decrees for the purpose of carrying out administrative functions, ensuring implementation of laws, and regulating administrative institutions. Every individual minister may also draw up regulations and issue circulars within the limits of his duties and approvals of the Council of Ministers. However, the purport of such regulations shall not be contrary to the letter and spirit of the law.


The Government may delegate approval of certain matters related to its functions to committees composed of a number of ministers. Approvals of such committees within the limits of the law shall be enforceable after approval by the President.

The Government decrees and administrative bylaws and approvals of the committees mentioned in this Article shall be communicated [to the ministries concerned] for implementation and be notified to the Speaker of the Majlis<sup>(1)</sup> so that if he finds them against the law, he could return them to the Council of Ministers for revision, giving his reasons therefore.

**ARTICLE 139** - The settlement of disputes concerning public or Government property or its referral to arbitration shall in each case be contingent upon the approval by the Council of Ministers and shall be notified to the Majlis<sup>(1)</sup>. Cases in which the party to a dispute is an alien as well as important internal

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1- The Islamic Consultative Assembly



*Constitution of I.R. of Iran*

matters shall also be approved by the Majlis. Important matters shall be laid down by law.

**ARTICLE 140** - Charges brought against the President, his deputies or ministers concerning ordinary crimes shall be examined by the Public Courts of the Justice Administration, with the knowledge of the Majlis<sup>(1)</sup>.

**ARTICLE 141** - The President, deputies of the President, ministers and Government employees may not hold more than one Government jobs; they shall be prohibited from holding another job of any type in institutions whose capital is owned fully or partly by the Government or public institutions, and from acting as a representative of the Majlis<sup>(1)</sup>, attorney at law, legal consultant, chairman, managing director or a member of the board of directors of various types of private companies, with the exception of their respective departmental cooperative companies.

Teaching positions in universities and research institutes shall be exceptions to this rule.

**ARTICLE 142** - The assets of the Leader or the President or the deputies of the President, ministers, their spouse and children, before and after service, shall be examined by the Head of the judiciary to see if they have not been increased unlawfully.

## **Treatise II - ARMY AND THE REVOLUTIONARY GUARD CORPS**


**ARTICLE 143** - The Army of the Islamic Republic of Iran shall be responsible for safeguarding the independence, territorial integrity and the Islamic republican system of the country.

**ARTICLE 144** - The Army of the Islamic Republic of Iran shall be an Islamic army, which is an ideological and peoples army and which shall recruit competent individuals faithful to the objectives of the Islamic Revolution and ready to make sacrifices for attaining the same.

**ARTICLE 145** - No foreigner shall be accepted in the Army or the police

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1- The Islamic Consultative Assembly



*Constitution of I.R. of Iran*

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forces of the country.

**ARTICLE 146** - The establishment of any foreign military bases in the country, even for peaceful purposes, shall be prohibited.

**ARTICLE 147** - In time of peace, the Government shall employ the Army men and its technical equipment in relief, educational and production operations, and Jihad<sup>(1)</sup> for Construction, fully observing the standards of Islamic justice, to the extent that it does not harm the combat readiness of the troops.

**ARTICLE 148** - It shall be prohibited to make personal use of army equipment and facilities as well as its men as orderlies, personal drivers, and the like.

**ARTICLE 149** - Promotion of ranks of military men and its withdrawal shall be made in accordance with law.

**ARTICLE 150** - The Islamic Revolutionary Guard Corps, which was established in the early days of the victory of this Revolution, shall continue to exist in order to carry out its role as the protector of the revolution and its achievements. The scope of function and responsibilities of this corps in relation to the function and responsibilities of other armed forces shall be laid down by law emphasizing the brotherly cooperation and coordination between them.

**ARTICLE 151** - On the basis of the Koranic instructions, (*Prepare ye against them what force and companies of horse ye can, to make the enemies of God, your enemies, and others beside them, in dread thereof. Ye do not know them, but God knows them!*)<sup>(2)</sup> the Government shall be under obligation to provide military training facilities for all the people of the country in accordance with the precepts of Islam in the manner that all the individuals shall always have the ability to defend the country and the system of the Islamic Republic with arms. However, the possession of arms shall be allowed with the permission

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1- Crusade

2- The Chapter of the Spoils, Verse 60

of official authorities.

**Chapter Ten  
FOREIGN POLICY**

**ARTICLE 152** - The foreign policy of the Islamic Republic of Iran shall be based on the negation of exercising or accepting any form of domination whatsoever, safeguarding all-embracing independence and territorial integrity, defence of the rights of all Muslims, non-alignment with domineering powers, and peaceful and reciprocal relations with non-belligerent States.

**ARTICLE 153** - It shall be prohibited to conclude any treaty or agreement whatsoever that will result in the alien domination over the natural and economic resources, culture, Army and other concerns of the country.

**ARTICLE 154** - The Islamic Republic of Iran regards the happiness of Man in the Human Society as its aspiration and recognizes independence, freedom and the rule of right and justice as the right of all the people of the world. Therefore, while completely refraining from any interference in the internal matters of other nations, it supports the rightful struggle of the oppressed people against their oppressors anywhere in the world.

**ARTICLE 155** - The Government of the Islamic Republic of Iran may grant political asylum to those seeking refuge in Iran, with the exception of those who are recognized as traitors and terrorists according to the laws of Iran.

**Chapter Eleven  
THE JUDICIARY**

**ARTICLE 156** - The judiciary shall be an independent power that protects individual and social rights, shall be responsible for implementing justice and shall carry out the following functions:

1. To examine and pass judgments in respect of litigations, violations, complaints; to settle lawsuits, resolve hostilities and to take necessary decision and action in respect of that part of matters of personal status to be laid down by law.
2. To restore public rights and to promote justice and lawful freedoms.
3. To supervise the proper implementation of laws.
4. To uncover crimes, to prosecute and punish the criminals and implement

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Hodoud<sup>(1)</sup> and the Islamic codified penal provisions.

5. To take suitable measures for preventing the commission of crime and to reform the offenders.

**ARTICLE 157** - For the purpose of carrying out the responsibilities of the judiciary in all judicial, administrative and executive matters, the Leader shall appoint, for five years, a Mojtaheh<sup>(2)</sup> who is just, has knowledge of judicial matters, is prudent and has managerial skills, as the Head of the judiciary who shall be the highest authority of the judiciary.

**ARTICLE 158** - Functions of the Head of the judiciary are as follows:

- 1- To create the necessary organizational structure at the justice Administration, commensurate with the responsibilities set forth in Article 156.
- 2- To draw up bills related to the judiciary, compatible with the Islamic Republic.
- 3- To employ just and competent judges, to appoint and dismiss them, transfer them to other places, define their jobs, promote their ranks, and such other administrative matters, in accordance with law.

**ARTICLE 159** - The Justice Administration shall be the official authority to deal with grievances and complaints. The manner of establishment of courts and their jurisdictions shall be laid down by law.

**ARTICLE 160** - The Minister of Justice shall be responsible for all matters concerning the relations of the judiciary with the Executive and the Legislature Branches. He shall be appointed from among those proposed to the President by the Head of the judiciary.


The Head of the judiciary may delegate to the Minister of Justice full financial and administrative authorities as well as the authorities for employment of personnel other than judges. In such case the Minister of justice shall have the same authorities and responsibilities which are laid down by law for other ministers as the highest executive authority [of their respective ministries].

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1- Penance by the lash

2- Doctor in Religious Law





*Constitution of I.R. of Iran*

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**ARTICLE 161** - With a view to exercising supervision on the proper implementation of law by the courts of law, creating uniform and binding judicial precedent and carrying out the responsibilities assigned to it by law, a Supreme Court shall be established on the basis of rules and criteria laid down by the Head of the judiciary.

**ARTICLE 162** - The President of the Supreme Court and the Attorney General shall be just Mojtaheds<sup>(1)</sup> conversant with judicial matters. The Head of the judiciary shall appoint them for these positions for a period of five years in consultation with the judges of the Supreme Court.

**ARTICLE 163** - The qualifications and conditions of judges shall be laid down by law in accordance with the criteria of Fegh<sup>(2)</sup>.

**ARTICLE 164** - A judge may not be removed provisionally or permanently from his position without having been tried and his guilt or violation, which is the basis of his dismissal, having been proved; neither may he be transferred to another place nor his position be changed without his consent unless it is in the interests of the society by the Head of the judiciary after consulting with the President of the Supreme Court and the Attorney General. Periodic transfers of judges shall be made on the basis of general rules and regulations laid down by law.

**ARTICLE 165** - Trials shall be conducted openly and the presence of people therein shall be allowed unless the court decides that it would be contrary to public morals or public order, or in private lawsuits where the parties to it request that the trial be held in camera.


**ARTICLE 166** - Judgments of courts must be substantiated and supported by articles of law and the principles on the basis of which such judgments are rendered.

**ARTICLE 167** - A judge shall be required to try to find out the verdict of every lawsuit in codified laws; if he fails to find out, he shall render a verdict

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1- Doctor in Religious Law

2- Religious Jurisprudence



*Constitution of I.R. of Iran*

on the matter under consideration based on authentic Islamic sources or authoritative Fatwas <sup>(1)</sup>. He may not refrain from dealing with the case and rendering a judgment on the pretext of silence, inadequacy or brevity of or contradiction in codified laws.

**ARTICLE 168** - Investigation of political crimes and press offences shall be open and shall be carried out by a court of law in the presence of a jury. The manner of appointment, qualifications and authorities of the jury, and the definition of a political crime shall be laid down by law on the basis of Islamic precepts.

**ARTICLE 169** - No act or omission of an act may be regarded as a crime retroactively by virtue of a law enacted thereafter.


**ARTICLE 170** - Judges of courts shall be required to refrain from implementing Government decrees and regulation which are contrary to law or the rules of Islam or beyond the limits of authorities of the Executive. Anyone may apply to the Administrative High Court<sup>(2)</sup> for the annulment of such regulations.

**ARTICLE 171** - Should someone suffer moral or material loss as a result of interpretation, or mistake of fact or of law by a judge, or application, by him, of a rule on a particular case, in the event of default, the defaulting judge shall stand as a guarantor according to the principles of Islam, otherwise the losses shall be indemnified by the State. In any event, the accused person shall be rehabilitated .

**ARTICLE 172** - For the purpose of investigating the crimes related to the special military or police duties of the members of the Army, Police and the Islamic Revolutionary Guard Corps, military courts shall be established in accordance with law. However, their ordinary crimes or those committed in their capacity as law enforcement officers shall be investigated by the public courts. Military prosecutor's office and military courts are a part of the Judiciary and shall be subject to provisions related to the Judiciary.

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1- Religious Injunctions



*Constitution of I.R. of Iran*

**ARTICLE 173** - For the purpose of dealing with complaints, grievances and objections of people against Government employees, institutions or administrative regulations and redressing their rights, a court known as the Administrative High Court shall be established under the supervision of the Head of the Judiciary.

The scope of authorities and the mode of operation of such court shall be laid down by law.

**ARTICLE 174** - On the basis of the right of supervision by the Judiciary on the good conduct of affairs and proper implementation of laws by the administrative departments, an organization known as the "State Chief Inspectorate" shall be established under the supervision of the Head of the Judiciary.

The scope of authorities and functions of this organization shall be laid down by law.

**Chapter 12**

**SEDA VA SEEMA <sup>(1)</sup>**

**ARTICLE 175** - Freedom of speech and expression of ideas must be guaranteed at the Seda Va Seema-e Jomhouri Islami Iran<sup>(1)</sup>, with due observance of the principles and criteria of Islam and the interests of the country.

The Leader appoints and dismisses the Head of the Seda va Seema-e-Jomhouri Islami Iran. A Council composed of representatives of the President, the Head of the Judiciary and the Majlis (two representatives of each) shall exercise supervision over this Corporation.


The Corporation's policy, the manner of its management and supervision over it shall be laid down by law.

**Chapter 13**

**NATIONAL SECURITY HIGH COUNCIL**

**ARTICLE 176** - With a view to safeguarding national interests, and protecting the Islamic Revolution, territorial integrity and national sovereignty, a "National Security High Council" headed by the President shall be

1- Radio and Television (The Islamic Republic of Iran Broadcasting Corporation)



*Constitution of I.R. of Iran*

established, which shall have the following responsibilities:

- 1- To determine the national defence /security policies within the framework of general policies laid down by the Leader.
- 2- To coordinate political, intelligence, social, cultural and economic activities in relation to general defence /security policies.
- 3- To exploit material and non-material resources of the country for facing internal and external threats.

The members of the Council consist of:

- Heads of the three Powers<sup>(1)</sup>
- Chief of the Supreme Command Council of the Armed Forces
- The official in charge of the Plan and Budget matters
- Two representatives nominated by the Leader
- Minister of Foreign Affairs, Minister of the Interior, and Minister of Intelligence.
- A minister concerned with the subject, and the highest authorities of the Army and Guard Corps.

Commensurate with its responsibilities, the National Security High Council shall establish sub-committees such as defence sub-committee and national security sub-committee. The sub-committees shall be headed by the President or one of the members of the High Council appointed by the President.

Limits of authorities and functions of the sub-committees shall be laid down by law, and their organizational structure shall be approved by the High Council.

Approvals of the National Security High Council shall be enforceable after ratification by the Leader.

#### **Chapter 14**

### **REVIEW IN THE CONSTITUTION**

**ARTICLE 177** - Review in the Constitution of the Islamic Republic of Iran, when necessary, shall be made in the following manner. The Leader, after consulting with the Majma-e-Tashkhis-e-Maslehat-e-Nezam<sup>(2)</sup> shall propose, in an order addressed to the President, the amendments in or additions to

1- i.e. Executive, Legislature and Judiciary

2- Regime's Expedience Council

## *Constitution of I.R. of Iran*

the Constitution to the Constitutional Review Council, which shall consist of the following:

- 1- Members of the Guardian Council
- 2- Heads of the three Powers<sup>(1)</sup>
- 3- Permanent members of the Majma-e-Tashkis-e-Maslehat-e-Nezam<sup>(2)</sup>
- 4- Five members of the Leadership Assembly of Khobregan<sup>(3)</sup>
- 5- Ten representatives appointed by the Leader
- 6- Three members of the Council of Ministers
- 7- Three representatives from the Judiciary
- 8- Ten representatives of the Majlis-e-shura-e-Islami<sup>(4)</sup>
- 9- Three academics.

The manner of working and election and conditions thereof shall be laid down by law.

Approvals of the Council, after ratification and assent by the Leader, must be approved through referendum by the absolute majority of those participating in the referendum.

It is not necessary to observe the provisions of Article 59 with respect to referendum on the "Constitutional review".

The substance and spirit of the Articles<sup>(5)</sup> related to the Islamic nature of the System, the Islamic criteria constituting the basis of all rules and regulations, the foundations of faith, the objectives of the Islamic Republic of Iran, the republican form of government, the Velayat-e-Amr va Imammat-e-Ommat<sup>(6)</sup> management of the country's affairs on the basis of referendum; the official religion and faith of Iran are immutable.

Moreover, the Constitutional Review Council approved that:

1. In all the articles, chapters and preamble of the Constitution of the Islamic Republic of Iran the expression "National Consultative

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1- i.e. Executive, Legislature and Judiciary

2- Regime's Expedience Council

3- Experts

4- The Islamic Consultative Assembly

5- i.e. of the Constitution

6- Rule and politico-religious leadership of the nation by the Imam

**Constitution of I.R. of Iran**

1. "Assembly" be changed to "Islamic Consultative Assembly".
2. Title of Treatise I, Chapter 9, be changed to "President and Ministers", and the title "Treatise III" in the same Chapter (before Article 143) be changed to "Treatise II".
3. The title "Chapter 12, Mass Media" be changed to "Chapter 12, Seda va Seema."
4. Before Article 176 the title "Chapter 13, the National Security High Council" , and before Article 177 the title "Chapter 14, Review in the Constitution" be added.

The changes and amendments in the Constitution, totalling to forty-eight codified Articles, were drafted and finally ratified, together with the foregoing explanations, at the 38th through 41st final sessions, seventeen thru twenty Tir, One Thousand three hundred Sixty-eight,<sup>(1)</sup> of the Constitutional Review Council.

**Ali Meshkini**  
**Chairman, the Constitutional**  
**Review Council**

1- Corresponding to July 8 thru 11 /1989

مجلس شورای اسلامی



**Islamic Consultative Assembly  
Public Relations Department**