by the two chambers. The powers of this Assembly shall be limited to the revision of the articles determined by the two Chambers and confirmed by His Imperial Majesty.

The decisions of the Constituent Assembly will require a two-thirds majority of the total number of members and they will be put into execution after approval by His Imperial Majesty.

This article does not affect any of the articles of the Constitution and the supplementary Law which have reference to the Holy Religien of Islam and the official creed of the country which is the Ja'fari doctrine of the Shi'ah Sect with twelve Imams and its tenets, or to the Constitutional Monarchy of Iran, which are unchangeable for eternity.

Concerning articles 4, 5, 6, and of the Constitution and the interpretation of article 7 as well as article 8 of the Constitution and article 49 of the supplementary Constitutional Law and, taking into consideration precedents, and the laws previously enacted in connection with these articles, the National Consultative Assembly and the Senate which will be formed after the ratification of the present article will meet to revise the said articles immediately after both Chambers officially assume their functions. with this objective, the two Chambers will convene with the President of the senate in the chair and will decide on the necessary amendments by a majority vote of two-thirds of their total membership. These amendments will be put into effect after they have been confirmed and signed by His Imperial Majesty.

يتال جامع علوم الثاني

Article 106.

No foreign armed force may be admitted into the service of the state or reside in or pass through any part of its territory except in accordance with the law.

Article 107.

The military may not be deprived of their salaries (rights), ranks and dignities except in accordance with the law.

Copy of Imperial Rescript In the Name of God Almighty'

This supplementary Constitutional Law has been noted and found to be all right. We shall if God wills, personally guard and watch all its provisions. Our sons and descendants, too, shall support these sacred principles, inshallah!

Imperial palace, Tehran,

Shaban 29, 1325 lunar year of The Hegira (Oct. 8, 1807)

Resolution by the Constituent Assembly dated May 8, 1949 (Ordibehesht 18, 1328), to Annex and Additional Article to the Supplementary Constitutional Law and Modify Article 45 of

the Constitutional Law

Whenever the National Consultative Assembly and the Senate separately vote by a two-thirds majority of all their members, either on their own proposal or on a proposition of the Government, the necessity of revising one or several specific articles of the Constitution or of the Supplementary Law, and His Imperial Majesty confirms the opinion of the Chambers, a Constituent Assembly shall be elected and convened by Imperial order.

The Constituent Assembly shall be composed of a number of members equal to the legal total of the National Consultative Assembly and of the Senate. The elections to the Constituent Assembly shall take place according to a law which shall be ratified

Article 100.

No order may be issued for payment of any allowance or gratuity from the Government Treasury except in accordance with the law.

Article 101.

The members of the Financial Tribunal shall be elected by the National Consultative Assembly for a term to be fixed by law.

Article 102.

The Financial Tribunal is responsible for verifying and controlling the accounts of the Ministry of Finance, and for settling the accounts of all accountants of the Treasury.

It shall take particular car to see that no item of the expenditure shown in the budget shall exceed the fixed limits or undergo any change or alteration, and that each cum shall be expended on the object for which it was allocated. At the same time it shall control and audit the various accounts of all departments of the Government and shall collect the vouchers of the accounts. It shall submit to the National Consultative Assembly a statement of all the accounts of the country with its comments appended.

Article 103.

The constitution, organization and management of the Tribunal shall be in accordance with law.

The Army

Article 104.

The law determines the manner of recruiting the army. The duties and rights of the military, as well as their promotions, are regulated by law.

Article 105.

Military expenditure shall be approved each year by the National Consultative Assembly.

Article 92.

The provincial and district councils have the authority to exercise complete supervision over reforms in the public interest, subject to the provisions of the laws in force.

Article 93.

Te account of the receipts and expenses of all kinds in the provinces and districts shall be printed and published by the councils.

Finance

Article 94.

No tax may be imposed except in accordance with the law.

Article 95.

The law shall specify cases of exemption from taxation.

Article 96.

The scale of taxation shall be fixed and approved annually by the National Consultative Assembly by a majority of votes.

Article 97.

In matters of taxation there shall be no difference or distinction amongst individuals who compose the nation.

Article 98.

Exemption from or reduction of taxation shall be the subject of a special law.

Article 99.

Apart from cases specificially excepted by the law, no payment may be exacted from the inhabitants on any ground save those decreed as state, provincial, district and municipal taxes.

Article 85.

The presidents of the courts of justice may not accept salaried State offices, unless they agree to serve without salary and provided such agreement is not inconsistent with the law.

Article 86.

A Court of Appeal shall be instituted in the capital of each province for judicial affairs as expressly provided for by the judical laws.

Article 87.

Military courts shall be organized throughout the country in accordance with special laws.

Article 88.

Arbitration in cases of dispute as to the limits of the administrations and functions of the State shall be referred to the supreme Court in accordance with the provisions of law.

Article 89.

The Ministry of Justice and the courts shall enforce public orders as well as provincial, district and municipal regulations when they are in conformity with the law.

The Provincial and District Councils

Article 90.

Throughout the whole empire provincial and district councils shall be set up in accordance with special regulations. The fundamental laws affecting these councils are as follows:

Article 91.

The members of the provincial and district councils shall be elected directly by the inhabitants in accordance with the regulations for these councils.

Article 81.

No judge of the courts of justice may be provisionally or permanently changed from his office without his case being tried and his offence proved, unless he resigns.

Article 82.

A judge of the courts of justice may not be transferred without his own consent (See interpretation in the footnote).*

Article 83.

The king appoints the Public Prosecutor with the approval of the religious judge.

Article 84.

The salaries of members (judges) of the courts of justice shall be fixed by law.

* Interpretation of Article 82 of the Supplementary Constitutional Law, voted by the parliamentary Committee of Judicial Laws on August 18, 1931 (Mordad 26, 1310).

Clause 1. Article 82 of the Supplementary Constitutoinal Law implies that no judge of the courts of justice may be transferred without his own consent from judical to administrative duties or as an officer attached to the office of the public prosecutor or prosecuting attornies. It would not be a contravention of this article to change the place of assignment of judges, due regard being given to their grades.

Clause 2. No judge or prosecuting attorney may be assigned more than three years to places where the water and climate are bad except with his own consent.

No judge or officer attached to the office of public prosecutor or prosecuting attorney having served at posts where the weather is inclement may be assigned to another such post without his own consent for a period of five years from the date of the termination of his assignment at that post.

Each year of service by such officials at posts where the weather is inclement after this law goes into effect shall be calculated as two years at the time of promotion, provided they should have served at least two full years at said posts.

Clause 3. Judges whose posts are changed with due regard to Clause 1 of this law, but who refuse to accept their assignment, shall be considered as unsuberdinate and shall be tried before the disciplinary court and punished in accordance with the regulations of the Ministry of Justice.

Clause 4. The second provision of Article 1 of the Law relating to the Employment of Judges and Officers attached to the Office of public prosecutor or Prosecuting Attornies voted on March 20, 1928 (Esfand 28, 1306) shall not apply to graduates of the first term of the Judicial Service Class in the Ministry of Justice.

Clause 5. This law shall go into effect as of September 7, 1931 (Shahrivar 15, 1310).

Article 74.

No court may be held contrary to the provisions of the law.

Article 75.

There shall be only one Supreme Court for temporal cases in the whole country and it shall sit in the capital; it shall not deal with any cases of first instance, except suits versus Ministers.

Article 76.

The hearings of all the courts shall be Public, except where publicity would be prejudicial to public order or morality. In such case the court shall declare the necessity of a hearing in camera.

Article 77.

In political and press offences, where it is advisable that the proceedings should be private, this must be decided on with the unanimous vote of all the members of the tribunal.

Article 78.

The decisions handed down by the courts must be substantiated by evidence and proof; and the articles of the Law in accordance with which judgment has rendered must be cited and read in public.

Article 79.

In political and press offences, a jury must be present in the courts.

Article 80.

The presidents and members of the courts of justice shall be chosen in conformity with the laws of the judiciary and shall be appointed by Royal decree.

Article 69.

The National Consultative Assembly or the Senate shall denounce to the Supreme Court offences committed by Ministers. The supreme Court shall conduct a trial in the presence of all its members except when the charge and the suit do not refer to questions relating to Government departments entrusted to them personally, but concern the Minister as a private individual.

Note. - So long as the supreme Court has not been organized, it shall be replaced by a body elected from the members of the two Chambers in equal numbers.

Article 70.

When Ministers are impeached by the National Consultative Assembly or the senate, or accused by private Plaintffs on charges relating to the operation of their departments, the determiniation of the offences and penalties to which they are liable shall be regulated by a special law.

Power of the Courts

Article 71.

The Ministry of Justice and the judical courts are the official authority to which public grievances should be submitted; adjudication of religious matters is the function of just and equitable doctors of Islamic theology possessing the necessary qualifications.

Article 72.

Disputes concerning political come within the jurisdiction of the courts of justice, except as provided by the law.

Article 73.

The establishment of temporal tribunals depends of the authority of the law; no one, under any or on any pretext, may set up a court contrary to the provisions of the law.

Article 61.

Ministers, besides being individually responsible for the affairs of their own Ministry, are also jointly responsible for general matters before the two Chambers, and are collectively bound for one another's actions.

Article 62.

The number of Ministers shall be fixed by law according to need.

Article 63.

The title of honorary Minister is strictly forbidden.

Article 64.

The Ministers may not invoke written or verbal orders of the king in order to disavow their responsibilities.

Article 65.

The National Consultative Assembly or the Senate can call Ministers to account and bring to trial.

Article 66.

The responsibility of Ministers and the punishments to which they may be liable shall be determined by law.

Article 67.

When the National Consultative Assembly or the Senate, by a full majority of votes, declares itself dissatified with the Cabinet or a Minister, the Cabinet or Minister shall be considered as dismissed.

Article 68.

Ministers may not assume any salaried office other than that of Minister.

Article 54.

The king may order an extraordinary meeting of the National Consultative Assembly and the Senate.

Article 55.

Money is coined in the name of the King, in conformity with the law.

Article 56.

The costs and expenses of the Royal Court shall be determined by law.

Article 57.

The prerogatives and powers of the King are only those expressly mentioned in this constitutional law.

The Ministers

Article 58.

No one may be nominated Minister unless he is a Moslem of Iranian origin and an Iranian subject.

Article 59.

The Princes of the first degree that is to say, the sons, brothers and paternal uncles of the reigning king — may not be nominated as Ministers.

Article 60.

The Ministers are responsible to the two Chambers; whenever they are summoned by one of the Houses, they must appear before it, and they must observe the limits of their responsibility in such matters as are committed to their charge.

^{*} This amendment passed on May 16, 1957 by the senate and National Consultative Assembly in a joint meeting of Congress, in conformity with the last portion of the Article annexed to the supplementary Constitutional Law.

Article 48.

The nomination of the heads of Government departments, internal or foreign, is the king's right with the approval of the responsible Minister, except where the law provides otherwise. However, the nomination of other efficials is not a concern of the king, except as expressly provided by the law.

Article 49.

It is one of the King to issue decrees and give orders for the enforcement of laws, without ever having the power to delay or postpone their enforcement. If His Majesty the king finds a revision necessary in the laws relating to the financial affairs of the country which are a prerogative of the National Consultative Assembly, he shall return the laws the National Consultative Assembly for re-examination. In case the National Consultative Assembly confirms its previous view by a majority vote of three-fourths of the members present in the capital, His Imperial Majesty shall sign the law.

Article 50.

The commander-in-chief of all the land and sea forces is the King in person.

Article 51.

The declartion of war and the conclusion of peace are functions of the King.

Article 52.

Treaties the secrecy of which is essential as provided by Article 24 of the Constitutional Law of December 30, 1906, must, as soon as the reasons which necessitated such secrecy cease to exist and the interests and security of the country allow, be brought by the king to the notice of the National Consultative Assembly and the senate with all necessary explanations.

Article 53.

The secret clauses of a treaty may not nullify those made public.

Article 41.

In the event of the decease of the King, the National Consultative Assembly and the senate shall of necessity meet, and the meeting of the two Houses must not be postpond more than ten days after the death of the King.

Article 42.

If the term of office of the members of either or both Assemblies expires during the life of the king and if new members have not yet been elected at the time of the king's decease, the old members shall reassemble, and the two Houses shall meet again.

Article 43.

The king cannot take charge of another country without the consent and approval of the National Consultative Assembly and the Senate.

Article 44.

The king is free of responsibility. The Ministers of state are responsible for all matters to both Chambers.

Article 45.

Decrees and rescripts of the King relating to the affairs of the country shall be put into effect (only) when they have been signed by the responsible Minister who is responsible for the contents of the decree and rescript.

Article 46.

The Ministers are appointed and dismissed by decree of the king.

Article 47.

It is a prerogative of the king to confer military ranks, decorations and other honorary distinctions in conformity with the law.

Article 38.

(As amended December 12, 1925). In the event of the transfer of the throne, the Crown prince shall personally perform the functions of royalty when he has reached twenty years of age (to be calculated on the basis of the solar calendar). If he has not reached that age a regent, who shall not be of the Qajar family, shall be elected by the National Consultative Assembly.

Article 39.

No king may ascend the throne unless, prior to his coronation, he appears before the National Consultative Assembly, and in the presence of the members of the Assembly, the Senate and the Cabinete, he shall have taken the following oath:

"I call upon God Almighty as witness, and I swear upon the Glorious word of God (the Qor'an) and upon all that is respected by God to exert all my efforts to preserve the independence of Iran, to protect the frontiers of the country and the rights of the nation, to be the guardian of the constitutional law of Iran and to reign accordingly and in conformity with established laws, and to endeavor to promote the Ja'fari doctrine of the (Shi'ah) sect of Twelve Imams, and in all my deeds and actions I shall remember God, Most Glorious as being present and watchful, and shall have no aim but the happiness and greatness of the State and the Nation of Iran. And I seek the aid of God, whose help is begged (by all) to serve the progress of Iran with success, and I seek the help of the holy spirits of the great Saints of Islam."

Article 40.

Likewise, no one chosen as Regent may assume his functions until he has taken the above oath.

^{** (}continued) Single Article. By "mother of Iranian origin" mentioned in Article 3 of the supplementary Constitutional Law mother is meant who in accordance with Paragraph 2 of Article 976 of the Civil Code is of Iranian, ancestry, or mother who prior to marriage with the king or with the Crown prince of Iran should have been granted Iranian quality, as required by the high interests of the country, on the recommendation of the Government, with the approval of the National Consultative and by decree of the recoving Soverign.

Rights of the Throne in Iran

Article 35.

The sovereignty is a trust confided, by the Grace of God, to the person of the King by the nation.

Article 36.

(As amended December 12, 1925). The constitutional monarchy of Iran is vested by the people through the Constituent Assembly in the person of His Imperial Majesty Reza shah Pahlavi and his male descendants in succession.*

Article 37.

(As amended December 12, 1925). The (right of) succession to the throne shall rest with the eldest son of the King. Whose mother must be of Iranian origin.** If the King has no make

[•] The three articles which repealed by the Constituent Assembly on December 12, 1925, were as follows:

[&]quot;Articles 36. (repealed): The Constitutional Monarchy of Iran is vested in the person of His Imperial Majesty Sultan Mohammad Ali shah Qajar, may God prolong his sovereignty, and in his heirs, generation after generation.

Article 37. (repealed): The succession to the Throne, when there are more than one son, passess to the eldest son of the King whose mother is a princess of Iranian origin. In case the King should have no male issue, the eldest (person) in the Royal Family who is next of king shall succeed to the Throne. If, however, in the hypothetical case mentioned above, male heirs should subsequently be born to the king, the succession will de jure revert to such heir.

[&]quot;Article 38. (repealed): At the time of the transfer of the Throne the Crown Prince can undertake in person the functions of the Throne (only) when he has attained the age of eighteen years. If he has not reached this age, a Regent shall be chosen with the approval of the National Consultative Assembly and the senate in joint session, until such time as the Crown prince shall attain the age of eighteen years.

^{**} This Article was interpreted as follows by Act of the Majlis, approved on November 5, 1938. (Aban 14, 1317), so are as it concerns.

The words "Iranian origin": (Continued next page).

Child, the nomination of the Crown prince Shall be made at the suggestion on the King and with the approval of the National Consultative Assembly, on condition that this Crown prince shall not be a member of the Qajar family; but at any time, if a son is born to the king, he shall be Crown prince by right.

Article 31.

No one may be a member of both Houses at the same time.

Article 32.

If one of the members of one or the other House* is employed with a salary in one of the departments of the Government, he shall cease to be a member of the Assembly. To return to the Assembly as a member, he must resign his Government post and be reelected by the people.

Article 33.

Each of the two Assemblies has the right to investigate and examine any affair of the State.

Article 34.

The discussions of the senate shall ineffective when the National Consultative Assembly is not in session.**

^{*} Translator's Note: The term Vokala (Plural of Vakil) has been used in Article 30 supra to apply to members of both Houses. The same term has been again used in Article 32, both of which fall under the heading "The Rights of Members of both Houses". It has, therefore, been translated here as "members of one or the other house".

With regard to the Deputies, the National Consultative Assembly passed a law on July 14, 1927 (Tirmah 22, 1306), further clarifying this Constitutional provision. Here follows a translation of that law:

Article 1. - All Chiefs of Government offices are deprived of the right to be elected as Deputy to the National Consultative Assembly from the place where they have been assigned to duty, and also Cabinet Ministers and their Under Secretaries from all parts of the country at the time of elections.

Article 2. - Until the expiration of any legislative term, the Deputies of the National Consultative Assembly may not accept any Government office with salary unless they should have resigned as Deputies three months before they accept such (Government) service.

With regard to Senators the Senate adopted the following resolution on October 23, 1951 (Aban 1, 1330) which forms an annex to the Internal Regulations (the Rules of Procedure) in the senate:

[&]quot;The acceptance by senators of Government offices such as Cabinet Minister, Governor General and Ambassador shall hereafter be tantamount to resignation from their seats in the Senate."

^{**}Literally "during the period of dissolution of the National Consultative Assembly."

Article 27.

The powers of the State are divided three parts:

1) The legislative power, whose special function is to make and modify the laws, This power is derived from His Imperial Majesty, the National Consultative Assembly and the Senate. Each of these three sources has the right to introduce laws, but any project of law becomes law only when it is not at variance with religious principles of Islam, and is approved by the two Houses and signed by His Imperial Majesty. However, the enactment and approval of laws concerning the revenues and expenditures of the country are especially reserved to the National Consultative Assembly.

The explantion and interpretation of the laws are amongst the special functions of the National Consultative Assembly.

- 2) The judicial power, whose function is to determine the right, is reserved to the religious courts in matters relating to the shariat (Islamic Law) and to temporal courts in secular matters.
- 3) The executive power is reserved to the king, that is to say, the laws and decrees shall be carried out by the Ministers and State officials in the august name of His Imperial Majesty in such manner as Law defines.

Article 28.

The three above-mentioned powers shall always remain separate and distinct from one another.

Article 29.

The special interests of each province, district and county shall, with the approval of provincial, district or county councils, be arranged and regulated in accordance with special laws.

Rights of the Members of the Two Houses

Article 30.

The deputies and senators represent the whole nation and not only the particular classes of the people or the provinces, districts or counties which have elected them.

Article 21.

Societies (anjumans) and associations (ijtimaat) which are not productive of mischief to Religion or the state. and are not injurious to good order, are free throughout the whole Empire, but members of such associations must not carry arms, and must obey the regulations laid down by the Law on this matter. Assemblies in the public through fares and open spaces must likewise obey the police regulations.

Article 22.

Correspondence passing through the post is safeguarded and exempt from seizure or examination, save in such exceptional cases as the Law lays down.

Article 23.

It is forbidden to disclose or detain telegraphic correspondence without the express permission of the owner, save in such cases as the Law lays down.

Article 24.

Foreign subjects may become naturalized as persian subjects, but their acceptance or continuance as much, or their deprivation of this status, is in accordance with a separate law.

Article 25.

No special authorization is required to proceed against government officials in respect of shortcomings connected with the discharge of their public functions, save in the case Minsters, in whose case the special laws on this subject must be observed.

Powers of the State

Article 26.

The powers of the State are derived from the nation. The method of exercising these powers is regulated by the constitutional law.

Article 15.

No one may be dispossessed of his property, except in cases authorized by religious law, and then only after the fair value (of such property) has been determined and paid.

Article 16.

The confiscation of the real property, goods and chattels (or possessions) of individuals as a penalty is forbidden except in conformity with the law.

Article 17.

The dispossession on any grounds whatever of propertyowners or possessors of the real property and possessions is forbidden except by order of the law.

Article 18.

The study and teaching of science, education and art are free, except as prohibited by religious law.

Article 19.

The institution of schools at the expense of the State and the nation and compulsory education shall take place according to the law relating to the Ministry of Education. All schools and colleges must be under the supreme control and supervision of that Ministry.

Article 20.

All publications, except heretical books and matters hurtful to the perspicuous religion (of Islam) are free, and are exempt from the censorship. If, however, anything should be discovered in them contrary to the press law, the publisher or writer is liable to punishment according to that law. If the writer be known, and be resident in Persia, then the publisher, printer and distributor shall not be liable to prosecution.

The Rights of the Iranian People

Article 8.

The inhabitants of the Empire of Iran shall enjoy equal rights before the law.

Article 9.

Individuals are protected and safeguarded against offences of any kind against their lives, their property, their homes and their honour. No one may be molested, except in accordance with the laws of the land.

Article 10.

Except in the case of crimes, misdemeanors and serious offences, no one may be summarily arrested without an order signed by the president of the Court of Justice in conformity with the law; even in this case the accused must immediately, or at latest within twenty-four hours, be informed and notified of the charge against him.

Article 11.

No one may be removed from the court which must render judgment on his case and forced to another tribunal.

Article 12.

No penalty may be decreed or carried out except in accordance with the law.

Article 13.

Everyone's house and dwelling is protected and safe-guarded. No one may enter forcibly into any dwelling except by order of and in conformity with the law.

Article 14.

No Iranian may be exiled, or forbidden or compelled to reside in any particular place, except in cases specified by law.

ciples of Islam. It is, therefore, solemnly laid down that at all times there shall be constituted as follows body of at least five devout doctors of Islamic law and jurisprudence who shall at the same time be conversant with the exigencies of their age: most learend doctors of theology in Islam who are recognized as such and whose example is followed by the shiites shall nominate to the National Consultative Assembly twenty doctors of theology possessing the above qualifications; the members of the Assembly shall choose five or more of them, according to circumstances, by a unanimous vote or by drawing lots, and shall recognize them as members so that they may carfully discuss and deliberate the bills proposed in both Houses, and reject (veto) any that contravene the holy principles of Islam, so that they shall not become law; the decisions of this body of doctors of theology on this point shall be followed and obeyed. This clauses may not be modified until the Advent of the Imam of the Age, may God hasten reappearance!

Article 3.

The frontiers of Iran and the boundaries of the provinces, districts and counties cannot be changed except by law.

Article 4.

The capital of Iran is Tehran.

Article 5.

The official colors of the flag of Iran are green, white and red. The emblem is a Lion and sun.

Article 6.

The lives and property of foreign nationals resident in Iranian are safe and protected, except as subject to the laws of the country.

Article 7.

The principles of the Constitution may not be suspended either wholly or in part.

متمم قانون اساسي ايران بانكليسي

Supplementary Constitutional law of October 8, 1907

In the name of God, the Compassionate, the Mercifull

The following clauses complete the fundamental law of the Constitution of the State of Iran, according to the fundamental law signed on August 6, 1906 (Zulqa'deh 14, 1324 A.H.) by the late Mozaffar-ed-Din shah Qajar, may the light of God shine his grave'

General Principles

Article 1.

. The State religion of Iran is Islam, according to the true Ja'fariya doctrine, recognizing twelve Imams. The shah of Iran must profess and propagate this faith.

Article 2.

At no time may the enactments of the sacred National Consultative Assembly, which has been constituted with the aid and favor of His Holiness the Imam of the Age (Imam Mahdi, the Twelfth Imam) may God hasten his appearance' the support of His Imperial Majesty, may God immortalize his reign' and under the supervision of the learned doctors of the theology, may God increase their number' and by the whole Iranian people, be at variance with the sacred precepts of Islam and the laws laid down by His Holiness the Best of Mankind (the prophet), may the blessings of God rest upon him and his descendants' It is plain that the learned doctors of theology, may God prolong their beneficient lives' are charged with the duty of determining any contradiction between the laws made by the Assembly and the prin-

^{*} i.c., until the Twelfth Imam shall return to establish the reign of perfect justice.