

**In the Name of Allah,  
the Magnificent, the Merciful**



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



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

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## **Publisher's Note**

Constitution is the highest legal document in every country and also a guide for compilation of other laws. Political principles, the structure of government and political hierarchy, status and the scope of political power have been specified in constitution. It also determines and guarantees the rights of citizens.

The formation of the concept of constitution in Iran dates back to mid 19th century. This period coincides with the middle years of Ghajar Dynasty in Iran (1783-1926) when the oppression and corruption expanded by the government and this led to the weakening of the foundation of government. On the other hand, other developments in the West as well as the role of Iranian students studying in western universities gradually made the middle class in Iran more conscious who requested civil liberties, social rights and establishment of judicial system. After the assassination of the Naseredin Shah in 1897, the power of the ruling authority was considerably weakened. When the next King, Mozafaredin Shah, came to power, public uprising to end the rule of the dictatorial government and the establishment of the judicial system started. Due to extensive public uprising, Mozafaredin Shah surrendered to the public's

expectation and ordered a modern judicial system to be established in 1904. However, this order did not decrease public's dissatisfaction. People wanted to determine their own destiny and finally Mozafaredin Shah ordered a consultative assembly be established in 1905. The decisions of this assembly were implemented after the ratification of the King.

People continued uprising as they believed that the establishment of such assembly is insufficient. As the result, the king was forced to hold election and establish the first national parliament in Iran. The same parliament ratified the first constitution on 29 December 1907 consisting of 5 chapters and 51 articles. In 1921 Reza Shah, through the support of foreign colonial powers became prime minister through a coup. Reza Shah finally abolished Ghajar Dynasty in 1926 and established Pahlavi Dynasty. After the establishment of Pahlavi rule, lack of freedom, oppression and dictatorship increased considerably. Both Reza Shah and his son, the successor of Pahlavi Dynasty, changed different articles of the constitution in order to increase their dominance over society. As the result, the power to dissolve both parliament and senate was given to the king.

### **Political developments**

The dictatorship by the Pahlavi government, expansion of poverty, influence of foreign powers in Iran, and combating the religious beliefs of people through ratification of laws contrary to the independence and identity of the country such as Capitulation Law were made people to stand behind Imam Khomeini, the late Leader of the Islamic Republic of Iran. The Pahlavi regime imagined that sending Imam Khomeini to exile



will deprive people of leadership and will also stop people's uprising and that's why Imam Khomeini was sent to exile in 1968. In fact this gave Imam Khomeini an opportunity to train his students and followers in the seminary school of Najaf, Iraq. Imam Khomeini developed his idea regarding Islamic government and Velayat Faqih during the absence of the twelfth Imam of Shiite Muslims, Hazrat Mahdi (P.B.U.H) in his advanced jurisprudence courses. This idea was published in a book as his political and jurisprudence theory which was translated into different languages. Imam Khomeini's students and followers inspiring from his advice started propagation and struggle against the Pahlavi regime in different cities and seminary schools. The dictatorial regime of Pahlavi tried to maintain his rule over people through imprisonment, exile, execution and even massacre and the support of foreign powers. Finally, people's uprising and struggle succeeded and the Islamic Revolution under the leadership of Imam Khomeini was established and Pahlavi Dynasty was abolished. On 1st April 1980, in a referendum, the Iranian people voted in favor of the Islamic Republic of Iran through a free election with the result of 98.2% of votes. Consequently, the royal system in Iran came to an end after centuries leading to a republic system in Iran.

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

For compiling the new Constitution, on 3<sup>rd</sup> August 1980, 73 people representing an assembly (referred to Constitution Experts Council) to finalize the Constitution were elected through polls. On December 2<sup>nd</sup> and 3<sup>rd</sup> 1980, the decisions made by the same Council were made public and people went to the polls to

approve the first constitution. Consequently, 99.5% of the voting people approved the Constitution.

After 10 years since the establishment of the Islamic Republic of Iran, some shortcomings of the Constitution were detected and as the result, on April 24<sup>th</sup> 1989, Imam Khomeini, the late Leader of Islamic Republic of Iran, ordered a Constitutional review council be established so that same council reviews 8 different amendments to the Constitution.

On 28<sup>th</sup> July 1989, the amendments to the Constitution were approved by people through election in which 97.38% of the voting people approved the amendments. As the result of this amendment, two more chapters were added to the Constitution and articles regarding leadership, centralizing the powers, way to manage the Executive and the Judiciary, national TV, number of MPs, reviewing the Constitution, the State Expediency Council, National Security Council and the changing the name of the Islamic Parliament of Iran were either amended or added to the old Constitution.

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

The Constitution of the Islamic Republic of Iran consists of one introduction, 14 chapters and 177 articles. According to the Constitution, Islamic Republic of Iran is ruled based on Islamic beliefs and its legitimacy comes from the concept of Velayat Faqih and people's vote. The country is ruled by people through holding free elections. The leader, being as just jurisprudents, of the country is elected indirectly by people's vote through the Experts Council. The ruling powers in Iran are: the Legislature, the Executive and the Judiciary. Members of

the Islamic Parliament of Iran as well as the President are elected through the polls. The Guardian Council of the Constitution consisting of lawyers and jurists supervise the decisions made by the Parliament so that such decisions are based on Islamic laws.

On the occasion of the 30<sup>th</sup> anniversary of the victory of Islamic Revolution of Iran, Alhoda International Publishers & Distributors decided to translate and publish the Iranian Constitution into 30 wide spoken languages so that academic, legal and legislative centers as well as people in different countries become familiar with this law and learn more about the political structure, institutions and people's rights in Islamic Republic of Iran.



بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ  
لَقَدْ أَرْسَلْنَا رُسُلَنَا بِالْبَيِّنَاتِ وَأَنْزَلْنَا مَعَهُمُ  
الْكِتَابَ وَالْمِيزَانَ لِيَقُومَ النَّاسُ بِالْقِسْطِ...

*“We sent aforetime Our Messengers with clear signs, and We sent down with them the Book and the Balance that mankind may uphold justice...” (57: 25)*

## Preamble

The Constitution of the Islamic Republic of Iran sets forth the cultural, social, political, and economic institutions of Iranian society on the basis of Islamic principles and norms, which represent the earnest aspiration of the Islamic Ummah. This principal aspiration was defined by the very nature of the great Islamic Revolution of Iran, as well as the course, from birth to victory, of the struggle of the Muslim masses, as expressed in the decisive and forceful slogans raised by all segments of society, and now, at the dawn of this great victory, our nation seeks its fulfillment with all its being.

The basic characteristic of this revolution, which distinguishes it from other movements that have taken place in Iran during the past hundred years, is its ideological and Islamic character. At the conclusion of the Constitutional Movement against despotism and the anti-colonial movement relating to the nationalization of the oil industry, the Muslim people of Iran

learned from this costly experience that the clearly basic reason for the failure of these movements was their lack of an ideological basis.

Although the Islamic line of thought and the leadership provided by militant religious leaders played the main and essential role in these movements in recent history, nonetheless, the struggles waged in - the course of these movements floundered due to departure from genuine Islamic positions. Hence, under the leadership of the eminent marji‘ taqlīd (juristic authority), Āyatullāh al-‘Uīmā Imam Khomeini, the alert conscience of the nation realized the necessity of pursuing an authentic Islamic ideological course in its struggles. This time, the militant ‘ulamā’ (scholars) of the country, who, in conjunction with committed intellectuals and writers, had always been in the vanguard of popular movements, found new impetus through his leadership. (The birth of this movement of the Iranian people is set at 1382 H., corresponding with 1341 H. Sh. (solar Islamic calendar) or 1962 C.E.

### **The Dawn of the Movement**

The U.S. conspiracy known as the “White Revolution”, intended to stabilize the foundations of despotic rule and reinforce the political, cultural, and economic dependence of Iran on world imperialism, met with the devastating protest of Imam Khomeini, which initiated a general movement of the people culminating in the momentous revolution, marked with much bloodshed, of the Muslim Ummah in the month of Khurdad 1342 H. Sh. (June 1963). This revolution, which in reality marked the birth of this majestic and widespread

uprising, confirmed the axial role of Imam Khumayni as Islamic leader. The firm bond between the Imam and the people endured despite his exile from Iran resulting from his protest against the humiliating law of Capitulation (which provided legal immunity for American advisers), and the Muslim nation, particularly committed intellectuals and militant ‘ulamā’, continued their struggle in the face of banishment, imprisonment, torture and even execution.

Throughout this time the conscious and responsible segment of society enlightened the people from the strongholds of mosques, the centers of religious teachings, and universities. Drawing inspiration from the revolutionary and fertile teachings of Islam, they led an unrelenting and conclusive struggle to raise the level of ideological awareness and revolutionary consciousness of the Muslim people. The despotic regime, which had begun the suppression of the Islamic movement with barbaric attacks on the Feydiyyah Theological School, Tehran University, and all other active centers of revolution, in an effort to evade the revolutionary anger of the people, resorted to the most savage and brutal measures. In these circumstances, execution by firing squads, medieval torture, and long-term imprisonment were the price our Muslim Ummah paid, marking its resolve to continue the struggle. The Islamic Revolution of Iran was sustained by the blood of hundreds of young men and women of faith who raised their cries of “Allāhu akbar” (God is the Greatest) at daybreak in execution yards, or when they were gunned down by the enemy in the streets and marketplaces. Meanwhile, the regular declarations and messages of the Imam,

issued on various occasions, extended and deepened the consciousness and determination of the Muslim nation.

### **Islamic Government**

The idea of Islamic government based upon wilāyat al-faqīh (rule of the jurist), as presented by Imam Khomeini at the height of the period of repression by the despotic regime, was pathbreaking for a genuine struggle based on Islamic teachings. It produced a new well-defined and consistent motive for the Muslim people, giving a new impetus to the struggle of militant and committed Muslims both within the country and abroad.

The movement continued on this course until, finally, popular discontent and intense public rage, caused by the mounting repression at home as well as by the exposure of the regime by the ‘ulamā’ and militant students and the reflection of the struggle at the international level, shook the foundations of the regime violently. The regime and its sponsors were compelled to tone down the repression and to “liberalize” the political atmosphere of the country. This, they imagined, will serve as a safety valve which would prevent their eventual downfall. But the people, aroused, conscious, and resolute under the decisive and unfaltering leadership of the Imam, embarked on a triumphant, unified, comprehensive, and countrywide uprising.

### **The Popular Outrage**

The publication by the ruling regime of an outrageous article on 15 Day, 1356 (January 7, 1978) meant to malign the sanctity of the ‘ulamā’, in particular Imam Khomeini, accelerated the revolutionary movement and caused an outburst of popular



outrage across the country. The regime attempted to quell the eruption of the people's anger by silencing the protest and uprising with bloodshed, but this only quickened the pace of the Revolution. The seventh-day and fortieth-day commemorations of the martyrs of the Revolution--like a series of steady heartbeats--added greater vitality, intensity, fervor and solidarity to this movement all over the country. In the course of this popular movement, the employees of all government establishments took an active part in the effort to overthrow the tyrannical regime by calling a general strike and participating in street demonstrations. The widespread solidarity of men and women of all segments of society and of all political and religious persuasions played a significant role in the struggle. The women, especially, participated in large numbers and were actively involved in a most conspicuous manner at all stages of this great struggle. The common sight of mothers with infants in their arms rushing towards the scene of battle and in front of the barrels of machine-guns, indicated the essential and decisive role played in the struggle by this major segment of society.

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

After a little more than a year of continuous and unrelenting struggle, the nascent Revolution sustained by the blood of more than 60,000 martyrs as well as 100,000 wounded and disabled--not to mention billions of tumans of damage to property--came to bear fruit amidst cries of "Independence! Freedom! Islamic government!" This great movement, which triumphed through reliance on faith, unity, and the decisiveness of its leadership at every critical and sensitive juncture, as well as on the self-

sacrificing spirit of the people, succeeded in upsetting all the calculations of imperialism and destroyed all its nexuses and institutions, thereby opening a new chapter in the history of all-embracing popular revolutions of the world.

Bahman 21 and 22, 1357 H. Sh. (February 12 and 13, 1979) witnessed the collapse of the monarchical regime and abolition of domestic tyranny and foreign domination based on it. This great victory proved to be the rebirth of Islamic government, a long-cherished desire of the Muslim people, and brought with it the glad tidings of final victory.

In the referendum on the Islamic Republic, the Iranian people, unanimously and along with the marāji‘ al-taqlīd of Islam and the leadership, declared their final and firm decision to bring about a new political order, an Islamic Republic, by a 98.2% majority vote.

Now the Constitution of the Islamic Republic of Iran, setting forth as it does the society’s political, social, cultural, and economic institutions and their interrelationships, must now pave the way for the consolidation of the foundations of Islamic government and propound a plan for a new system of government to be established upon the ruins of the previous tāghūtī [i.e. anti-God, profane, tyrannical] order.

### **The form of Government in Islam**

In the view of Islam, government does not derive from the interests of a class nor does it cater to the domination of an individual or group. It represents, rather, the crystallization of the political ideal of a people sharing a common faith and outlook, organized in order to pave the way, in the process of its

intellectual and ideological development, for movement towards the ultimate goal--the movement towards God. In the course of its revolutionary developments, our nation has cleansed itself of the dirt and impurities accumulated during the tāghūtī past and purged itself of foreign ideological influences, thus returning to the authentic intellectual standpoints and world view of Islam. It now intends to establish an ideal and model society based upon Islamic norms. The mission of the Constitution is to realize the ideological objectives of the movement and to create conditions conducive to the development of Man in accordance with the sublime and universal values of Islam.

With due attention to the Islamic content of the Iranian Revolution, as a movement aimed at the triumph of all the *musta'afin* (oppressed) over the *mustakbirin* (oppressors), the Constitution provides the necessary basis for ensuring the continuity of the Revolution at home and abroad. In the development of international relations in particular, the Constitution tries, with other Islamic and popular movements, to prepare the way for the formation of a single world community [in accordance with the Qur'ānic verse]:

(إِنَّ هَذِهِ أُمَّتُكُمْ أُمَّةً وَاحِدَةً وَرَبُّكُمْ فَاعْبُدُونِ)  
*(This community of yours is one community, and I am your  
 Lord, so worship Me, [21:92])*

and to sustain the continuity of the struggle for the liberation of all deprived and oppressed peoples throughout the world. With due attention to the essential character of this great movement, the Constitution guarantees the rejection of all forms of intellectual and social tyranny and economic monopoly, and aims to entrust the destinies of the people to the

people themselves in order to break completely with the system of despotism. [This is in accordance with the Qur'ānic verse]:

(وَيَضَعُ عَنْهُمْ إِصْرَهُمْ وَالْأَغْلَالَ الَّتِي كَانَتْ عَلَيْهِمْ)  
*(He removes from them their burdens and the fetters that were upon them. [7:157])*

In creating the political infrastructures and institutions which make the foundation of society on the basis of an ideological outlook, the righteous (sālihīn) assume the responsibility of governing and administering the country [in accordance with the Qur'ānic verse]

(إِنَّ الْأَرْضَ يَرِثُهَا عِبَادِيَ الصَّالِحُونَ)  
*(Verily, My righteous servants shall inherit the earth. [21:105])*

Legislation, which sets forth regulations for the administration of society, revolves around the Qur'ān and Sunnah. Accordingly, the exercise of close and earnest supervision by just, pious, and just scholars of Islam (al fugahā' ul-'Adil) is an absolute necessity. And as the purpose of government is to foster the development of the human being in its movement towards a Divine order [in accordance with the Qur'ānic phrase]:

(وَإِلَى اللَّهِ الْمَصِيرُ)  
*(And toward God is the journeying, [3:28])*

so as to bring about conditions favorable for the expression and blossoming of the human being's innate potential for manifesting the divine dimensions of Man, [in accordance with the injunction of the Prophet],

*(Mould yourselves according to the Divine morality, [Hadiiith])*

This goal cannot be achieved without the active and broad participation of all segments of society in the process of social transformation.

With attention of this aspect, the Constitution provides the ground for such participation by all members of society at all stages of the political decision-making process on which the destiny of the country depends, so that in the course of man's development towards perfection, each individual is himself involved in and responsible for the growth, advancement, and leadership of society. This is precisely the realization of the government of the mustad'afin upon the earth [in accordance with the Qur'ānic verse]:

وَتُرِيدُ أَنْ نَمُنَّ عَلَى الَّذِينَ اسْتُضِعُوا فِي الْأَرْضِ  
وَنَجْعَلَهُمُ أئِمَّةً وَنَجْعَلَهُمُ الْوَارِثِينَ

*(And We wish to show favor to those who have been oppressed upon the earth, and to make them leaders and to make them the inheritors. [28:5])*

### **The Wilāyah of the Just Faqîh**

In keeping with [the Islamic principle of] governance (wilāyat al-amr) and the perpetual necessity of leadership (imāmah), the Constitution provides for the establishment of leadership by a qualified faqîh, recognized as Leader by the people. [This is in accordance with the hadíth]:

(مَجَارِي الْأُمُورِ بِيَدِ الْعُلَمَاءِ بِاللَّهِ الْأَمْنَاءِ عَلَى  
خَلَالِهِ وَحَرَامِهِ)

*(The direction of [public] affairs is in the hands of those who are learned concerning God and are trustworthy in matters pertaining to what He has made lawful and unlawful.*

*[Tuhaf ul-'ugūl, p. 176])*

Such leadership will prevent any deviation from authentic Islamic duties by the various organs of the State.

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

In strengthening the foundations of the economy, the principal consideration will be the fulfillment of the human being's material needs in the course of its overall growth and development. This principle contrasts with other economic systems where the aim is concentration and accumulation of wealth and maximization of profit. In materialist schools of thought, the economy is an end in itself, whereby it becomes a subversive, corrupting and ruinous factor in the course of man's development. In Islam, the economy is a means, and all that is required of a means is that it should provide better efficiency in realizing the ultimate goal.

In this perspective, the economic program of Islam consists of providing the means for the expression of the multifarious creative talents of the human being. Accordingly, it is the duty of the Islamic government to furnish all citizens with equal and appropriate opportunities, to create employment, and to satisfy their essential needs, for the sake of unflagging of human development.

## **Women in the Constitution**

Through the creation of Islamic social infrastructures, all the human resources that have hitherto been subject to multifaceted foreign exploitation shall regain their true identity and human rights. As a part of this process, it is only natural that women should benefit from a larger restitution of their rights, because of the greater oppression that they suffered under the t̄aghūtī order.

The family is the fundamental unit of society and the principal nucleus for the growth and edification of the human being. Compatibility of belief and ideals is the main consideration in the establishment of the family, which provides the primary basis for man's development and growth.

It is the duty of the Islamic government to provide the necessary facilities for the realization of this goal. Such a view of the family unit delivers women from being regarded as objects and tools for the promotion of consumerism and exploitation. Thereby, while she recovers her momentous and precious function of motherhood and of rearing human beings committed to Islamic ideals, she also assumes a pioneering social role as a fellow struggler of man in all vital areas of life, thus shouldering a more serious responsibility and enjoying a higher worth and nobility from the Islamic viewpoint.

### **An Army Committed to Islamic Principles**

The basic criterion to be attended to in the organization and equipment of the country's defense forces is faith and Islamic teaching. Accordingly, the Army of the Islamic Republic of Iran and the Islamic Revolution Guards Corps are to be organized in accordance with this goal. They will be responsible not only for guarding and preserving the frontiers of the country, but also for fulfilling the Islamic mission of Jihād in God's way and of struggling for the cause of extending the sovereignty of God's law throughout the world:

(أَعِدُوا لَهُمْ مَا اسْتَطَعْتُمْ مِنْ قُوَّةٍ وَمِنْ رِبَاطِ الْخَيْلِ  
تُرْهَبُونَ بِهِ عَدُوَّ اللَّهِ  
وَعَدُوَّكُمْ وَءَاخِرِينَ مِنْ دُونِهِمْ...)

*(Prepare against them whatever force you are able to muster, and strings of horses, striking fear into the enemy of God and your enemy, and others besides them. [8:601])*

## **The Judiciary in the Constitution**

The Judiciary is of vital importance in safeguarding the rights of the people in accordance with the course set by the Islamic movement, and for preventing deviations within the Islamic Ummah. Accordingly, provision has been made for the creation of a judicial system based on Islamic justice and constituted of judges who are just and have knowledge of the precise Islamic laws. Because of its essentially crucial nature and the need for conformity to Islamic teachings, this system must be free from every kind of unhealthy affiliations and connections. [This is in accordance with the Qur'ānic verse]:

... وَإِذَا حَكَمْتُمْ بَيْنَ النَّاسِ أَنْ تَحْكُمُوا  
بِالْعَدْلِ...)

*(And when you judge among the people, judge with justice. [4:58])*

## **The Executive**

Considering the special importance of the Executive in implementing the laws and ordinances of Islam for the purpose of bringing about a society subject to equitable relations, and considering as well the necessity of this vital issue for paving the way for realization of the ultimate goal of life, the Executive must open the way for the creation of an Islamic society. Consequently, the Executive's confinement within any kind of complex and obstructive system that delays or compromises the attainment of this objective is rejected by Islam. Therefore, the



system of bureaucracy, the product and issue of tāghūtí forms of rule, will be firmly discarded so as to establish an executive system that is more efficient and swift in fulfilling its administrative commitments.

## The Mass Media

The media of mass communication, radio and television, must serve the diffusion of Islamic culture in pursuit of the progressive path of the Islamic Revolution. To this end, they should draw upon a healthy debate of different ideas, and strictly refrain from diffusing and propagating destructive and anti-Islamic traits.

It is incumbent on all to follow the principles of this law as it regards the freedom and dignity of the human race as its topmost objective and paves the way for the progress and development of the human being. It is also necessary that the Muslim Ummah should participate actively in building the Islamic society by selecting competent and faithful officials and by keeping a constant watch on their performance so as to succeed in building an Islamic society that may be a model and witness to the world's people [in accordance with the Qur'ānic verse]:

(وَكذَلِكَ جَعَلْنَاكُمْ أُمَّةً وَسَطًا لِتَكُونُوا شُهَدَاءَ عَلَى النَّاسِ...)

*(Thus We made you a median community, that you might be witnesses to men. [2:143])*

## Representatives

The Assembly of Experts, constituted of the people's representatives, concluded the task of framing the Constitution

on the basis of the draft proposed by the government and proposals received from various groups. It consists of twelve chapters comprising one hundred and seventy-five articles and was completed, with the above-mentioned objectives and motives, on the eve of the fifteenth century of the hijrah of the Noble Messenger, may Peace and blessings be upon him and his family, the founder of the redeeming school of Islam, hoping that this century will witness the establishment of a world government of the musta'afin and the defeat of all mustakbirin.

## CHAPTER I

### **General Principles**

#### **Article 1**

The form of government of Iran is that of an Islamic republic, endorsed by the people of Iran on the basis of their long-standing belief in the sovereignty of truth and Qur'ānic justice. This was confirmed through a majority of 98.2% of eligible voters in the referendum of 9 and 10 Farvardin, 1358 H. Sh., corresponding to 1 and 2 Jamādi al-Awwal, 1399 H. [29 and 30 March 1979], held after the victorious Islamic Revolution led by the eminent marja 'taqlid, Āyatullāh al-'Uzmā Imam Khomeini.

#### **Article 2**

The Islamic Republic is a system based on belief in:

1. The One God (as stated in the phrase لا إِلَهَ إِلَّا اللهُ "There is no deity except God"), His exclusive sovereignty and right to legislate, and the necessity of compliance to His command;
2. Divine revelation as the primary source of law;
3. Resurrection, and the formative role of this belief in the course of man's ascent towards God;

4. Divine justice, in creation as well as legislation;
5. Perpetual leadership (imāmah) and guidance, and its fundamental role in ensuring the continuity of Islamic revolution;
6. The exalted dignity and worth of the human being and its freedom accompanied with its responsibility before God, which secure equity, justice, and political, economic, social and cultural independence, as well as national solidarity, by recourse to:
  - a. Continuous ijtihād by qualified jurists exercised on the basis of the Qur’ān and the Sunnah of the Infallible Ones (Ma ‘sūmín), may Peace be upon all of them;
  - b. The use of sciences, arts and human achievements and endeavors for their advancement;
  - c. Negation of all forms of oppression--infliction of it as well as submission to it--and of dominance, its imposition as well as its acceptance.

### **Article 3**

In order to achieve the objectives specified in Article 2, the Government of the Islamic Republic of Iran must direct all its resources to the following goals:

1. Creation of a favorable environment for the development of moral virtues based on faith and piety, and struggle against all forms of vice and corruption;
2. Raising the level of public awareness in all areas through proper use of the press, mass media, and other means;
3. Free education and physical training for everyone at all levels and facilitation and expansion of higher education;

4. Strengthening the spirit of inquiry, investigation, and innovation in all scientific, technical, cultural, and Islamic spheres by establishing research centers and encouraging researchers;

5. Complete elimination of imperialism and prevention of foreign influence;

6. Elimination of all forms of despotism, autocracy, and monopoly;

7. Ensuring political and social freedoms within the framework of law;

8. The people's participation in determining their political, economic, social, and cultural destiny;

9. Abolition of all forms of unjust discrimination and provision of equitable opportunities for all, in material and intellectual spheres;

10. Creation of a correct administrative system and elimination of superfluous government organizations;

11. Comprehensive reinforcement of foundations of national defense through universal military training to safeguard the country's independence, territorial integrity, and Islamic order;

12. Establishing the foundations of a correct and just economic system on the basis of Islamic criteria for creating welfare, eradicating of poverty and all form of deprivation with respect to food, housing, employment, hygiene, and providing social insurance for all;

13. Obtaining self-sufficiency in scientific, technological, industrial, agricultural, military and other similar spheres;

14. Securing the multi-faceted rights of all citizens, men and women, and providing just legal security for all, and equality of all before law;

15. Expanding and strengthening Islamic brotherhood and general cooperation among all the people;

16. Framing the country's foreign policy on the basis of Islamic criteria, fraternal commitment to all Muslims and unflinching support of the world's oppressed (musta'è 'afín).

#### **Article 4**

All laws and regulations pertaining to civil, penal, financial, economic, administrative, cultural, military, political and other spheres must be based on Islamic criteria. This article governs absolutely and generally all articles of the Constitution, as well as all other laws and regulations, and the duty to ascertain this matter devolves on the jurists of the Guardian Council.

#### **Article 5**

During the occultation of the Waí al- 'Asr (i.e. the Twelfth Imam), may God expedite his appearance, the wilāyat al-amr and leadership of the Ummah devolve upon the just and pious jurist, fully aware of the times, courageous, possessing administrative and problem-solving abilities, who will assume the responsibilities of this office in accordance with Article 107.

#### **Article 6**

The country's affairs in the Islamic Republic of Iran must be managed on the basis of public opinion as expressed through elections, including the election of the President, the representatives of the Islamic Parliament of Iran, and the

members of the councils, and the like, or through referenda, in cases specified in other articles of this law.

## Article 7

In accordance with the Qur'ānic prescription [as mentioned in the following verses]: ( وَأَمْرُهُمْ شُورَى بَيْنَهُمْ )

*(And their affairs [are settled] by consultation among them.*

*[42:38]*)

( وَشَاوِرْهُمْ فِي الْأَمْرِ )

*(And consult them in the affair [of governance [3:159])*

consultative bodies - such as the Islamic Parliament of Iran, and councils at the level of the province, city, region, district, and village, and the like - will be the country's decision-making and administrative organs.

The instances, the manner of their formation, jurisdiction, and duties will be defined by this law and the laws derived from it.

## Article 8

In the Islamic Republic of Iran, summoning to what is good, commanding what is right and forbidding what is wrong (*amr bil-ma 'rīf wa nahy 'anil-munkar*) is a universal and mutual duty: of the people in relation to one another, of the government in relation to the people, and of the people in relation to the government. Its conditions, limits, and character will be defined by law.

(وَالْمُؤْمِنُونَ وَالْمُؤْمِنَاتُ بَعْضُهُمْ أَوْلِيَاءُ بَعْضٍ

يَأْمُرُونَ بِالْمَعْرُوفِ وَيَنْهَوْنَ عَنِ الْمُنْكَرِ)

*(The faithful, men and women, are guardians in relation to one another: they enjoin what is right and forbid what is wrong. [9:71])*

## Article 9

In the Islamic Republic of Iran, the country's freedom, independence, unity and territorial integrity are inseparable from one another, and it is the duty of the government and every individual citizen to safeguard them. No individual, group, or authority has the right to compromise, in the slightest degree, Iran's political, cultural, economic, and military independence and territorial integrity under the pretext of exercising freedom, and no authority has the right to withdraw legitimate freedoms under the pretext of preserving the country's independence and territorial integrity, not even by enacting laws and regulations.

## Article 10

As the family is the fundamental unit of Islamic society, all laws, regulations, and relevant planning must be directed towards facilitating the formation of family, safeguarding its sanctity and the stability of family relations on the basis of Islamic laws and morality.

## Article 11

In accordance with the noble verse [of the Qur'ān]:

(إِنَّ هَذِهِ أُمَّةٌ وَاحِدَةٌ وَأَنَا رَبُّكُمْ فَاعْبُدُونِ)

*This community of yours is one community, and I am your Lord,  
so worship Me, [21:92]*

all Muslims form a single ummah and it is the duty of the government of the Islamic Republic of Iran to formulate its general policies on the basis of the alliance and unity of Muslim nations, and to make consistent effort for the realization of the political, economic, and cultural unity of the Islamic world.



## Article 12

The official religion of Iran is Islam and the madhhab (school of law) is the Twelver Ja'farí school, and this article will remain forever unalterable. Other legal schools (madhāhib) including the Hanafí, Shāfi'í, Mālikí, Hanbalí, and Zaydí, are accorded full respect, and their followers are free to perform their religious rites in accordance with their own *fiqh*.

These schools are officially recognized by the courts in matters pertaining to religious education and training and personal status (marriage, divorce, inheritance, and will) and the related litigation. In any region where the followers of any of these schools constitute a majority, the local regulations will be in accordance with that school within the jurisdiction of the local councils, with due observance of the rights of the adherents of other schools.

## Article 13

Zoroastrians, Jews, and Christians among Iranians are the only recognized religious minorities and they are free to perform their religious rites and ceremonies within the framework of law and to act in accordance with their own canon in matters of personal law and religious education.

## Article 14

In compliance with the noble verse [of the Qur'ān]:

(لَا يَنْهَكُمُ اللَّهُ عَنِ الَّذِينَ لَمْ يُقَاتِلُوكُمْ فِي الدِّينِ  
وَلَمْ يُخْرِجُوكُمْ مِنْ دِيَارِكُمْ أَنْ تَبَرُّوهُمْ  
وَتُقْسِطُوا إِلَيْهِمْ إِنَّ اللَّهَ يُحِبُّ الْمُقْسِطِينَ)

*(God does not forbid you from dealing kindly and justly with those who have not fought with you because of your religion and who did not expel you from your homes, [60:80])*

the government of the Islamic Republic of Iran and Muslims have the duty to treat non-Muslims in accordance with ethical norms and Islamic justice and fairness and to observe their human rights. This article applies to those who do not engage in conspiracy and hostile measures against Islam and the Islamic Republic of Iran.

## CHAPTER II

### **The Country's Official Language, Script, Calendar, And Flag**

#### **Article 15**

The official and common language and script of the people of Iran is Persian. Official documents, correspondence and texts, as well as text-books must be in this language and script. However, the use of regional and tribal languages in the press and mass media, as well as the teaching of their literature in schools alongside Persian is allowed.

#### **Article 16**

Since Arabic is the language of the Qur'an and Islamic sciences and teachings, and Persian literature is thoroughly permeated with this language, it must be taught, in all classes and in all areas of study, from after the primary level until the end of secondary school.

#### **Article 17**

The official calendar of the country commences from the migration (hijrah) of the Messenger of Islam, may God bless him and his Family. Both the solar and the lunar Islamic

calendars are recognized, but government offices will follow the solar calendar. Friday is the official weekly holiday.

### **Article 18**

The official flag of Iran is green, white, and red with the special emblem of the Islamic Republic and the **الله أكبر** God is the greatest.

## CHAPTER III

### **The Rights of the People**

#### **Article 19**

All the people of Iran, regardless of ethnic group or tribe, enjoy equal rights; color, race, language and the like do not bestow any privilege.

#### **Article 20**

All citizens of the country, men and women, enjoy equal protection of the law as well all human, political, economic, social and cultural rights in conformity with Islamic criteria.

#### **Article 21**

The government must ensure the comprehensive rights of women in conformity with Islamic criteria, and accomplish the following:

1. Creation of a favorable environment for the growth of woman's personality and restoration of her rights, material and intellectual;
2. Protection of mothers, particularly during pregnancy and child rearing, and protection of children without guardians;
3. Establishment of competent courts for protection and preservation of the family;

4. Provision of special insurance for widows, aged women, and women without support;

5. Awarding guardianship of children to worthy mothers to secure the children's welfare in the absence of a legal guardian.

### **Article 22**

The dignity, life, property, rights, residence, and occupation of the individual are inviolate, except in cases sanctioned by law.

### **Article 23**

The investigation of the beliefs of persons is forbidden, and no one may be molested or prosecuted for holding a belief.

### **Article 24**

Publications and the press have freedom of expression, except when it is detrimental to the fundamental principles of Islam or the rights of the public, and the details will be specified by law.

### **Article 25**

Except as provided by law, the inspection and interception of letters, recording and disclosure of telephone conversations, disclosure of telegraphic and telex communications, censorship, or willful failure to transmit them, eavesdropping, and all forms of covert investigation are forbidden.

### **Article 26**

The formation of parties, societies, political or professional guilds, as well as religious associations, Islamic or pertaining to one of the recognized religious minorities, is permitted provided they do not violate the principles of independence, freedom, and

national unity, Islamic criteria and the basis of the Islamic Republic. No one may be prevented from participating in the aforementioned groups, or compelled to participate therein.

### **Article 27**

Public gatherings and marches, held without carrying arms, are allowed, provided they are not injurious to the fundamentals of Islam.

### **Article 28**

Everyone has the right to choose any occupation he wishes provided it does not infringe on the rights of others and is not contrary to Islam and public interests.

It is the government's duty to provide all citizens with employment opportunity, and to create equal conditions for obtaining employment, with consideration of society's need for different professions.

### **Article 29**

It is universal right to benefit from social security in respect of retirement, unemployment, old age, disability, being stranded, absence of a guardian, accidents, and from health and medical services and care provided through insurance or other means.

The government must provide the afore-mentioned services and financial support for every individual citizen by drawing, in accordance with law, on national revenues and funds obtained through public contributions.

### **Article 30**

The government must provide all citizens with free education up to secondary school, and must expand free higher

education to the extent required by the country for attaining self-sufficiency.

### **Article 31**

It is the right of every Iranian individual and family to possess housing commensurate with his needs. The government must make facilitate the implementation of this article by giving priority to those whose needs are greater, in particular the rural population and the workers.

### **Article 32**

No one may be arrested except by the order of and in accordance with the procedure laid down by law. In case of arrest, the charges along with the grounds for accusation must be communicated without delay and explained in writing to the accused, and a provisional dossier must be forwarded to the competent judicial authorities within a maximum of twenty-four hours so that the preliminaries of the trial can be completed as soon as possible. Violation of this article will be liable to penal action in accordance with law.

### **Article 33**

No one may be banished from his place of residence, or prevented from residing in the place of his choice, or compelled to reside in a given locality, except in cases provided by law.

### **Article 34**

It is the indisputable right of every citizen to seek justice by recourse to competent courts. All citizens have right of access to such courts, and no one may be barred from courts to which he has a lawful right of recourse.



### **Article 35**

Both parties to a lawsuit have the right to select an attorney in all courts of law. If they are unable to do so, arrangements must be made to provide them with an attorney.

### **Article 36**

Only competent courts are entitled to pass a sentence and execute it in accordance with law.

### **Article 37**

Innocence is to be presumed, and no one is to be held guilty of a charge unless his guilt has been proved in a competent court.

### **Article 38**

All forms of torture for the purpose of extracting confessions or acquiring information are forbidden. It is not permissible to compel individuals to testify, confess, or take an oath. Any testimony, confession, or oath obtained under duress is devoid of value and credence.

Violation of this article is liable to punishment in accordance with law.

### **Article 39**

Affronts, in whatever form, to the dignity and repute of persons arrested, detained, imprisoned, or banished, in accordance with law, are forbidden and liable to punishment.

### **Article 40**

No one is entitled to exercise his rights in a way injurious to others or detrimental to public interests.

### **Article 41**

Iranian citizenship is the indisputable right of every Iranian, and the government cannot withdraw citizenship from any Iranian unless he himself requests it or acquires the citizenship of another country.

### **Article 42**

Foreign nationals may acquire Iranian citizenship within the framework of law. Citizenship may be withdrawn from such persons if another State accepts them as citizens or if they request it.

## CHAPTER IV

### **The Economy and Finance**

#### **Article 43**

With the objectives of achieving society's economic independence, uprooting poverty and deprivation, and fulfilling human needs in the process of development, whilst preserving human liberty, the economy of the Islamic Republic of Iran will be based on the following criteria:

1. Provision of basic necessities for all citizens: housing, food, clothing, hygiene, medical treatment, education, and the necessary facilities for establishing family;

2. Securing conditions and opportunities of employment for everyone for the purpose of attaining full employment, and placing the means of work at the disposal of everyone able to work but lacking the means, through cooperatives, interest-free loans, or any other legitimate means that neither results in the concentration or circulation of wealth in the hands of a few individuals or groups, nor turns the government into a major and ubiquitous employer.

These measures must be taken in due regard of the requirements governing the country's general economic plans at each stage of development.

3. The national economic plans must be structured in such a manner that the form, content, and hours of work of every individual allow him sufficient leisure and energy to engage, besides his occupational effort, in spiritual, political, and social self-development and to participate actively in the country's affairs, and to upgrade his skills and initiative;

4. Respect for the right to free choice of occupation; absence of compulsion on persons to engage in a particular work; and preventing exploitation of others' labor;

5. Prohibition of infliction of harm or loss upon others, monopoly, hoarding, usury, and other invalid and unlawful dealings;

6. Prohibition of extravagance and wastefulness in all matters related to the economy, including consumption, investment, production, distribution and services;

7. Utilization of science and technology, and the training of skilled personnel in accordance with the developmental needs of the country's economy;

8. Prevention of foreign economic domination over the country's economy;

9. Emphasis on increase in industrial, agricultural and livestock production for meeting public needs and achieving the country's' self-sufficiency.

#### **Article 44**

The economy of the Islamic Republic of Iran will consist of three sectors, namely: state, cooperative and private. It is to be based on systematic and sound planning.

The state sector will include all large-scale and mother industries, foreign trade, major minerals, banking, insurance,

power generation, dams and large-scale irrigation networks, radio and television, post, telegraph and telephone services, aviation, shipping, roads, railroads and the like. All these will be publicly owned and managed by the State.

The cooperative sector will include cooperative companies and enterprises engaged in production and distribution, and constituted in urban and rural areas in accordance with Islamic regulations.

The private sector consists of activities related to agriculture, animal husbandry, industry, trade, and services that supplement the economic activities of the state and cooperative sectors.

Ownership in each of these three sectors - in so far as it is in conformity with the other articles of this chapter, does not exceed the bounds of Islamic law, and contributes to the country's economic growth and progress and does not harm society - is protected by the law of the Islamic Republic.

The detailed scope, regulations, and conditions pertaining to each of these sectors will be specified by law.

#### **Article 45**

Public property and assets - such as uncultivated or abandoned land, mineral deposits, seas, lakes, rivers and other public waterways, mountains, valleys, marshlands, natural forests, open pasture land, legacies without heirs, property of undetermined ownership, and public property recovered' from usurpers - shall be at the disposal of the Islamic government to be utilized in accordance with public interest. Detailed procedures for the utilization of each of the foregoing will be specified by law.

### **Article 46**

Everyone owns the fruits of his legitimate trade and work, and no one may deprive another of the opportunity of trade or work under the pretext of his own right of ownership over his trade or work.

### **Article 47**

Private ownership, legitimately acquired, is to be respected. The relevant criteria will be determined by law.

### **Article 48**

There must be no discrimination among the various provinces in respect of exploitation of natural resources, utilization of public revenues, and distribution of economic activities among the country's different provinces and regions, so that every region has access to the necessary capital and facilities in accordance with its needs and potential for growth.

### **Article 49**

It is government's duty to confiscate all wealth accumulated through usury, usurpation, bribery, embezzlement, theft, gambling, misuse of endowments, misuse of government contracts and transactions, sale of uncultivated lands and other resources subject to public ownership, operation of centers of prostitution, and other illicit means and restore it to its legitimate owner. If he cannot be identified, it must be entrusted to the public treasury.

This rule must be executed by the government after proper investigation and furnishing of necessary evidence in accordance with Islamic law.

### **Article 50**

The preservation of the environment - wherein the present as well as the future generations have a right to a flourishing social existence - is considered a public duty in the Islamic Republic. Economic and other activities that involve pollution of the environment or cause irreparable damage to it are therefore forbidden.

### **Article 51**

Taxes of any kind may not be imposed except in accordance with law. Provisions for tax exemption and reduction will be determined by law.

### **Article 52**

The country's annual budget will be drawn up by the government in the manner specified by law, and submitted to the Islamic Parliament of Iran for examination and approval. Any changes in budget figures will be in accordance with procedures determined by law.

### **Article 53**

All receipts collected by the government will be deposited into government accounts at the central treasury, and all disbursements will be made within approved credits in accordance with law.

### **Article 54**

The National Accounts Bureau will be under the direct supervision of the Islamic Parliament of Iran. Its organization and administration in Tehran and provincial capitals are to be determined by law.

### **Article 55**

In accordance with the procedure specified by law the Accounts Bureau will inspect and audit all the accounts of the ministries, government institutions and companies as well as other organizations that draw in any way on the general budget of the country, to ensure that no expenditure exceeds approved credits and that all sums are spent for their specified purpose. The Accounts Bureau will collect all relevant accounts, documents, and records in accordance with law and submit an annual budget clearance report, along with its own comments, to the Islamic Parliament of Iran. This report must be made accessible to the public.



## CHAPTER V

### **National Sovereignty and Powers Derived from it**

#### **Article 56**

Absolute sovereignty of the universe and Man belongs to God, and it is He Who has made the human being master of its own social destiny. No one may deprive the human being of this God-given right, nor subordinate it to vested interests of some individual or group. The people are to exercise this God-given right in ways specified in the following articles.

#### **Article 57**

The powers of the State in the Islamic Republic are vested in the Legislature, the Judiciary, and the Executive, functioning under the supervision of the absolute wilí al-amr and Leader of the Ummah, in accordance with the forthcoming articles of this law. These powers are independent of each other .

#### **Article 58**

The functions of the Legislature are to be exercised by the Islamic Parliament of Iran, consisting of the elected representatives of the people. Legislation approved by this body, after covering the stages specified in the following articles, is

communicated to the Executive and the Judiciary for implementation.

### **Article 59**

In very important economic, political, social, and cultural matters, the functions of the legislature may be exercised through direct recourse to popular vote through a referendum. Any request for such direct recourse to public opinion must be approved by two-thirds of the members of the Islamic Parliament of Iran.

### **Article 60**

Excepting matters that are directly placed under the jurisdiction of the Leadership by the Constitution, the functions of the Executive are to be exercised by the President and the ministers.

### **Article 61**

The functions of the Judiciary are to be performed by courts of justice formed in accordance with the criteria of Islam and vested with the authority to examine and settle lawsuits, protect the public rights, dispense and enact justice, and implement the penalties prescribed by God (hudūd-e Ilāhī).

## CHAPTER VI

### **The Legislature**

#### **◆ Section One: The Islamic Parliament of Iran**

##### **Article 62**

The Islamic Parliament of Iran is constituted by the people's representatives elected directly and by secret ballot.

The qualifications of voters and candidates as well as the character of the elections will be specified by law.

##### **Article 63**

The term of membership of the Islamic Parliament of Iran is four years. Elections for each term must take place before the end of the preceding term, so that the country is never without an Parliament.

##### **Article 64**

The number of representatives of the Islamic Parliament of Iran shall be two hundred and seventy, and for every decade since the national referendum of 1368 H. Sh. (1987) it may, in consideration of human, political, geographic and other factors, be increased by a maximum of twenty.

The Zoroastrians and Jews will each elect one representative; Assyrian and Chaldean Christians will jointly elect one

representative; and Armenian Christians in the north and the south will each elect one representative.

The boundaries of the election constituencies and the number of representatives will be determined by law.

### **Article 65**

After elections, the sessions of the Islamic Parliament of Iran will have a quorum with two-thirds of the members present. Drafts and bills will be passed in accordance with the approved internal procedure, excepting cases where another quorum is specified by the Constitution.

A quorum of two-thirds of its members is required for approval of the internal code of procedure.

### **Article 66**

The manner of election of the Speaker and the Presiding Board of the Parliament, the number of committees and their terms of office, and matters related to the Parliament's deliberations and discipline will be determined by the Parliament's internal code of procedure.

### **Article 67**

The representatives must take the following oath at the first session of the Parliament and affix their signatures to its text:

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

*“In the presence of the Glorious Qur'an, I swear by God, the Exalted and Almighty, and undertake by my honor as a human being, to protect Islam, to guard the achievements of the Islamic Revolution of the Iranian people and the foundations of the Islamic Republic, to preserve, as a just trustee, the trust*

*entrusted to me by the people; to observe honesty and piety in fulfilling my duties as a representative, to remain always committed to the independence and honor of the country, to safeguarding the nation's rights and serving the people, to defending the Constitution, and to keep in mind, in my speech, writing and while expressing my views, the independence of the country, the freedom of the people, and the security of their interests”.*

Members belonging to religious minorities will swear by their own scriptures while taking this oath.

Members absent from the first session will take the oath at the first session they attend.

### **Article 68**

In time of war and military occupation of the country, elections in occupied areas or throughout the country may be withheld for a specified period on the proposal of the President of the Republic, approved by three-fourths of all the members of the Islamic Parliament of Iran, and endorsed by the Guardian Council. In the absence of a new Parliament, the present one will continue to function.

### **Article 69**

The deliberations of the Islamic Parliament of Iran must be open, and full minutes of them must be made available to the public through the radio and the official gazette. A closed session may be held in emergency conditions, if such is required for national security, upon the request of the President, or one of the ministers, or ten members of the Parliament. Legislation passed during closed session is valid only when approved by

three-fourths of the members in the presence of the Guardian Council. After emergency conditions have ceased, the minutes of such closed sessions and any legislation approved by them must be made available to the public.

### **Article 70**

The President, his deputies, and the ministers have a right to participate in the open sessions of the Parliament either collectively or individually. They may also be accompanied by their advisers. Also, if the members of the Parliament so require, the ministers are obliged to attend, and their statements will be heard upon their request.

## **◆ Section Two: The Parliament's Powers and Competence**

### **Article 71**

The Islamic Parliament of Iran may pass laws in all matters, within the jurisdiction defined by the Constitution.

### **Article 72**

The Islamic Parliament of Iran may not enact laws contrary to the Constitution or to the doctrines and laws of the country's official religion. It is the duty of the Guardian Council to determine any such violation, in accordance with Article 96 of the Constitution.

### **Article 73**

The interpretation of ordinary laws falls within the competence of the Islamic Parliament of Iran. The intent of this Article does not preclude interpretation by judges in their effort to ascertain the truth.

#### **Article 74**

Government bills are presented to the Islamic Parliament of Iran after the approval of the Cabinet of Ministers. Members' bills may be presented to the Islamic Parliament of Iran if sponsored by at least fifteen members.

#### **Article 75**

Members' bills and proposals, as well as amendments to government bills proposed by members that entail reduction of the public income or increase of public expenditure may be introduced to the Parliament only if the means of compensating for the decrease in income or of meeting the new expenditure are also specified.

#### **Article 76**

The Islamic Parliament of Iran has the right to investigate and examine all the affairs of the country.

#### **Article 77**

All international treaties, protocols, contracts, and agreements must be approved by the Islamic Parliament of Iran.

#### **Article 78**

All changes in the country's frontiers are forbidden, with the exception of minor amendments in the interests of the country, provided such changes are not unilateral, do not encroach on the country's independence and territorial integrity, and are approved by four-fifths of all members of the Islamic Parliament of Iran.

#### **Article 79**

The proclamation of martial law is forbidden. In case of war or a similar state of emergency, the government has the right to

temporarily impose certain restrictions with the approval of the Islamic Parliament of Iran. But in no case may such restrictions exceed thirty days, and if the necessity should persist, the government must seek new authorization from the Parliament.

### **Article 80**

The taking or granting of loans or grants-in-aid, domestic or foreign, by the government must be with the approval of the Islamic Parliament of Iran.

### **Article 81**

The granting of concessions to foreigners, whether for the establishment of companies or institutions dealing with commerce, industry, agriculture, services or mineral extraction, is absolutely forbidden.

### **Article 82**

The employment of foreign experts is forbidden, except in cases of necessity and with the approval of the Islamic Parliament of Iran.

### **Article 83**

Government buildings and property regarded as part of the national heritage may not be transferred except with the approval of the Islamic Parliament of Iran, with the exclusion of irreplaceable treasures.

### **Article 84**

Every representative is accountable to the entire nation and has the right to express his views on all affairs of the country, internal and external.



## **Article 85**

The office of a representative is vested in the individual, and is not transferable. The Parliament may not delegate the power of legislation to an individual or committee. But whenever necessary, it may delegate the power of enacting certain laws to its own committees, in accordance with Article 72. In such cases, the laws will be implemented on a tentative basis for a period specified by the Parliament, and their final approval will be with the Parliament.

Similarly, the Parliament may, in accordance with Article 72, delegate to the relevant committees the responsibility of permanent approval of articles of association of government organizations, companies, and institutions, or such as are affiliated to the government, or permit the government to approve them. In this case, the government approvals may not contradict the principles and laws of the country's official religion or the Constitution. Judgment in this matter will lie with the Guardian Council in accordance with the procedure stated in Article 96. Furthermore, the government approvals may not be against the general laws and regulations of the country, and while being notified for implementation they must be communicated to the Speaker of the Islamic Parliament of Iran to examine and confirm the absence of any inconsistency therein with the aforementioned laws.

## **Article 86**

In the course of performing their duties as representatives, members of the Parliament are completely free to express their views and cast their votes. They may not be prosecuted or

arrested for opinions expressed in the Parliament or votes cast in the course of their duties as representatives.

### **Article 87**

The President must obtain a vote of confidence from the Parliament for the Cabinet after its formation and before all other business. During his incumbency, he may also seek such a vote of confidence for the Cabinet from the Parliament on important and controversial issues.

### **Article 88**

Whenever at least one-fourth of the total members of the Islamic Parliament of Iran raise a question with the President, or when any one member of the Parliament poses a question to a minister, on a subject relating to their duties, the President, or the minister, is obliged to attend the Parliament and answer the question. This answer may not be delayed for more than one month in the case of the President, and ten days in the case of the minister, except with an excuse deemed reasonable by the Islamic Parliament of Iran.

### **Article 89**

1. Members of the Islamic Parliament of Iran may interpellate the Ministerial Cabinet or an individual minister whenever it is deemed necessary. Interpellations may be tabled when presented to the Parliament signed by at least ten members.

The Cabinet or the interpellated minister must be present in the Parliament within ten days after the tabling of the interpellation in order to respond to it and seek a vote of confidence. If the Cabinet, or the minister, fails to attend the Parliament, the members who

tabled the interpellation will explain their reasons and the Parliament may declare a vote of no-confidence if deemed necessary.

If a vote of confidence is not pronounced by the Parliament, the Cabinet, or the minister interpellated, will be dismissed. In both the cases, the ministers interpellated may not be a member of the next Cabinet.

2. In the event of at least one-third of the members of the Islamic Parliament of Iran interpellating the President in respect of his performance of administrative responsibilities related to the Executive Power and administration of the country's executive affairs, he should, within one month after the tabling of the interpellation, present himself in the Parliament and give adequate explanations regarding the questions raised. Should two-thirds of the members of the Parliament declare a vote of no confidence after hearing the statements of the opposing and favoring members and the reply of the President, this will be communicated to the Leadership for implementation of Clause 10 of Article 110 .

## **Article 90**

Complaints concerning the performance of the Parliament, or the Executive, or the Judiciary, may be forwarded in writing to the Islamic Parliament of Iran. The Parliament must investigate these complaints and give a satisfactory reply. When the complaint relates to the Executive or the Judiciary, the Parliament must demand a proper investigation and an adequate explanation from them, and announce the results within a reasonable time. When the subject of the complaint is of public interest, the reply must be made public.

### **Article 91**

A council to be known as the Guardian Council is to be constituted to safeguard Islamic laws and the Constitution and to verify the compatibility of legislation passed by the Islamic Parliament of Iran with them. It will be composed of the following:

1. Six Islamic jurists (fuqahā'), who are persons of integrity ('ādil), well aware of the present needs and issues of the day. They will be appointed by the Leader.

2. Six lawyers, specializing in various fields of law. They will be elected by the Islamic Parliament of Iran from among Muslim lawyers nominated by the Head of the Judiciary .

### **Article 92**

Members of the Guardian Council are appointed for six years, but after three years during the first term half of the members from each group will be replaced by lot and new members appointed in their place.

### **Article 93**

The Islamic Parliament of Iran has no legal status without the Guardian Council, except for approving the credentials of its own members and electing six lawyers of the Guardian Council.

### **Article 94**

All legislation passed by the Islamic Parliament of Iran must be sent to the Guardian Council. The Guardian Council must review it within ten days of its receipt to verify its compatibility with the criteria of Islam and the Constitution. If it finds the legislation incompatible, it will be returned to the Parliament for review. Otherwise the legislation will be considered passed.

### **Article 95**

When the Guardian Council considers ten days inadequate for completing the process of review and delivering a definite opinion, the Islamic Parliament of Iran may be requested to grant an extension not exceeding ten days citing the grounds for the request.

### **Article 96**

Ascertainment of the compatibility of legislation passed by the Islamic Parliament of Iran with the laws of Islam rests with the majority of the six jurists (fuqahāʾ) on the guardian Council, and ascertainment of its concordance with the Constitution rests with the majority of all members of the Guardian Council.

### **Article 97**

In order to expedite matters, members of the Guardian Council may attend the Parliament when a government or a members' bill is discussed and listen to the deliberations. When an urgent government or members' bill is placed on the agenda of the Parliament, the members of the Guardian Council must attend the Parliament and make their views known.

### **Article 98**

The right of interpretation of the Constitution is vested in the Guardian Council and is subject to the consent of three-fourths of its members.

### **Article 99**

The Guardian Council is responsible for supervising the elections of the Parliament of Experts for Leadership, the President of the Republic, the Islamic Parliament of Iran, and direct recourse to popular opinion through referenda.

## CHAPTER VII

### **The Councils**

#### **Article 100**

In order to expedite social, economic, public health, cultural, educational and development programs and facilitate other public welfare affairs through the people's participation and in accordance with the local needs, the administration of each village, division, city, town, and province will be supervised by a local Council which will be known as Village, Division, City, Town, or Provincial Council. The members of every council will be elected by its respective population.

Eligibility of the voters and candidates of these local Councils, as well as their jurisdiction and authority, mode of election, supervision, and hierarchy--which should be in due consideration of the principles of national unity, territorial integrity, the order of the Islamic Republic, and the sovereignty of the central government--will be determined by law.

#### **Article 101**

A Supreme Council of the Provinces will be established consisting of representatives of the Provincial Councils, in order to prevent discrimination and to ensure cooperation in the

formulation of welfare and development plans for the provinces, and to coordinate the execution of such plans.

The manner of formation and duties of this council will be determined by law.

### **Article 102**

Within its jurisdiction, the Supreme Council of the Provinces has the right to draft bills and to submit them to the Islamic Parliament of Iran, either directly or through the government. These bills must be examined by the Parliament.

### **Article 103**

Governors of provinces, towns and divisions as well as other officials appointed by the government must abide by the decisions of the local Councils made within their jurisdiction.

### **Article 104**

In order to ensure Islamic justice and cooperation in planning and coordination in expediting matters, councils will be formed, constituted of representatives of workers, peasants, other employees and managers, in production units, industrial and agricultural, and of representatives of members of units in educational, administrative, service and other similar sectors.

The formation, duties and jurisdiction of these councils will be determined by law.

### **Article 105**

Decisions of the Councils must not conflict with Islamic criteria and the country's laws.

### **Article 106**

The Councils may not be dissolved unless they deviate from their lawful duties. The authority responsible for ascertaining such deviation, as well as the procedure for the dissolution and reformation of the Councils will be specified by law.

Should a Council have any objection to its dissolution, it has the right to appeal to a competent court which will be duty-bound to examine it outside the docket sequence.



## CHAPTER VIII

### **The Leader or the Leadership Council**

#### **Article 107**

After the demise of the eminent marja' taqlid, the great leader of the Global Islamic Revolution and the founder of the Islamic Republic of Iran, Hadrat Āyatullāh al-'Uzmā Imam Khumayni, may God sanctify his noble spirit, who was recognized and accepted as marja' and Leader by a decisive majority of the people, the appointment of the Leader shall be vested in the Parliament of Experts elected by the people.

These Experts will review and deliberate concerning the merits of all the qualified jurists possessing the qualifications specified in Articles 5 and 109.

In the event of them finding someone more learned in Islamic ordinances and subjects of Islamic law or in political and social issues, or possessing general popularity or a special prominence in respect of the qualifications mentioned in Article 109, he will be appointed as the Leader. Otherwise, they shall elect one of them as the Leader. The Leader thus appointed [or elected] by the Experts shall assume the wilāyat al-amr and all responsibilities arising from it. The Leader is equal to all other citizens in the eyes of law .

### **Article 108**

The law relating to the number of the Experts, their qualifications, mode of their election, and the internal code of procedure for holding sessions must, for the first term, be drawn up by the jurists on the first Guardian Council and passed by a majority vote and finally approved by the Leader of the Revolution. Thereafter, any change or review in this law or framing other rules is within the Experts' own duties and competence.

### **Article 109**

The qualifications for Leadership are:

1. The scholarship required for giving ruling (fatwa) in various fields of Islamic law (fiqh).
2. The integrity ('adālah) and piety required for leadership of the Islamic Ummah.
3. A sound political and social vision, prudence, courage, administrative skills and adequate leadership abilities.

Should several persons fulfill these requirements, the one with a stronger vision in fiqhí and political matters will be given preference .

### **Article 110**

The Leader's functions and authority [consist of the following]:

1. Defining the general policies of the Islamic Republic of Iran after consultation with the State Expediency Council.
2. Supervision of the proper execution of the general policies of the regime.
3. Issuing of decrees for national referenda.
4. Supreme command of the armed forces.

5. Declaration of war and peace, and mobilization of the armed forces.

6. Appointment, dismissal, and acceptance of the resignation of:

a. The jurists of the Guardian Council.

b. The Head of the Judiciary.

c. The Head of the radio and television network of the Islamic Republic of Iran.

d. The Chief of the joint staff.

e. The Commander-in-Chief of the Islamic Revolution Guards Corps.

f. The Commanders-in-Chief of the armed forces and the law-enforcement forces.

7. Resolving differences between the three powers of the State and regulation of their relations.

8. Resolving problems irresolvable by conventional means through the State Expediency Council.

9. Signing the President's appointment orders after his election by the people. The competence of candidates for the Presidency, in respect of the qualifications specified in the Constitution, must be confirmed by the Guardian Council before elections, and also by the Leadership during the first term.

10. Dismissal of the President, in consideration of the country's interests, after the Supreme Court finds him guilty of violating his constitutional duties, or following a vote of no confidence by the Islamic Parliament of Iran on the basis of Article 89.

11. Pardon or reduction, within the framework of Islamic criteria, of the sentences of convicts upon the proposal of the Head of the Judiciary.

The Leader may delegate part of his functions and authority to another person.

### **Article 111**

Whenever the Leader is incapable of carrying out his constitutional duties, or loses one of the qualifications mentioned in Articles 5 and 109, or it becomes known that he did not initially possess these, he will be dismissed.

The judgment in this matter rests with the Experts mentioned in Article 108.

In the event of the death, resignation, or dismissal of the Leader, the Parliament of Experts shall expedite the appointment of a new Leader. During this time a Council consisting of the President, Head of the Judiciary, and a jurist from the Guardian Council, as decided by the State Expediency Council, shall provisionally assume the duties of the Leader. In the event of any one of them being unable to fulfill these duties, for whatsoever reason, another person shall be appointed by the State Expediency Council, with due observance of a majority of jurists on the [Provisional Leadership] Council.

This Council will carry out the functions of the Leader in respect of Clauses 1, 2, 3, 5, and 10, and Sub-classes (d), (e) and (f) of Clause 6 of Article 110, with the approval of three-fourths of the members of the State Expediency Council.

Whenever the Leader becomes temporarily unable to perform the duties of Leadership owing to illness or some other accident, the [Provisional] Council mentioned in this article shall assume his duties.

## **Article 112**

The State Expediency Council will meet by the order of the Leader to decide what is most expedient whenever the Guardian Council considers a bill approved by the Islamic Parliament of Iran to be contrary to the principles of the Shari'ah or the Constitution and the Parliament is unable to secure the satisfaction of the Guardian Council on the basis of national expediency. The State Expediency Council will also meet to consult on any issue referred to it by the Leader or related to its duties as mentioned in this Constitution.

The permanent and provisional members of this Council shall be appointed by the Leader.

The rules related to the Council shall be framed and approved by its members and confirmed by the Leader.

## CHAPTER IX

### **The Executive**

#### **◆ Section One: The Presidency**

##### **Article 113**

After the office of Leadership, the President is the country's highest official. He is responsible for implementing the Constitution and presiding over the Executive, except in matters directly concerned with the Leadership.

##### **Article 114**

The President is elected for a four-year term by the direct vote of the people. He may be re-elected only once for a second successive term.

##### **Article 115**

The President must be elected from among religious and political personalities possessing the following qualifications:

He must be of Iranian origin and an Iranian national, possess administrative and problem-solving skills, have a good track record, be trustworthy and pious, have faith and conviction in the fundamental principles of the Islamic Republic of Iran and the country's official religion.

### **Article 116**

Presidential candidates must declare their candidature officially before the beginning of elections. The process of presidential elections will be determined by law.

### **Article 117**

The President is elected by an absolute majority of the voters. If none of the candidates wins such a majority in the first round, a second round of voting will be held on the subsequent Friday. In the second round only the two candidates with the greatest number of votes in the first-round will participate. If, however, any of the candidates who secured the greatest number of votes in the first round withdraws from the elections, two from among the rest of candidates securing the largest number of votes in the first round will be named for the second round.

### **Article 118**

The Guardian Council is responsible for the supervision of the Presidential elections in accordance with Article 99. However, before the establishment of the first Guardian Council, this responsibility lies with a supervisory body to be constituted by law.

### **Article 119**

The election of a new President must take place within one month of the end of the term of the outgoing President. In the period between the election of the new President and the end of the term of the outgoing President, the outgoing President will continue to function as President.

## Article 120

Should any of the candidates whose competence was established in terms of the qualifications listed above die within ten days of the polling day, the elections will be postponed for two weeks. Should any of the candidates who secured the greatest number of votes die after the first round of voting, the election will be postponed for two weeks.

## Article 121

The President must take and sign an oath as follows in the presence of the head of the Judiciary and members of the Guardian Council at a session of the Islamic Parliament of Iran.

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

*I, as President, swear in the presence of the Holy Qur'an and in front of the people of Iran, by God, the Exalted and Almighty, that I will guard the official religion of the country, the order of the Islamic Republic, and the Constitution of the country; that I will devote all my energy and ability to fulfill the responsibilities that I have assumed; that I will dedicate myself to the service of the people, the honor of the country, the propagation of religion and morality, and the support of truth and the spread of justice, refraining from every kind of arbitrary conduct; that I will defend the freedom and dignity of individuals and constitutional rights of the nation; that I will not shirk from taking any necessary measure in guarding the country's frontiers and its political, economic and cultural independence; that by seeking God's help and following the Prophet of Islam and the Infallible Imams, may Peace be upon them, I will guard, as a pious and selfless trustee, the authority*



*vested in me by the people as a sacred trust and transfer it to whomever the people may elect after me.*

### **Article 122**

Within the authority and responsibilities vested in him by the Constitution and or ordinary laws, the President is accountable to the people, the Leader, and the Islamic Parliament of Iran.

### **Article 123**

The President is obliged to sign the legislation approved by the Parliament, or the result of a referendum, after it is forwarded to him and the legal stages are covered, and to forward to the relevant authorities for implementation.

### **Article 124**

The President may appoint deputies for the execution of his constitutional duties. Subject to the President's approval, the vice president will be responsible for administering the Ministerial Cabinet and coordinating the functions of the other deputies.

### **Article 125**

The President or his legal representative has the authority to sign treaties, protocols, contracts, and agreements concluded by the Iranian government with other governments, as well as agreements pertaining to international organizations, after the approval of the Islamic Parliament of Iran.

### **Article 126**

The President is directly responsible for national planning and budgeting and the government's administrative and employment affairs, but he may delegate the management of these to others.

### **Article 127**

In special cases, when necessary, the President may, with the approval of the Ministerial Cabinet, appoint one or more plenipotentiaries with specific powers. The decisions of this plenipotentiary will then be regarded as decisions of the President and the Ministerial Cabinet.

### **Article 128**

The ambassadors will be appointed on the proposal of the Minister of Foreign Affairs and the approval of the President. The President will sign the credentials of the ambassadors and will receive the credentials of ambassadors of foreign countries.

### **Article 129**

The awarding of State decorations is the prerogative of the President.

### **Article 130**

The President will submit his resignation to the Leader, but will continue to perform his duties until his resignation is accepted.

### **Article 131**

In case of the President's death, dismissal, resignation, or an absence or illness exceeding two months, or on expiry of his term of office without a new President's being elected due to some obstacles, or a similar circumstance, vice president will assume the authority and responsibilities of the President with the Leader's approval. A council consisting of the Speaker of the Parliament, Head of the Judiciary, and vice president of the

must arrange for a new President to be elected within fifty days. In case of the death of vice president, or some other circumstance which prevents him from performing his duties, or when the President did not have a vice president, the Leader shall appoint another person to his office.

### **Article 132**

During the period when the authority and responsibilities of the President are delegated to vice president or another person in accordance with Article 131, ministers may neither be interpellated nor may a vote of no confidence be passed against them, nor may a national referendum be held, nor any steps may be taken to review the Constitution.

### **Article 133**

Ministers will be appointed by the President and presented to the Parliament for a vote of confidence. A new Parliament would not require a new vote of confidence. The number of ministers and their jurisdiction will be determined by law.

### **Article 134**

The President heads the Ministerial Cabinet, supervises the work of the ministers and takes necessary measures to coordinate the decisions of the ministers and the Cabinet. He formulates the plans and policies of the government with the ministers' cooperation, and implements the laws.

In the case of disagreement or overlapping of the legal duties of government departments, provided it does not call for an interpretation or modification of the laws, the decision of the Cabinet taken at the President's proposal shall be binding.

The President is accountable to the Parliament for the actions of the Cabinet.

### **Article 135**

The ministers shall continue in office unless they are dismissed, or receive a vote of no confidence from the Parliament as a result of their interpellation or a non-confidence motion.

The resignation of the Cabinet or individual ministers will be submitted to the President, but the Cabinet will continue to function until a new government is appointed.

The President may appoint a caretaker minister for a maximum period of three months for ministries without a minister.

### **Article 136**

The President may dismiss the minister(s) and obtain a vote of confidence for the new minister(s) from the Parliament. When half of the members of the Cabinet have changed since the government received its vote of confidence, the government must seek a new vote of confidence from the Parliament.

### **Article 137**

Each of the ministers is accountable to the President and the Parliament in respect of his duties. But in matters approved by the Cabinet as a whole, he is also accountable for the actions of the others.

### **Article 138**

In addition to cases where the Cabinet or an individual minister is authorized to frame procedures for the implementation of laws, the Cabinet has also the right to frame regulations and procedures to carry out its administrative duties, to ensure the

implementation of laws, and to regulate administrative bodies. Individual ministers have also the right to frame regulations and issue circulars in matters within their jurisdiction and in conformity with the decisions of the Cabinet. However, the content of all such regulations may not violate the letter or the spirit of law. The government may assign some of the tasks relating to its duties to commissions composed of several ministers. The decisions of such commissions within the laws will be binding after the President's endorsement.

The government's decisions and the procedures framed by it as well as the decisions of the commissions mentioned herein will also be communicated to the Speaker of the Islamic Parliament of Iran whilst being forwarded for implementation, so that in the event of him finding them contrary to law, he may return them stating his reasons for the necessity of their review by the Cabinet.

### **Article 139**

The settlement of claims pertaining to public and State property, or the referral thereof for arbitration, shall depend in all cases on the approval of the Cabinet, and brought to the notice of the Parliament. In cases where one party to the dispute is a foreigner, or when it is an important domestic case, the approval of the Parliament must also be obtained. The important cases will be specified by law.

### **Article 140**

Allegations of common crimes against the President, his deputies, and ministers will be investigated in common courts of justice with the knowledge of the Islamic Parliament of Iran.

### **Article 141**

The President, his deputies, ministers, and government employees may not hold more than-one government position. It is also forbidden for them: to hold any kind of additional position in institutions of which all or part of the capital belongs to the government or public institutions; to be a member of the Islamic Parliament of Iran; to practice the profession of an attorney or legal adviser; or to hold the post of president, managing director, or membership of the board of directors of any kind of private company, with the exception of cooperative companies affiliated to government departments and institutions.

Teaching positions in universities and research institutions are exempted from this rule .

### **Article 142**

The assets of the Leader, the President, his deputies and ministers, as well as those of their spouses and children will be investigated before and after their term of office by the head of the Judiciary, in order to ensure that such assets have not increased in contravention of the law.

## **◆ Section Two: The Army and the Islamic Revolution Guards Corps**

### **Article 143**

The Army of the Islamic Republic of Iran is responsible for guarding the independence and territorial integrity of the country, as well as the state of the Islamic Republic.

### **Article 144**

The Army of the Islamic Republic of Iran must be an Islamic army, that is, an army committed to Islamic teaching and

derived from the people. It must recruit into its ranks worthy individuals having faith in the objectives of the Islamic Revolution and devoted to its cause.

#### **Article 145**

No foreigner may serve in the Army or the country's security forces.

#### **Article 146**

The establishment of any kind of foreign military base in Iran, even for peaceful purposes, is forbidden.

#### **Article 147**

In time of peace, the government must utilize the personnel and equipment of the Army in work relating to relief, education, production, and the Construction Jihād, whilst observing the criteria of Islamic justice and to the extent that such utilization does not affect the Army's combat readiness.

#### **Article 148**

All forms of personal use of military vehicles, equipment, and means, as well as taking advantage of Army personnel as personal servants, chauffeurs, and the like are forbidden.

#### **Article 149**

Promotions and demotions of the Army personnel will be in accordance with law.

#### **Article 150**

The Islamic Revolution Guards Corps, founded in the first days of the victory of the Revolution, is to be maintained in

order to maintain its role of guarding the Revolution and its achievements. The scope of the Corps' duties and their areas of responsibility in relation to the duties and areas of responsibility of other armed forces are to be determined by law, emphasizing brotherly cooperation and coordination.

### **Article 151**

The government is obliged to provide a program of military training and furnish the requisite facilities to all its citizens, in accordance with the Islamic criteria, to ensure that all citizens at all times have the ability for armed defense of the Islamic Republic of Iran. This is in accordance with the Qur'anic verse:

وَأَعِدُّوا لَهُمْ مَا اسْتَطَعْتُمْ مِنْ قُوَّةٍ وَمِنْ رِبَاطِ الْخَيْلِ  
تُرْهِبُونَ بِهِ عَدُوَّ اللَّهِ وَعَدُوَّكُمْ وَأَخْرِينَ مِنْ دُونِهِمْ . . .

(Prepare against them whatever force you are able to muster, and strings of horses, striking fear into the enemy of God and your enemy, and others besides them. [8:601])

The possession of arms, however, is subject to official permission.



## CHAPTER X

### **Foreign Policy**

#### **Article 152**

The foreign policy of the Islamic Republic of Iran is based upon rejection of all forms of domination - both the assertion of it and submission to it - preservation of the country's all round independence, its territorial integrity, defense of the rights of all Muslims, non-alignment with hegemonic superpowers, and the maintenance of peaceful relations with all non-belligerent States.

#### **Article 153**

Any kind of agreement resulting in foreign control of the country's natural resources, economy, army, culture, and other aspects of national life, is forbidden.

#### **Article 154**

The realization of human felicity throughout human society is the ideal of the Islamic Republic of Iran and it considers independence, freedom, and the rule of justice and Truth to be the right of all people of the world. Accordingly, whilst scrupulously refraining from all forms of interference in the internal affairs of other nations, it supports the struggle of the

mustad'afin against the mustakbirin for their rights in every corner of the globe.

### **Article 155**

The government of the Islamic Republic of Iran may grant political asylum to those who seek it unless they are considered to be traitors and criminals according to the law of Iran.

## CHAPTER XI

### **The Judiciary**

#### **Article 156**

The Judiciary is an independent power [of the State] and protector of individual and social rights. It is responsible for the realization of justice, and is entrusted with the following duties:

1. Investigation and passing judgment in relation- to grievances, violations, and 'complaints; resolution of litigation; settling of disputes; and deciding on such matters of personal status as are specified by law;
2. Restoring public rights, promoting justice and legitimate freedoms;
3. Supervising the proper enforcement of laws;
4. Exposing of crimes; prosecution and penalization of criminals and enacting the penalties and provisions of the Islamic penal code;
5. Taking suitable measures for prevention of crime and rehabilitation of criminals.

#### **Article 157**

The Leader shall appoint a mujtahid, possessing integrity and administrative and problem-solving abilities, and well-

versed in judicial affairs as the Head of the Judiciary for a period of five years, to carry out the judicial, administrative, and executive responsibilities of the Judiciary. His will be the highest judicial office.

### **Article 158**

The Head of the Judiciary is responsible for the following:

1. Creating the necessary organization for the administration of justice to fulfill the responsibilities specified in Article 156;
2. Preparation of bills on judicial affairs appropriate to [the form of government of] the Islamic Republic;
3. Employment of just and worthy judges, their dismissal, appointment, transfer, their assignment to particular duties, promotions, and the carrying out of similar administrative duties in accordance with law.

### **Article 159**

The judicial administration is the official authority for the referral of all grievances and complaints. The formation of courts and their jurisdiction will be determined by law.

### **Article 160**

The Minister of Justice is responsible for all matters concerning the Judiciary's relations with the Executive and the Legislature. He will be elected from among individuals proposed to the President by the head of the Judiciary.

The head of the Judiciary may delegate to the Minister of Justice authority in financial and administrative areas as well as in the employment of personnel other than judges. In that case, the Minister of Justice will have the same authority and

responsibility as foreseen by law for the other ministers in their capacity as highest executive officials.

### **Article 161**

The Supreme Court will be formed in accordance with the regulations established by the Head of the Judiciary to supervise the correct implementation of the laws by the courts, to ensure uniformity of judicial procedures, and to fulfill any other functions assigned to it by law.

### **Article 162**

The Chief of the Supreme Court and the Prosecutor General must be mujtahids, possessing integrity and well versed in judicial matters. They will be nominated by the Head of the Judiciary for a period of five years, in consultation with the judges of the Supreme Court.

### **Article 163**

The conditions and qualifications of a judge will be determined by law in accordance with the criteria of filth.

### **Article 164**

A judge may not be removed, temporarily or permanently, from his post except when he is tried in a court of law and found guilty, or in consequence of an offense requiring his dismissal. A judge cannot be transferred or reassigned to another post without his consent, except where called for by the interests of society upon the decision of the Head of the Judiciary after consultation with the Chief of the Supreme Court and the Prosecutor General. The periodic transfer and rotation of judges will be in accordance with general rules determined by law.

### **Article 165**

Trials are to be held openly and members of the public may attend without any restriction unless the court considers an open trial to be contrary to public morality or law and order, or when requested by both parties in a civil dispute.

### **Article 166**

The verdicts of courts must be well-reasoned and documented with reference to the articles and clauses of law on which they are based.

### **Article 167**

The judge must endeavor to base his judgment in each case on codified laws. If he cannot find such basis, he should deliver judgment on the basis of authoritative Islamic sources and reputable rulings (fatwa). He may not refrain from admitting and examining cases and delivering judgment on the excuse of the silence or inadequacy of law in a matter, or its being general or ambiguous.

### **Article 168**

Political and press offences will be tried by jury in open courts. The manner of the selection of the jury, its qualifications and powers, and the definition of political offences, will be determined by law in accordance with Islamic criteria.

### **Article 169**

No act of commission or omission may be regarded as a crime with retrospective effect on the basis of a law framed subsequently.

### **Article 170**

Judges are obliged to refrain from enforcing the government's decrees and regulations that are in conflict with Islamic laws and norms, or which lie outside the competence of the Executive. Everyone has a duty to demand the annulment of any such regulation from the Court of Administrative Justice.

### **Article 171**

Whenever an individual suffers moral or material harm or loss as a result of a judge's default or error regarding the subject matter of a case, or the law applicable, or in the application of law to a particular case, the defaulting judge is liable for the reparations in accordance with Islamic criteria. Otherwise, losses will be compensated by the State, and in all such cases, the repute and good standing of the accused will be restored.

### **Article 172**

Military courts will be established to investigate crimes related to military or security duties of personnel of the Army, Gendarmerie, police, and the Islamic Revolution Guards Corps. However, they will be tried in public courts for common crimes or crimes committed while serving the department of justice in an executive capacity.

The military courts and the office of military prosecutor are part of the Judiciary and are subject to the same articles that apply to it.

### **Article 173**

A court to be known as the Court of Administrative Justice will be constituted under the supervision of the Head of the

Judiciary in order to investigate the complaints, grievances, and objections of the people in respect of government officials, organs, and statutes.

The jurisdiction, powers, and mode of operation of this court will be determined by law.

#### **Article 174**

An organization to be known as the General Inspection Organization will be constituted under the supervision of the Head of the Judiciary, in accordance with the supervisory rights of the Judiciary over the conduction of affairs and correct implementation of laws by the government's administrative organs. The jurisdiction and functions of this organization will be determined by law.



## CHAPTER XII

### **Radio and Television**

#### **Article 175**

The freedom of expression and dissemination of ideas must be secure in the Radio and Television of the Islamic Republic of Iran with due observance of Islamic norms and the country's interests.

The appointment and dismissal of the head of the Radio and Television Organization of the Islamic Republic of Iran will be by the Leader. A Council consisting of two representatives each from the Executive, the Head of the Judiciary and the Islamic Parliament of Iran will supervise this organization.

The policies and procedures for the administration of this organization and its supervision will be determined by law.

## CHAPTER XIII

### **The Supreme Council of National Security**

#### **Article 176**

A Supreme Council of National Security presided over by the President will be established to secure national interests, preservation of the Islamic Revolution, national sovereignty, and territorial integrity of the Islamic Republic. It is to fulfill the following duties:

1. Determine the defense and national security policies within the framework of the general policies determined by the Leader.
2. Coordinate political, intelligence, social, cultural, and economic activities in accordance with the general defense and security plans.
3. Utilize the material and non-material resources of the country to confront internal and external threats.

This Council shall consist of:

- the heads of three branches of powers of the State,
- the chief of the Supreme Command of the Armed Forces,
- the official responsible for planning and budgeting affairs,
- two representatives appointed by the Leader,

--the ministers of foreign affairs, the interior, and intelligence,  
--one of the ministers, in accordance with the relevance of a case, and the highest ranking official of the Armed Forces and the Islamic Revolution Guards Corps.

The Supreme Council of National Security shall, commensurate with its duties, form sub-councils such as a Council for Defense and a State Security Council. Each sub-council will be presided over by the President or a member of the Supreme Council of National Security appointed by the President.

The jurisdiction and functions of the sub-councils will be determined by law and their organizational structure will be approved by the Supreme Council of National Security.

The decisions of the Supreme Council of National Security shall be effective after the Leader's approval.

## CHAPTER XIV

### **Revision of the Constitution**

#### **Article 177**

The revision of the Constitution of the Islamic Republic of Iran, whenever deemed necessary, will be according to the following procedure:

The Leader will issue a decree to the President after consultation with the State Expediency Council stipulating the amendments or additions required to be made by the Council for Revision of the Constitution consisting of:

1. The members of the Guardian Council
2. The heads of the three powers of the State.
3. The permanent members of the State Expediency Council.
4. Five members from the Parliament of Experts.
5. Ten members nominated by the Leader.
6. Three members of Cabinet.
7. Three members from the Judiciary.
8. Ten members from among the representatives of the Islamic Parliament of Iran.
9. Three university professors.

The procedure, method of selection and qualifications for the Council will be determined by law.

The decisions of the council, once confirmed and signed by the Leader, will be valid if approved by an absolute majority of voters participating in a national referendum.

The provisions of Article 59 of the Constitution will not apply to a referendum in respect of a revision of the Constitution.

The contents of the Article pertaining to the Islamic character of the country's political order, the necessity of basing all laws and regulations on Islamic criteria, the religious foundations and objectives of the Islamic Republic of Iran, the republican character of the State, the wilayas al-amr and imamah of the Ummah, the administration-of the country's affairs on the basis of public opinion, and the official religion and madhhab of Iran, are unalterable.