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McGill Guide 9th ed.

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PERSIA.

The form of government in Persia up to the year 1906 was, in its most important features, similar to that of Turkey. The Shah, within the limitations imposed by the Mohammedan religion, was an absolute ruler, generally regarded by the people as the vice-gerent of the Prophet. As a result of the troubles provoked by the unpopularity of the grand vizier (Ain-ed-Douleh), the Shah (Mozaffer-ed-Din) published a rescript¹ under date of 5 August 1906 (14 Jomada II 1324) announcing that "a National Council (*Mejlis*) would be elected from among the princes, savants, Kajars, nobles, proprietors, business men and workmen," to deliberate upon necessary reforms. An Electoral Law was published on 9 September (20 Rajab)² and elections were held in the beginning of October. On 7 October the Shah opened in person the First Mejlis. Its leaders rapidly drew up a Constitution, which the Shah signed on 30 December (14 Dulkaada), a few days before his death. His son, Mohammed Ali, succeeded him (8 January 1907). Although the new Shah was opposed to representative government and vigorously opposed all efforts of the constitutionalist party, the latter won over the leaders of the conservatives, and, as a result, the Shah accepted, on 7 October 1907 (29 Shaaban 1325), the Supplementary Constitutional Law.

The First Mejlis was forcibly dissolved, with bloodshed, by the notorious Colonel Liakhoff, the Russian commander of the Shah's Cossack brigade, in the *coup d'état* of 23 June 1908, and a rescript was issued on 22 November which abolished the Constitution. Civil war became so intense that Russia determined to employ military intervention. The profound impression produced in Persia by the fall of the Sultan Abdul Hamid II at Constantinople caused the Shah to sign a rescript reestablishing the old Constitution "without any alteration" and opening the parliament, but, before a new electoral law could be drafted, constitutionalist troops occupied Teheran (13 July 1909). Three days later an extraordinary assembly of representatives of the Persian people deposed the Shah Mohammed Ali, and, in conformity with the Constitution, proclaimed

¹ English translation of the Shah's firman is given in *British and Foreign State Papers*, 101: p. 526; E. G. BROWNE, *The Persian Revolution of 1905-1909* (Cambridge, 1910), pp. 353-354; and E. G. BROWNE, *A Brief Narrative of Recent Events in Persia* (London, 1909), pp. 65-66.

² English translation in BROWNE, *The Persian Revolution*, pp. 355-361, and *A Brief Narrative*, pp. 67-74; French translation in the *Annuaire de législation étrangère*, 36 (1906): pp. 754-757.

his minor son, Ahmed Mirza, Shah under a regency, which was terminated on 21 July 1914, when the young Shah was declared to be of age.¹

CONSTITUTION OF 30 DECEMBER 1906.²

[PREAMBLE.]

In the name of God the All Merciful!

Whereas by Our Firman of 5 August 1906,³ We commanded the institution of a National Assembly for the progress and welfare of the State and nation, the strengthening of the foundations of the kingdom and the carrying out of the laws of His Holiness the Prophet; and whereas, in accordance with the clause by which it is provided that, as each individual member of the State has a right to take part in the superintendence and decision of public affairs, We therefore have permitted the election and appointment of deputies on behalf of the nation; and whereas the National Assembly has been opened through Our gracious benevolence, We have decreed the following articles of constitutional regulations for the National Assembly, including the duties and functions of the Assembly and its limitations and relations towards government departments.

THE INSTITUTION OF THE ASSEMBLY.

ARTICLE 1. The National Assembly has been instituted in accordance with the Imperial Firman of 5 August 1906.

ART. 2. The National Assembly is the representative of the whole Persian nation, which shares in political and domestic affairs.

ART. 3. The National Assembly shall be composed of members elected at Teheran and in the provinces, and the place of their meeting shall be at Teheran.

ART. 4. The number of deputies for Teheran and the provinces is at present, in accordance with an Electoral Law separately promulgated, 162 persons, but if necessary may be increased to 200.

ART. 5. The deputies shall be elected for two whole years. This period shall begin from the day on which all the provincial deputies

¹ These introductory paragraphs are based upon E. G. BROWNE, *The Persian Constitutional Movement* (London, 1918); F. R. DARESTE ET P. DARESTE, *Les Constitutions modernes* (Paris, 1910), vol. II, pp. 684-685; and the two works by BROWNE mentioned in note 1, p. 481. Cf. also *The Statesman's Year-book* (1916, 1917 and 1918).

² Translation based upon the English translations in the *British Parliamentary Paper Persia. No. 1 (1909)* (London, 1909) [Cd. 4581]; *British and Foreign State Papers*, 101: pp. 527-534; E. G. BROWNE, *The Persian Revolution of 1905-1909* (Cambridge, 1910), pp. 362-371; and E. G. BROWNE, *A Brief Narrative of Recent Events in Persia* (London, 1909), pp. 75-86.

³ See above, p. 481, note 1.

assemble at Teheran. After the lapse of two years deputies must be again elected, but the people are at liberty to reelect members if they are pleased with them.

ART. 6. The Teheran deputies shall have the option of instituting the Assembly and starting discussion and debates. Their decisions by majority during the absence of the provincial deputies will be valid, and are to be carried out.

ART. 7. When debates are started, at least two thirds of the members must be present, and when questions are put to the vote, three quarters of the members present give their votes. A majority shall be obtained only when more than half of those present in the Assembly record their votes.

ART. 8. The time of recess and of sitting of the National Assembly shall be fixed by the Assembly itself, according to the internal regulations. After the summer recess, the Assembly must again sit and begin its labors on 8 October, which is the date of the celebration of the opening of the First Assembly.

ART. 9. The National Assembly may convene extraordinary sittings during the recess.

ART. 10. When the Assembly opens, an address must be submitted to His Imperial Majesty, and it shall afterwards have the honor of receiving an answer from that royal and august quarter.

ART. 11. As soon as members of the National Assembly join, they must take and subscribe to the following oath :

Form of the Oath.

We who have signed below invite God to be our witness, and we take oath by the Koran that, so long as the rights of the Assembly and the members of the Assembly are protected and carried out in accordance with these regulations, we will carry out the duties entrusted to us, as well as possible, with the greatest sincerity and straightforwardness, and to our best ability, and we will be true and truthful to our just Sovereign, and will not be traitors to the foundations of sovereignty or the rights of the nation, and we will have no other object but the advantage and the interests of the government and nation of Persia.

ART. 12. No person on any pretext whatever, shall have the right to proceed against any member of the Assembly, without the knowledge and approval of the National Assembly. Should by chance one of the members be guilty of a public offense or crime, and should he be arrested *in flagrante delicto*, the carrying out of punishment must be with the knowledge of the Assembly.

ART. 13. In order that the result of the discussions of the National Assembly should be carried out, their proceedings must be public. Newspaper reporters and the public have the right to be present and to listen, in accordance with the internal regulations, but without

the right of speaking. Newspapers may print all the debates of the Assembly without altering their meaning, so that the public should be aware of all their proceedings. Everyone, subject to his paying due regard to the public good, may discuss them in the public press, so that no matter should be hidden from anyone. Therefore, all newspapers, so long as their publications are not contrary to any of the articles of the Constitution of the nation or State, are empowered to print matters of public utility, such as the debates of the Assembly and the observations of the people on those debates. Should any one publish an untrue report of the debates with personal motives, or make a libel, he will render himself liable to an inquiry, proceedings and punishment, according to law.

ART. 14. The National Assembly, in accordance with separate regulations entitled the internal regulations, shall regulate its own personal affairs, such as the election of a president, a vice-president, secretaries, and other officers, as well as the debates, etc.

THE DUTIES OF THE ASSEMBLY AND ITS LIMITATIONS AND RIGHTS.

ART. 15. The National Assembly has the right to discuss truthfully and sincerely all matters it considers to be desirable in the interests of the State and nation to investigate: and, subject to the approval of a majority, to submit them in the enjoyment of the utmost safety and confidence, with the approval of the Senate, to His Imperial Majesty the Shah, through the Prime Minister of the State, for His Majesty's signature, and to be then put into execution.

ART. 16. In general, all laws necessary for the strengthening of the government and kingdom, and the regulation of State affairs, and for the establishment of ministries, must receive the sanction of the National Assembly.

ART. 17. The necessary bills for making new laws, or for the alteration, amplification, or cancellation of existing laws, shall, when desirable, be prepared by the National Assembly to be submitted to His Imperial Majesty the Shah for signature with the approval of the Senate, and to be then put into execution.

ART. 18. The regulation of financial matters, the modification of the budget, the alteration of the arrangement of taxation, the refusal or acceptance of impositions, as well as the inspections which will be undertaken by the government, shall be done with the approval of the Assembly.

ART. 19. The Assembly will have the right for the purpose of reforming financial matters and facilitating the relations of the governors and the apportioning of the provinces of Persia, and the re-appointment of governors, after the Senate has given its approval, to

demand from the government authorities that the decision arrived at should be carried out.

ART. 20. The budget of each ministry must be finished for the succeeding year in the last half of each year, and must be ready fifteen days before the Festival of the Nawrúz.¹

ART. 21. Should it be necessary with regard to the constitutional laws of the ministries to make a new law, or to alter or cancel existing laws, it will be done with the consent of the National Assembly, whether its necessity be first pointed out by the Assembly or by the responsible minister.

ART. 22. Whenever a part of the revenue or property of the government or State is to be sold, or a change of frontier or border becomes necessary, it will be done with the approval of the National Assembly.

ART. 23. Without the approval of the National Assembly no concession whatever for the formation of companies or associations shall be granted by the government.

ART. 24. Treaties, conventions, the granting of concessions, monopolies, either commercial, industrial, or agricultural, whether the other party be a native or a foreigner, can only be done with the approval of the National Assembly. Treaties which it may be in the interests of the government or nation to keep secret are excepted.

ART. 25. All government loans of any nature whatsoever, whether internal or foreign, will be made with the knowledge and approval of the National Assembly.

ART. 26. The construction of railways or roads, whether the cost be defrayed by the government, by associations or companies, whether native or foreign, can only be undertaken with the approval of the National Assembly.

ART. 27. Should the Assembly find in any place a fault in the laws or an irregularity in their fulfilment, it will draw the attention of the responsible minister to the same, and he will have to give the necessary explanations.

ART. 28. Should a minister, in contravention of one of the laws which have received the imperial sanction, by misrepresentations obtain the issue of a written or verbal order from His Imperial Majesty the Shah, and excuse himself thereby for his delay and negligence, he will by law be responsible to His Imperial Majesty the Shah.

ART. 29. Whichever minister who in a matter or matters should not be able to answer for his actions in accordance with the laws approved by His Imperial Majesty, and if it should be apparent that he has broken the law and transgressed the stipulated limitations, the

¹The Nawrúz, or Persian New Year's Day, falls about 21 March in each year.

Assembly will petition His Imperial Majesty for his dismissal, and when his fault has been determined by the courts of justice he will not again be allowed to serve the government.

ART. 30. The National Assembly has the right whenever it considers it desirable to make petitions direct to His Imperial Majesty by the means of a body composed of the president and six members elected by the six classes. The time for the audience must be arranged for through the Minister of Court.

ART. 31. Ministers have the right to be present at the sessions of the National Assembly, and to sit in the place set apart for them, and to hear the debates of the Assembly; and should they think it necessary, they may ask the president for permission to speak and give the necessary explanations for the discussion and investigation of affairs.

THE STATEMENT OF AFFAIRS TO THE NATIONAL ASSEMBLY.

ART. 32. Any individual member of the public may make a statement of his case, or complaints or criticisms, to the office of the Assembly, and, if the matter concerns the Assembly itself, a satisfying answer will be given to him; but should the matter concern one of the ministries, it will be sent to that ministry for investigation, and in order that a satisfying answer be given.

ART. 33. New laws which are necessary will be prepared at the responsible ministries, and will be given to the National Assembly by the responsible minister or by the Prime Minister, and after receiving the approval of the Assembly will receive His Imperial Majesty's sign-manual and be put into execution.

ART. 34. The president of the Assembly can, if necessary, of his own initiative or by the desire of ten members of the Assembly or of a minister, form a secret committee, without the presence of newspaper reporters or spectators, composed of a number of persons chosen from among the members of the Assembly, at which the other members of the Assembly will not have the right to attend. The result of the deliberations of the secret committee can, however, only be put into execution when the secret committee in the presence of three quarters of the persons elected accept the point at issue by a majority of votes, and if the matter be not passed by the secret committee, it will not be stated in the Assembly and will remain secret.

ART. 35. Should the secret committee be instituted by the president of the Assembly, he has the right to inform the public of any part of it he thinks fit; but if the secret committee is instituted by a minister, the publication of the debate can only be subject to that minister's permission.

ART. 36. Any one of the ministers may withdraw at any stage of its progress any matter put before the Assembly by him, excepting when his statement is called forth by the initiative of the Assembly, in which case the withdrawal of the subject must be subject to the agreement of the Assembly.

ART. 37. Should the bill of any minister not be passed, it will be returned with the observations of the Assembly. The responsible minister can, after refusing or accepting the criticisms of the Assembly, send it to the Assembly a second time.

ART. 38. The members of the National Assembly must definitely and explicitly either refuse or accept the points at issue, and no one will have the right to influence them in giving their decisions. A refusal or acceptance on the part of the members of the Assembly must be made in such a manner that the newspaper reporters and spectators may be able to observe it, that is to say, their decision must be made by visible signs, such as blue and white cards, or the like.

THE STATEMENT OF MATTERS ON THE PART OF THE ASSEMBLY.

ART. 39. Whenever a case is brought up by a member of the Assembly, it will only be subject to debate when at least fifteen members of the Assembly approve of its discussion, in which case the matter in point will be submitted in writing to the president, who has the right to give it to the Committee of Investigation.

ART. 40. At the time of debate and inquiry into a matter, as stated above in Article 39, whether by the Assembly or by the Committee of Investigation, should the matter have reference to one of the responsible ministries, the Assembly must notify the responsible minister, so that if possible he should attend in person or send his representative in order that the discussion should take place in the presence of the minister or his representative. A copy of the statement and its appendices must be sent from ten days to a month beforehand, with the exception of urgent matters, to the responsible minister. The day on which the debate will take place must likewise be previously determined. After an investigation of the case in the presence of the responsible minister, in the event of the Assembly approving by a majority of votes, the statement will be formally written and delivered to the responsible minister in order that he should take the consequential steps.

ART. 41. In case a responsible minister, on grounds of expediency, is not in accord with the Assembly in a matter raised by it, he must adduce his proofs and convince the Assembly.

ART. 42. In any case concerning which the National Assembly desires explanations from a responsible minister, the latter is obliged

to supply an answer, and this answer must not, without an excuse, be delayed beyond a reasonable time, with the exception of secret matters, the secrecy of which for a stipulated period is desirable in the interests of the government and nation, but after the expiration of the stipulated time the responsible minister is obliged to state the circumstances of the case to the Assembly.

THE CONDITIONS OF THE INSTITUTION OF THE SENATE.

ART. 43. Another assembly, called the Senate, will be constituted, composed of sixty members, whose sessions will coincide, after its constitution, with those of the National Assembly.

ART. 44. The regulations of the Senate must receive the approval of the National Assembly.

ART. 45. The members of the assembly will be chosen from the enlightened, intelligent, orthodox and respectable persons of the State, thirty persons on behalf of His Imperial Majesty (fifteen from the inhabitants of Teheran and fifteen from the inhabitants of the provinces) and thirty persons on behalf of the nation (fifteen elected by the people of Teheran and fifteen elected by the people of the provinces).

ART. 46. After the constitution of the Senate all affairs must receive the approval of both assemblies. If those affairs are initiated by the Senate or by the body of ministers, they must first be determined in the Senate and passed by a majority, and then sent to the National Assembly for approval; but affairs initiated in the National Assembly will, on the contrary, pass from that Assembly to the Senate, with the exception of financial matters, which will be the prerogative of the National Assembly, and the Senate will be informed of the arrangements made by the Assembly regarding these affairs in order that the Senate may make its observations on the same to the National Assembly, which is, however, at liberty, after the necessary investigations, either to accept or to refuse the proposals of the Senate.

ART. 47. So long as the Senate is not constituted, affairs will require only the approval of the National Assembly and the sign-manual of His Imperial Majesty to be put into execution.

ART. 48. Whenever a question initiated by a minister is, after having been passed by the Senate, referred to the National Assembly and not accepted, and in the event of the matter being an important one, a third assembly, composed of an equal number of members of both assemblies elected by each, will be constituted to inquire into the subject at issue. The result of the deliberations of this assembly will be read to the National Assembly. If an understanding is

reached, so much the better: but, if not, a report of the matter will be submitted to His Imperial Majesty the Shah. Should His Imperial Majesty confirm the decision of the National Assembly, it will be put into execution: but should His Imperial Majesty not confirm it, His Imperial Majesty will command that the question be debated and investigated afresh, and if still a settlement is not arrived at, and if the Senate by a majority of two thirds votes for the dissolution of the National Assembly, and if the body of ministers separately recommends the dissolution of the National Assembly, His Imperial Majesty the Shah's rescript dissolving the National Assembly will be issued, and His Imperial Majesty will in the same rescript command that fresh elections should take place, and the people will have the right to elect the former deputies.

ART. 49. The new Teheran deputies must be ready within one month and the provincial deputies within three months, and as soon as the Teheran deputies are ready the Assembly will open and commence its labors, but they will not discuss the points at issue until the provincial deputies arrive. **But when the members are present and a full majority vote in the same sense as before, His Imperial Majesty will approve the decision of the National Assembly and will command that it be put into execution.**

ART. 50. During each term of election—that is to say, during two years—a general election will not be called more than once.

ART. 51. It is decreed that the sovereign who succeeds Us should protect these limitations and articles, which aim at the strengthening of the State and of the foundations of the kingdom, and the protection of justice and contentment of the nation, which We have decreed and put into execution, and which they must look upon as their duty to fulfill.¹

SUPPLEMENTARY CONSTITUTIONAL LAW OF 7 OCTOBER 1907.²

[PREAMBLE.]

In the name of God the Merciful, the Compassionate!

The following are the articles which, in order to complete the fundamental laws of the Constitution of Persia, have been added to the Constitutional Law signed by His Imperial Majesty the late Mozaffer-ed-Din Shah Kajar on 30 December 1906.³

¹ Here follow the attestation and signature of Mozaffer-ed-Din Shah and the seals of the then Crown Prince or Valiahd, Mohammed Ali, and the Grand Vizier, Mushir-ed-Dowleh.

² Translation based upon the English translations in the British Parliamentary Paper *Persia. No. 1 (1909)* (London, 1909) [Cd. 4581]; *British and Foreign State Papers*, 101; pp. 534-542; E. G. BROWNE, *The Persian Revolution of 1905-1909* (Cambridge, 1910), pp. 372-384; and E. G. BROWNE, *A Brief Narrative of Recent Events in Persia* (London, 1909), pp. 87-101.

³ See above, p. 482.

GENERAL PROVISIONS.

ARTICLE 1. The official religion of Persia is the branch of the Twelve Imams of the Shiah Sect of Islam.¹ The Sovereign of Persia must profess and promote this religion.

ART. 2. The National Assembly has been founded by the help of the Twelfth Imam, the bounty of His Islamic Majesty, the watchfulness of the *ulema*² and the common people. The laws passed by it must never to all ages be contrary to the sacred precepts of Islam and the laws laid down by the Prophet.

It is obvious that the decision as to whether the laws passed by the Assembly are in opposition to the precepts of Islam rests with the ulema. It is therefore officially decreed that for all ages a committee composed of five persons, who shall be *mujtahids* and religious doctors, and who also must be acquainted with the requirements of the times, shall be elected in the following manner. The ulema and doctors of Islam who are recognized by the Shias as the centre of imitation shall make known to the National Assembly the names of twenty of the ulema possessing the above-mentioned qualities. The National Assembly shall, by agreement or casting of lots, elect five of them or more, according to the requirements of the age, and admit them as members. This committee shall discuss and thoroughly investigate the bills brought in by the National Assembly, and reject, wholly or in part, every one of these bills which is contrary to the sacred precepts of Islam, in order that it may not become law. The decision of this committee is final. This article will not be liable to change until the advent of the Twelfth Imam.

ART. 3. The boundaries of the Kingdom of Persia, or of its provinces, departments and communes, can not be modified except by law.

ART. 4. The capital of Persia is Teheran.

ART. 5. The official colors of the Persian flag are green, white and red, with the sign of the lion and the sun.

ART. 6. The life and property of foreigners resident in Persia are secured and guaranteed, except in those cases in which the laws of the realm make exceptions.

ART. 7. The Constitution, in part or in its entirety, is not liable to interruption.

THE RIGHTS OF THE PERSIAN NATION.

ART. 8. The people of Persia shall enjoy equality of rights before the civil law.

¹ Browne's translation seems to give a rendering of religious terms which is more literal, but less expedient for the present purposes, and contains some ejaculatory phrases after mention of religious personages which it has been thought expedient to omit here.

² That is, the doctors of theology, especially the *mujtahids*.

ART. 9. The life, property, domicile and honor of every individual is secured and guaranteed from every kind of injury. No one can be disturbed except by order of, and in the manner defined by, the laws of the land.

ART. 10. Except when found *in flagrante delicto* committing crimes, misdemeanors or serious offenses, no one can be immediately arrested except by a written order of the president of the Tribunal of Justice in accordance with the law. Even then the offense of the accused must be made known to him at once, or at the latest within 24 hours.

ART. 11. No one can be prevented from appearing before the court which should decide his case and be forced to refer the matter to another court.

ART. 12. No punishment shall be decreed or executed except by law.

ART. 13. The dwelling-place and house of every individual is inviolable. In no dwelling-place can forcible entry be made, except by order of, and in the manner defined by, law.

ART. 14. No Persian can be exiled or prevented from residing in any place, or forced to reside in any place, except in the cases defined by law.

ART. 15. No owner can be deprived of his land except by sanction of the Sheri, and then only after the fixing and payment of a just price.

ART. 16. The sequestration of the property or possessions of any person as a penal measure is forbidden, except by order of law.

ART. 17. It is forbidden to deprive owners or possessors of the properties or possessions controlled by them on any pretext whatever except by order of law.

ART. 18. The acquisition and study of arts, letters and sciences is free, except in so far as they are forbidden by the Sheri.

ART. 19. The foundation of schools at the expense of the State and the people, and compulsory education, must be in accordance with the Law of the Ministry of Sciences and Arts, and all primary and secondary schools must be under the direction and supervision of that Ministry.

ART. 20. All publications, except heretical works containing matter harmful to the religion of Islam, are free, and are exempt from censure. Whenever anything contrary to the law of the press is found in them, the publisher or author will be punished in accordance with that law. If the author is well known and resident in Persia, the publisher, printer and distributor shall be secured from any action being brought against them.

ART. 21. Societies and associations which do not provoke religious or civil strife are free throughout the realm; but their members must be unarmed and must obey the regulations which the law on this subject shall lay down. Meetings in the high roads or public squares must be held in accordance with the laws of the police.

ART. 22. Postal communications are inviolable and exempt from seizure or opening, except in cases in which the law makes exception.

ART. 23. The publication or seizure of telegraphic communications without the permission of the author of the telegram is forbidden, except in cases in which the law makes exception.

ART. 24. Foreign subjects can acquire Persian nationality. The acquisition, preservation or divestment of nationality will be in accordance with a separate law.

ART. 25. Permission is not required to bring action against government officials for offenses connected with their duties, except in the case of ministers, in whose case the special laws enacted in this respect must be observed.

THE POWERS OF THE REALM.

ART. 26. The powers of the realm spring from the people. The Constitution defines the method of using those powers.

ART. 27. The powers of the realm are divided into three parts:

1. The legislative power, whose province it is to make and amend laws. This power emanates from His Imperial Majesty the Shah, the National Assembly and the Senate. Each one of these three sources possesses the right of originating laws; but their passing is conditional to their not being contrary to the laws of the Sheri, to the approval of the two houses and to their receiving the imperial signature. But the making and approval of laws relating to the revenue and expenditure of the realm belongs to the National Assembly alone. The explanation and interpretation of laws is the peculiar duty of the National Assembly.

2. The judicial power, which consists in the distinguishing of rights. This power belongs to the Sheri tribunals in matters appertaining to the Sheri, and to the courts of justice in matters appertaining to the civil law (*waf*).

3. The executive power, which rests with the King. That is to say, the laws and decrees will be executed by the ministers and officials in the name of His Imperial Majesty in the manner defined by law.

ART. 28. The three above-mentioned powers shall always be differentiated and separated from one another.

ART. 29. The particular interests of each province, department and commune shall be regulated by the provincial and departmental councils in accordance with their own particular laws.

THE RIGHTS OF THE MEMBERS OF THE ASSEMBLY.

ART. 30. The members of the National Assembly and the Senate represent the whole nation, not only the particular classes, provinces, departments, or communes which have elected them.

ART. 31. One person can not at the same time be a member of both houses.

ART. 32. As soon as a member becomes a salaried government servant, he ceases to be a member. He can only become a member again after resignation of his government post and his reelection by the people.

ART. 33. Each of the two houses has the right to inquire into and investigate all the affairs of the kingdom.

ART. 34. The discussions of the Senate while the National Assembly is not sitting can have no effect.

THE RIGHTS OF THE PERSIAN CROWN.

ART. 35. The sovereignty is a trust which, by the grace of God, has been conferred on the person of the King by the people.

ART. 36. The constitutional monarchy of Persia is vested in the person of His Imperial Majesty Mohammed Ali Shah Kajar and his descendants from generation to generation.

ART. 37. The Valiahd,¹ in the event of there being more than one child, shall be the eldest son of the King whose mother is a Persian by birth and a Princess. If the King has no male issue, the eldest male of his family who is next of kin shall become Valiahd. If, in this case, a male child is afterwards born to the King, the succession shall *de jure* revert to him.

ART. 38. In the event of the death of the King, the Valiahd can only govern in person when he has reached the age of 18. If he has not attained that age, a Joint Committee of the National Assembly and the Senate shall elect a Regent to act for him until he reaches the age of 18.

ART. 39. No King can ascend the throne unless, before his coronation, he appear before the National Assembly, and in the presence of the members of the National Assembly and the Senate and the Cabinet of Ministers swear the following oath :

I take the Lord Most High to witness, and I swear by the Holy Word of God and by all that is sacred before God, that I will devote all my energy to preserving the independence of Persia, guarding and protecting the limits of the realm and the rights of the people, be the guardian of the fundamental law of the Constitution of Persia, rule in accordance with it and the laws which have been decreed, strive zealously to propagate the sect of the Twelve Imams of the Shia religion, and will consider God Almighty a witness to my every act and deed.

¹ I. e., the crown prince or heir apparent.

I pray for the grace of God, from Whom alone aid is derived, and I ask help in my task of the pure souls of the saints of Islam to render service to the advancement of Persia.

ART. 40. In like manner the person who has been elected to the regency can not take charge of affairs unless he has sworn the above oath.

ART. 41. On the event of the death of the King, the National Assembly and the Senate must be convened. The summoning of the two houses can not be delayed for more than ten days after the death of the King.

ART. 42. If the mandate of the members of both or one of the houses has come to an end in the life of the King, and at the time of his death the new members have not yet been elected, the former members must meet and hold session.

ART. 43. The King can not, without the approval and sanction of the National Assembly and the Senate, interfere in the affairs of another country.

ART. 44. The King is absolved from all responsibility. The ministers of State are responsible to both houses in all matters.

ART. 45. All the decrees and rescripts of the King relating to affairs of State shall only be put into execution when they have been signed by the responsible minister, who is responsible for the accuracy of the contents of that decree or rescript.

ART. 46. The dismissal and appointment of ministers are by order of the King.

ART. 47. The conferring of military grades, decorations and honorary distinctions, with due observance of law, is vested in the person of the King.

ART. 48. The King has the right, with the approval of the responsible minister, to choose the important officials of the government departments, either at home or abroad, except in cases excepted by law. But the appointment of the other officials does not lie with the King, except in cases defined by law.

ART. 49. The issuing of decrees and orders for the execution of laws is one of the rights of the King, but he may not delay or suspend the execution of those laws.

ART. 50. The supreme command of all the military and naval forces is vested in the person of the King.

ART. 51. The declaration of war and the conclusion of peace are vested in the King.

ART. 52. Treaties which, in accordance with Article 24 of the Constitution of 30 December 1906, must be kept secret, must, on the removal of this necessity, and provided that the interests and security of the country demand it, be communicated by the King to the National Assembly and the Senate, with the necessary explanations.

ART. 53. The secret clauses of any treaty can not annul the public clauses of that treaty.

ART. 54. The King can convoke the National Assembly and the Senate in an extraordinary session.

ART. 55. Coins shall be struck, according to law, in the name of the King.

ART. 56. The expenses and disbursements of the imperial household shall be defined by law.

ART. 57. The powers and prerogatives of the King are only such as have been defined by the present Constitution.

THE MINISTERS.

ART. 58. No one can become a minister unless he be a Mussulman, a Persian by birth and a Persian subject.

ART. 59. Princes of the first rank, that is to say, the sons, brothers and paternal uncles of the reigning King, are not eligible as ministers.

ART. 60. Ministers are responsible to both houses and must appear whenever they are summoned by either of the two houses. In the affairs entrusted to them they must observe the limitations of their responsibility.

ART. 61. Ministers, besides being individually responsible for the particular affairs of their own ministry, are in matters of general policy jointly responsible to the two houses and are guarantors of each other's actions.

ART. 62. The number of ministers will be fixed by law, as required.

ART. 63. The title of "Honorary Minister" is entirely abolished.

ART. 64. Ministers can not make the verbal or written commands of the King a pretext for divesting themselves of their responsibility.

ART. 65. The National Assembly or the Senate can accuse and put ministers on trial.

ART. 66. The responsibility of ministers and the punishments to which they are liable will be defined by law.

ART. 67. If the National Assembly or the Senate shall, by an absolute majority, express dissatisfaction with the Cabinet of Ministers or with a single minister, that Cabinet or that minister must be dismissed.

ART. 68. Ministers can not undertake any salaried employment other than their own.

ART. 69. The National Assembly or the Senate shall prosecute ministers for their offenses before the High Court of Appeal. The above-mentioned court shall try the case in plenary session of all the members of its ordinary tribunal, except when the accusations or claims are not legally connected with the government departments entrusted to the minister but concern him personally.

NOTE.—Until the Court of Appeal has been constituted, a Commission, chosen in equal numbers from the members of the two houses, shall act instead of the Court of Appeal.

ART. 70. The decision as to the offense and the punishment of ministers when accused by the National Assembly or the Senate, or when, in the affairs of their departments, accusations concerning them personally are made against them, will be in accordance with a special law.

THE POWERS OF THE TRIBUNALS.

ART. 71. The Supreme Court of Justice and the judicial tribunals are the official centers to which all suits must be referred, and judgment in matters appertaining to the Sheri rests with the fully qualified mujtahids.

ART. 72. Suits relating to political rights concern the judicial tribunals, save those which are excepted by law.

ART. 73. The choice of judicial tribunals in cases appertaining to the civil law is decided by law, and no person may, on whatsoever plea, institute a tribunal contrary to the decrees of law.

ART. 74. No tribunal can be instituted except by law.

ART. 75. In the whole Kingdom only one Court of Appeal for cases relating to the civil law will be instituted, and that will be in the capital. This High Court of Appeal will not try any case of the first instance, except in cases relating to ministers.

ART. 76. The sittings of all tribunals shall be public, save in cases where such publicity would be prejudicial to order or decency, in which case the necessity will be announced by the tribunal.

ART. 77. In cases of political and press offenses, should it be desirable that the trial be secret, it must only be by the unanimous consent of all the members of the tribunal.

ART. 78. The judgments delivered by the tribunals must cite the articles of the laws by which the judgments are governed, and these must be read publicly.

ART. 79. In cases of political and press offenses, the whole body of the judges shall be present.

ART. 80. The presidents and the members of judicial tribunals shall be chosen in the manner decreed by the Law of the Ministry of Justice, and shall be appointed by virtue of a royal decree.

ART. 81. No judge of a judicial tribunal may be suspended, either temporarily or permanently, without a trial or proof of offense, unless he himself resigns.

ART. 82. No judge of a judicial tribunal can be transferred from his post except by his own consent.

ART. 83. The choice of the public prosecutor, with the approval of the Chief Sheri Judge, rests with the King.

ART. 84. The salaries of the staff of judicial tribunals shall be fixed by law.

ART. 85. The presidents of judicial tribunals may not accept salaried government posts, but may only render such services gratis, should they not be contrary to law.

ART. 86. In every provincial capital a court of appeal for judicial cases shall be instituted in the manner defined by the regulations of the Ministry of Justice.

ART. 87. Military tribunals shall be instituted in the whole country according to a special law.

ART. 88. The judgment of disputes relating to the limitations of government of departments and offices shall, in accordance with the decrees of law, be referred to the High Court of Appeal.

ART. 89. The Supreme Court of Justice and other tribunals will only put into execution decrees, general regulations and regulations of provincial and municipal councils, when they are in accordance with the law.

PROVINCIAL AND DEPARTMENTAL ASSEMBLIES.

ART. 90. Provincial and departmental assemblies shall be established in all the provinces of the kingdom in accordance with special regulations, and the fundamental laws of these assemblies shall be as follows.

ART. 91. The members of the provincial and departmental assemblies shall be elected directly by the people in accordance with the regulations governing provincial and departmental assemblies.

ART. 92. The provincial and departmental assemblies have the power of complete supervision in matters concerning the public weal, with due observance of the laws which have been decreed.

ART. 93. A statement of every kind of revenue and expenditure of the provinces and departments shall be printed and published by the provincial and departmental assemblies.

FINANCES.

ART. 94. No taxes may be levied except by law.

ART. 95. All exemptions from taxation shall be decreed by law.

ART. 96. The budget shall be approved and defined every year by a vote of the majority of the members of the National Assembly.

ART. 97. There shall be no differentiation or favor among individuals regarding taxation.

ART. 98. Rebates and exemption from taxation shall be defined by a special law.

ART. 99. Except in cases specially defined by law, nothing shall be demanded from the people on any pretext whatever, except in the name of State, provincial or municipal taxes.

ART. 100. No salaries or gratuities will be paid out of the government treasury except those which are decreed by law.

ART. 101. The members of the State Accounts Department shall be chosen by the National Assembly for a period to be decreed by law.

ART. 102. The State Accounts Department is charged to inspect and analyze the accounts of the Department of Finance and to elucidate the accounts of the Treasury Accountants in general, and especially to see that no item of expenditure allowed for the budget exceed the estimate and that there be no alteration or change, and that every sum has been expended in the manner designated. It is also charged with the verification and analysis of the different accounts of the government departments in general, and shall collect the vouchers of expenditure. A statement of the general accounts of the Kingdom must be supplied by it to the National Assembly, accompanied by observations.

ART. 103. The institution and organization for this State Department shall be in accordance with the law.

ARMY.

ART. 104. The enrolling of troops shall be fixed by law. The duties and rights of the army, as well as promotion, shall be in accordance with law.

ART. 105. The military expenditure shall be approved by the National Assembly every year.

ART. 106. No foreign troops shall be allowed to serve the government, and they shall not be allowed either to reside in any part of the country or to pass through or into the country except in accordance with law.

ART. 107. The pay or rank or decoration of soldiers or officers may not be withdrawn except in accordance with law.¹

¹ Here follow the attestation and signature of the Shah.