



[HeinOnline](#)

Citations:

Bluebook 20th ed.

Amos J.; Xydis Peaslee, Dorothy Peaslee. *Constitutions of Nations* (3).

ALWD 6th ed.

Amos J.; Xydis Peaslee, Dorothy Peaslee. *Constitutions of Nations* (3).

APA 6th ed.

Peaslee, A. (3). *Constitutions of Nations*. The Hague, M. Nijhoff.

Chicago 7th ed.

Peaslee Amos J.; Xydis, Dorothy Peaslee. *Constitutions of Nations*. The Hague, M. Nijhoff.

McGill Guide 9th ed.

Amos J.; Xydis Peaslee, Dorothy Peaslee, *Constitutions of Nations* (The Hague: M. Nijhoff., 3)

MLA 8th ed.

Peaslee, Amos J., and Dorothy Peaslee Xydis. *Constitutions of Nations*. The Hague, M. Nijhoff. HeinOnline.

OSCOLA 4th ed.

Peaslee, Amos J.; Xydis, Dorothy Peaslee. *Constitutions of Nations*. The Hague, M. Nijhoff.

Provided by:

Harvard Law School Library

-- Your use of this HeinOnline PDF indicates your acceptance of HeinOnline's Terms and Conditions of the license agreement available at

<https://heinonline.org/HOL/License>

-- The search text of this PDF is generated from uncorrected OCR text.

**Supplementary Constitutional Law of October 8, 1907
Amended 1925 and 1957**

In The Name of God, The Compassionate, The Most Merciful!

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

GENERAL PRINCIPLES

Art. 1. The State religion of Iran is Islam, according to the true Ja'fariya doctrine, recognizing twelve Imams. The Shah of Iran must profess and propagate this faith.

Art. 2. At no time may the enactments of the sacred National Consultative Assembly, which has been constituted with the aid and favor of His Holiness the Imam of the Age (Imam Mahdi, the Twelfth Imam) may God immortalize His reign! and under the supervision of the learned doctors of theology, may God increase their number! and by the whole Iranian people, be at variance with the sacred precepts of Islam and the laws laid down by His Holiness the Best of Mankind (the Prophet), may the blessings of God rest upon Him and His decendants! It is plain that the learned doctors of theology, may God prolong their beneficent lives! are charged with the duty of determining any contradiction between the laws made by the Assembly and the principles of Islam. It is, therefore solemnly laid down that at all times there shall be constituted as follows a body of at least five devout doctors of Islamic law and jurisprudence who shall at the same time be conversant with the exigencies of their age: The most learned doctors of theology in Islam who are recognized as such and whose example is followed by the Shi'ites shall nominate to the National Consultative Assembly twenty doctors of theology possessing the above qualifications; the members of the Assembly shall choose five or more of them, according to circumstances, by a unanimous vote or by drawing lots, and shall recognize them as members so that they may carefully discuss and deliberate the bills proposed in both Houses, and reject any that contravene the holy principles of Islam, so that they shall not become law; the decisions of this body of doctors of theology on this point shall be followed and obeyed. This clause may not be modified until the Advent of the Imam of the Age, may God hasten His reappearance.¹

Art. 3. The frontiers of Iran and the boundaries of the provinces, districts and countries cannot be changed except by law.

Art. 4. The capital of Iran is Teheran.

¹ *Translator's Note:* i.e., until the Twelfth Imam shall return to establish the reign of perfect justice.

Art. 5. The official colors of the flag of Iran are green, white and red. The emblem is a Lion and Sun.

Art. 6. The lives and property of foreign nationals resident in Iranian territory are safe and protected, except as subject to the laws of the country.

Art. 7. The principles of the Constitution may not be suspended either wholly or in part.

THE RIGHTS OF THE IRANIAN PEOPLE

Art. 8. The inhabitants of the Empire of Iran shall enjoy equal rights before the law.

Art. 9. Individuals are protected and safeguarded against offences of any kind against their lives, their property, their homes and their honor. No one may be molested, except in accordance with the laws of the land.

Art. 10. Except in the cases of crimes, misdemeanors and serious offences, no one may be summarily arrested without an order signed by the President of the Court of Justice in conformity with the law, even in this case the accused must immediately, or at latest within twenty-four hours, be informed and notified of the charge against him.

Art. 11. No one may be removed from the court which must render judgment on his case and forced to another tribunal.

Art. 12. No penalty may be decreed or carried out except in accordance with the law.

Art. 13. Everyone's house and dwelling is protected and safeguarded. No one may enter forcibly into any dwelling except by order of and in conformity with the law.

Art. 14. No Iranian may be exiled, or forbidden or compelled to reside in any particular place, except in cases specified by law.

Art. 15. No one may be dispossessed of his property, except in cases authorized by religious law, and then only after the fair value of such property has been determined and paid.

Art. 16. The confiscation of the real property, goods and chattels of individuals as a penalty is forbidden except in conformity with the law.

Art. 17. The dispossession on any grounds whatever of property-owners or possessors of real property and possessions is forbidden except by order of the law.

Art. 18. The study and teaching of science, education and art are free, except as prohibited by religious law.

Art. 19. The institution of schools at the expense of the State and the nation and compulsory education shall take place according to the law relating to the Ministry of Education. All higher and primary schools are placed under the supreme direction and supervision of the Ministry of Education.

Art. 20. All publications are free, except heretical books and materials hurtful to the perspicuous religion (of Islam). The censorship of publications is forbidden. If, however, anything is found in them contrary to the Press Law, the publisher or writer shall be punished in conformity with that law. If the writer is known and living in Iran, the publisher, printer and distributor shall be immune from molestation.

Art. 21. Societies and gatherings which do not give rise to religious or civil disorders and are not prejudicial to public order are free throughout the country, but their members may not carry arms, and they must obey the regulations laid down by the law on this subject. Meetings in streets and public squares must conform to police regulations.

Art. 22. All postal correspondence is inviolable and immune from confiscation or disclosure except in accordance with the law.

Art. 23. It is forbidden to divulge or detain telegrams without the permission of the owner, except in the cases provided for by the law.

Art. 24. Foreign nationals may acquire Iranian nationality. The acceptance, continuation or withdrawal of their naturalization are the subject of a separate law.

Art. 25. Authorization is not necessary for the prosecution of State officials on account of faults in the exercise of their duties except Ministers, in whose case special laws on this subject must be observed.

POWERS OF THE STATE

Art. 26. The powers of the State are derived from the nation. The method of exercising these powers is regulated by the constitutional law.

Art. 27. The powers of the State are divided into three parts:

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

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

(2) The judicial power, whose function is to determine the right, is reserved to the religious courts in matters relating to the *Shari'at* (Islamic law) and to the judiciary (temporal courts) in secular matters.

(3) The executive power is reserved to the King, that is to say, the laws and decrees shall be carried out by the Ministers and State officials in the august name of His Imperial Majesty in such manner as the Law defines.

Art. 28. The three above-mentioned powers shall always remain separate and distinct from one another.

Art. 29. The special interests of each province, district and county shall, with the approval of provincial, district or county councils, be arranged and regulated in accordance with special laws.

RIGHTS OF THE MEMBERS OF THE TWO HOUSES

Art. 30. The deputies and senators represent the whole nation and not only the particular classes of the people or the provinces, districts or counties which have elected them.

Art. 31. No one may be a member of both Houses at the same time.

Art. 32. If one of the members of one or the other House is employed with a salary in one of the departments of the Government, he shall cease to be a member of the Assembly. To return to the Assembly as a member, he must resign his Government post and be reelected by the people.

Art. 33. Each of the two Assemblies has the right to investigate and examine any affair of the State.

Art. 34. The discussions of the Senate shall be ineffective when the National Consultative Assembly is not in session.¹

RIGHTS OF THE THRONE IN IRAN

Art. 35. The Sovereignty is a trust confided, by the Grace of God, to the person of the King by the nation.

Art. 36. The Constitutional Monarchy of Iran is vested by the people through the Constituent Assembly in the person of His Imperial Majesty Reza Shah Pahlavi and his male descendants in succession.

Art. 37. The right of succession to Throne shall rest with the eldest son of the King, whose mother must be of Iranian origin. If the King has no male child, the nomination of the Crown Prince shall be made at the suggestion of the King and with the approval of the National Consultative Assembly, on condition that this Crown Prince shall not be a member of the Qajar family; but at any time, if a son is born to the King, he shall be Crown Prince by right.

Art. 38. In the event of the transfer of the Throne, the Crown Prince shall personally perform the functions of Royalty when he has reached twenty years of age (to be calculated on the basis of the solar calendar). If he has not reached that age, a Regent, who shall not be of the Qajar family, shall be elected by the National Consultative Assembly.

Art. 39. No King may ascend the Throne unless, prior to his coronation, he appears before the National Consultative Assembly, and in the presence

¹ Literally "during the period of dissolution of the National Consultative Assembly."
Translator's Note.

of the members of the Assembly, the Senate and the Cabinet, he shall have taken the following oath:

“I call upon God Almighty as witness, and I swear upon the Glorious Word of God (the *Q'uran*) and upon all that is respected by God to exert all my efforts to preserve the independence of Iran, to protect the frontiers of the country and the rights of the nation, to be the guardian of the Constitutional Law of Iran and to reign accordingly and in conformity with established laws, and to endeavor to promote the Ja'fari doctrine of the sect of the Twelve Imams, and in all my deeds and actions I shall remember God, Most Glorious, as being present and watchful, and shall have no aim but the happiness and greatness of the State and the Nation of Iran. And I seek the aid of God, whose help is begged by all to serve the progress of Iran with success, and I seek the help of the Holy Spirits of the Great Saints of Islam!”

Art. 40. Likewise, no one chosen as Regent may assume his functions until he has taken the above oath.

Art. 41. In the event of the decease of the King, the National Consultative Assembly and the Senate shall of necessity meet, and the meeting of the two Houses must not be postponed more than ten days after the death of the King.

Art. 42. If the term of office of the members of either or both Assemblies expires during the life of the King and if new members have not yet been elected at the time of the King's decease, the old members shall reassemble, and the two Houses shall meet again.

Art. 43. The King cannot take charge of another country without the consent and approval of the National Consultative Assembly and the Senate.

Art. 44. The King is free of responsibility. The Ministers of State are responsible for all matters to both Chambers.

Art. 45. All decrees and rescripts of the King relating to the affairs of the country shall be put into effect (only) when they have been signed by the responsible Minister who is responsible for the correctness of the contents of the decree and rescript.

Art. 46. The Ministers are appointed and dismissed by the decree of the King.

Art. 47. It is a prerogative of the King to confer military ranks, decorations and other honorary distinctions in conformity with the law.

Art. 48. The nomination of the heads of Government departments, internal or foreign, is the King's right with the approval of the responsible Minister, except where the law provides otherwise. However, the nomination of other officials is not a concern of the King, except as expressly provided by the law.

Art. 49. It is one of the rights of the King to issue decrees and give orders for the enforcement of laws, without ever having the power to delay

or postpone their enforcement. If His Majesty the King finds a revision necessary in the laws relating to the financial affairs of the country which are a prerogative of the National Consultative Assembly, he shall return the laws to the National Consultative Assembly for re-examination. In case the National Consultative Assembly confirms its previous view by a majority vote of three fourths of the members present in the Capital, His Imperial Majesty shall sign the law.

Art. 50. The Commander-in-Chief of all the land and sea forces is the King in person.

Art. 51. The declaration of war and the conclusion of peace are functions of the King.

Art. 52. Treaties the secrecy of which is essential as provided by Article 24 of the Constitutional Law of December 30, 1906, must, as soon as the reasons which necessitated such secrecy cease to exist and the interests and security of the country allow, be brought by the King to the notice of the National Consultative Assembly and the Senate with all necessary explanations.

Art. 53. The secret clauses of a treaty may not nullify those made public.

Art. 54. The King may order an extraordinary meeting of the National Consultative Assembly and the Senate.

Art. 55. Money is coined in the name of the King, in conformity with the law.

Art. 56. The costs and expenses of the Royal Court shall be determined by law.

Art. 57. The prerogatives and powers of the King are only those expressly mentioned in this Constitutional Law.

THE MINISTERS

Art. 58. No one may be nominated Minister unless he is a Moslem of Iranian origin and is an Iranian subject.

Art. 59. The Princes of the first degree—that is to say, the sons, brothers and paternal uncles of the reigning King—may not be nominated as Ministers.

Art. 60. The Ministers are responsible to the two Chambers; whenever they are summoned by one of the Houses, they must appear before it, and they must observe the limits of their responsibility in such matters as are committed to their charge.

Art. 61. Ministers, besides being individually responsible for the affairs of their own Ministry, are also jointly responsible for general matters before the two Chambers, and are collectively bound for one another's actions.

Art. 62. The number of Ministers shall be fixed by law according to need.

Art. 63. The title of honorary Minister is strictly forbidden.

Art. 64. The Ministers may not invoke written or verbal orders of the King in order to disavow their responsibilities.

Art. 65. The National Consultative Assembly or the Senate can call Ministers to account and bring them to trial.

Art. 66. The responsibility of Ministers and punishments to which they may be liable shall be determined by the law.

Art. 67. When the National Consultative Assembly or the Senate, by a full majority of votes, declares itself dissatisfied with the Cabinet or a Minister, the Cabinet or Minister shall be considered as dismissed.

Art. 68. Ministers may not assume any salaried office other than that of Minister.

*Art. 69*¹. The National Consultative Assembly or the Senate shall denounce to the Supreme Court offences committed by Ministers. The Supreme Court shall conduct a trial in the presence of all its members except when the charge and the suit do not refer to questions relating to Government departments entrusted to them personally, but concern the Minister as a private individual.

Art. 70. When Ministers are impeached by the National Consultative Assembly or the Senate, or accused by private plaintiffs on charges relating to the operation of their departments, the determination of the offences and penalties to which they are liable shall be regulated by a special law.

POWERS OF THE COURTS

Art. 71. The Ministry of Justice and the judicial courts are the Official authority to which public grievances should be submitted; adjudication of religious matters is the function of just and equitable doctors of Islamic theology possessing the necessary qualifications.

Art. 72. Disputes concerning political rights come within the jurisdiction of the courts of justice, except as provided by the law.

Art. 73. The establishment of temporal tribunals depends on the authority of the law; no one, under any name or on any pretext, may set up a court contrary to the provisions of the law.

Art. 74. No court may be held contrary to the provisions of the law.

Art. 75. There shall be only one Supreme Court for temporal cases in the capital; it shall not deal with any cases of first instance, excepts suits versus Ministers.

¹ *Note.* So long as the Supreme Court has not been organized, it shall be replaced by a body elected from the members of the two Chambers in equal numbers.

Art. 76. The hearings of all the courts shall be public except where publicity would be prejudicial to public order or morality. In such a case the court shall declare the necessity of a hearing *in camera*.

Art. 77. In political and press offences, where it is advisable that the proceedings should be private, this must be decided on with the unanimous vote of all the members of the tribunal.

Art. 78. The decision handed down by the courts must be substantiated by evidence and proof; and the Articles of the law in accordance with which judgment has been rendered must be cited and read in public.

Art. 79. In political and press offences, a jury must be present in the courts.

Art. 80. The presidents and members of the courts of justice shall be chosen in conformity with the laws of the judiciary and shall be appointed by Royal Decree.

Art. 81. No judge of the courts of justice may be provisionally or permanently changed from his office without his case being tried and his offence proved, unless he resigns.

Art. 82. A judge of the courts of justice may not be transferred without his own consent.

Art. 83. The King appoints the Attorney General with the approval of the religious judge.

Art. 84. The salaries of members of the courts of justice shall be fixed by law.

Art. 85. The presidents of the courts of justice may not accept salaried State offices, unless they agree to serve without salary and provided such agreement is not inconsistent with the law.

Art. 86. A Court of Appeal shall be instituted in the capital of each province for judicial affairs as expressly provided for by the judicial laws.

Art. 87. Military courts shall be organized throughout the country in accordance with special laws.

Art. 88. Arbitration in cases of dispute as to the limits of the administrations and functions of the State shall be referred to the Supreme Court in accordance with the provisions of law.

Art. 89. The Ministry of Justice and the courts shall enforce public orders as well as provincial, district and municipal regulations when they are in conformity with the law.

THE PROVINCIAL AND DISTRICT COUNCILS

Art. 90. Throughout the whole Empire provincial and district councils shall be set up in accordance with special regulations. The fundamental laws affecting these councils are as follows:

Art. 91. The members of the provincial and district councils shall be

elected directly by the inhabitants in accordance with the regulations of these councils.

Art. 92. The provincial and district councils have the authority to exercise complete supervision over reforms in the public interest, subject to the provisions of the laws in force.

Art. 93. The account of the receipts and expenses of all kinds in the provinces and districts shall be printed and published by the councils.

FINANCE

Art. 94. No tax may be imposed except in accordance with the law.

Art. 95. The law shall specify cases of exemption from taxation.

Art. 96. The scale of taxation shall be fixed and approved annually by the National Consultative Assembly by a majority of votes.

Art. 97. In matters of taxation there shall be no difference or distinction amongst individuals who compose the nation.

Art. 98. Exemption from or reduction of taxation shall be the subject of a special law.

Art. 99. Apart from cases specifically excepted by the law, no payment may be exacted from the inhabitants on any ground save those decreed as State, provincial, district and municipal taxes.

Art. 100. No order may be issued for payment of any allowance or gratuity from the Government Treasury except in accordance with the law.

Art. 101. The members of the Accounts Tribunal shall be elected by the National Consultative Assembly for a term to be fixed by law.

Art. 102. The Accounts Tribunal is responsible for verifying and controlling the accounts of the Ministry of Finance, and for settling the accounts of all accountants of the Treasury. It shall take particular care to see that no item of the expenditure shown in the budget shall exceed the fixed limits or undergo any change or alteration, and that each sum shall be expended on the object for which it was allocated. At the same time it shall control and audit the various accounts of all departments of the Government and shall collect the vouchers of the accounts. It shall submit to the National Consultative Assembly a statement of all the accounts of the country with its comments appended.

Art. 103. The constitution, organization and management of the Tribunal shall be in accordance with law.

THE ARMY

Art. 104. The law determines the manner of recruiting the army. The duties and rights of the military, as well as their promotions, are regulated by law.

Art. 105. Military expenditure shall be approved each year by the National Consultative Assembly.

Art. 106. No foreign armed force may be admitted into the service of the State or reside in or pass through any part of its territory, except in accordance with the law.

Art. 107. The military may not be deprived of their salaries, ranks and dignities except in accordance with the law.

RESOLUTION BY THE CONSTITUENT ASSEMBLY

TO ANNEX AN ADDITIONAL ARTICLE TO THE SUPPLEMENTARY CONSTITUTIONAL LAW AND MODIFY ARTICLE 48 OF THE CONSTITUTIONAL LAW

May 8, 1949 (*Ordibehesht* 18, 1328)

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

The Constituent Assembly shall be composed of a number of members equal to the legal total of the National Consultative Assembly and of the Senate. The elections to the Constituent Assembly shall take place according to a law which shall be ratified by the two chambers. The powers of this Assembly shall be limited to the revision of the article or articles determined by the two Chambers and confirmed by His Imperial Majesty.

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

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

Concerning Articles 4, 5, 6, and 7 of the Constitution and the interpretation of Article 7 as well as Article 8 of the Constitution and Article 49 of the Supplementary Constitutional Law and, taking into consideration precedents, and the laws previously enacted in connection with these articles, the National Consultative Assembly and the Senate which will

be formed after the ratification of the present article will meet once to revise the said articles immediately after both Chambers officially assume their functions. With this objective, the two Chambers will convene with the President of the Senate in the chair and will decide on the necessary amendments by a majority vote of twothirds of their total membership. These amendments will be put into effect after they have been confirmed and signed by His Imperial Majesty.