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THE CONSTITUTIONAL LAW OF  
THE ISLAMIC REPUBLIC OF IRAN<sup>1</sup>

November 15, 1979

In the name of Allah, the Beneficent, the Merciful

CHAPTER ONE

GENERAL

*Art. 1.* The system of government of Iran is the Islamic republic in favour of which the people of Iran voted, on the basis of their traditional faith in the rule of God and justice of the Koran and following their victorious revolution under the leadership of their exalted Marja'i Taqlid (authority on Islamic theological and canon law), Ayatollah Imam Khomeini with a majority of 98/2% of the votes of all those who had the suffrage in the referendum held on the 10th and 11th of Farvardin 1358 solar Hegira year (1st and 2nd of Jamadi-al-ula 1399 lunar Hegira year – 30th and 31st of March 1979).

*Art. 2.* The Islamic republic is a system of government based on the faith in:

1. The one God (La ilaha illa-l-lah); the He establishes the shari'at (canon law) and that man should resign to His will.
2. The divine revelations and their fundamental role in the interpretation of laws.
3. The Resurrection and its constructive role in man's perfection towards God.
4. The justice of God in creation and in establishing the Canon law.
5. The uninterrupted imamate and leadership and its fundamental role in the continuity of the revolution of Islam.
6. Nobility and sublime value of man and of liberty and his responsibility before God which ensure equity, justice and political, economic, social and cultural independence as well as national unity and solidarity through:
  - (a) uninterrupted administration of canon law by fully qualified religious jurists on the basis of the Scripture (the Koran) and the traditions of the fourteen Innocents for whom we invoke God's blessing.
  - (b) Taking advantage of the advanced human knowledge and experience and endeavouring to further advance them.
  - (c) Denouncing oppression or being oppressed; dominance or being dominated.

*Art. 3.* The government of Islamic Republic of Iran is bound to take into consideration all its possibilities to achieve the objectives referred to under Article 2 above for:

<sup>1</sup> Supplied by the Iranian Ministry of Foreign Affairs in January 1982. Ed.

1. Creation of favorable atmosphere for furtherance of moral virtues based on the faith and righteousness and struggle against all manifestations of corruption and ruin.

2. Promotion of standards of public knowledge in all fields through the sound utilization of the mass media.

3. Providing people with free education at all levels and facilitating and generalization of higher studies.

4. Furtherance of research and initiative in all scientific, technical, cultural and Islamic fields through setting up research centres and encouraging researchers.

5. Repelling any colonialism and prevention of alien influence.

6. Putting an end to any despotism, autocracy and oligarchy.

7. Ensuring political and social freedom within the domain of the law.

8. Participation of the people in determining their political, economic, social and cultural future.

9. Putting an end to unjust discriminations and ensuring the people all equitable possibilities from material and spiritual standpoints.

10. Creation of a sound administrative system and elimination of non-essential organizations.

11. Strengthening national defence system through providing the public with means of military training for safeguarding the independence, territorial integrity and Islamic system of the country.

12. Adoption of a sound, equitable economic policy according to the Islamic criteria with a view to ensuring public welfare, putting an end to destitution and indigence and deprivation as regards nourishment, housing, employment, health and insurance services.

13. Ensuring self-sufficiency in scientific, technical, industrial, agricultural and military domains.

14. Ensuring equal rights in every respect and equitable legal security for men and women alike and equality of all the people before the law.

15. Promotion and strengthening of Islamic fraternity and public co-operation among all the people.

16. Outlining the country's foreign policy on the basis of the Islamic criteria; fraternal alignment towards all Moslems and unsparing support of all the feeble people in the world.

*Art. 4.* All civil, penal, financial, economic, administrative, military, and political laws, etc. shall be based on the Islamic standards. This article shall generally govern all the articles of the Constitutional Law and also other laws and regulations and this shall be at the discretion of the religious jurists, members of the Council of Custodians of the Islamic precepts and the Constitutional Law.

*Art. 5.* During total absence of Hazrat Vali-Yi-Asr (Ruler of the Age) may the Almighty let his advent come to pass soon, the authority to command and lead the people shall be an Islamic theologian and canonist, just, virtuous, abreast of the times, brave, organizer and judicious, whom the majority of people accept as their

leader. If there are no such Islamic theologians and canonists to have won the majority of votes of the people, the leader or the council of leadership composed of Islamic theologians and canonists fully qualified as stated above, shall be entrusted with such rule and leadership as specified under Article 107 of this law.

*Art. 6.* In the Islamic Republic of Iran, the state affairs shall be administered, as voted by the people, i.e., through elections: election of president, representatives of the Majlis (National Consultative Assembly), members of the councils and the like, or through a referendum as stipulated under other articles of this law.

*Art. 7.* As the glorious Koran directs: 'And whose affairs are a matter of counsel' and 'And consult with them upon the conduct of affairs' the majlis, provincial (ostan) and shahrestan councils as well as city, local, district and village councils and the like shall be considered as policy-making and governing bodies of the country. The instances taking care of such councils, their methods of formation and their jurisdiction shall be determined under this law and other laws supplement thereto.

*Art. 8.* In the Islamic republic of Iran the invitation to goodness i.e. 'Enjoin right conduct and forbid indecency' shall be considered as a general and reciprocal duty of people towards one another, of the government towards people and of the people towards the government. The requirements, the scope and the nature of such invitation shall be determined by law.

'And the believers, men and women are protecting friends one of another. They enjoin the right and forbid the wrong.'

*Art. 9.* In the Islamic Republic of Iran, liberty, independence, unity, and territorial integrity shall be integral parts of each other and shall be safeguarded by the government and by the people. No person or group or authority shall have the right to damage, in the name of liberty, the political, cultural, economic and military independence and territorial integrity of Iran. And no authority shall have the right to deprive the people, under the pretext of safeguarding the independence and territorial integrity of the country, of their legitimate freedoms, although this might be through legislation.

*Art. 10.* Whereas the family is a fundamental unit of the Islamic community, all pertinent laws and regulations and planning shall aim at facilitating family formation, regarding its sanctity and firmness of its relations, all on the basis of the Islamic canon and morality.

*Art. 11.* As specified in the holy verse of the Koran 'Lo! this, your religion, is one religion and I am your Lord, so whorship me', all Moslems shall be considered as one single nation and the Islamic Republic of Iran shall make its general policy on the basis of coalition and unity of all Moslem people and shall constantly make every endeavour to realize the political, economic and cultural unity of the world of Islam.

*Art. 12.* The state religion of Iran is Islam, Jafari Ithna Ashari sect (recognizing twelve hereditary Imams), and shall remain the same forever. All other sects of Islam: Hanafi, Shafi'i, Maliki, Hanbali and Zaidi shall be held in great respect and the followers of these sects shall be free in performing their religious services

according to their canon law. Their religious teachings and their personal affairs and social relations (marriage, divorce, inheritance and will) and the law-suits relating to such affairs and relations shall be recognized. In every locality where the followers of these sects predominate in number, local regulations within the jurisdiction of local councils shall be in accordance with the canon law of the respective sect, with due consideration of the rights of the followers of other sects.

*Art. 13.* The Zoroastrian, Jewish and Christian Iranians shall be the sole recognized religious minorities who shall be free within the jurisdiction of the law in performing their religious services and shall act according to their canon law as far as their personal status and religious teachings are concerned.

*Art. 14.* As specified under the holy verse of the Koran: 'Allah forbids you not those who warred not against you on account of religion and drove you not out from your homes, that you should show them kindness and deal justly with them. Lo! Allah loves the just dealers.' The government of the Islamic Republic of Iran and the Moslems shall deal with non-Moslems decently and with Islamic equity and justice and respect their human rights. This article shall be valid in the case of those who do not engage in any plotting whatsoever against Islam and the Islamic Republic of Iran.

## CHAPTER TWO

### THE STATE LANGUAGE, SCRIPT, CALENDAR AND FLAG

*Art. 15.* The state and common language and script of Iran is Persian. Documents, correspondence, official texts and text books shall be in this language and script.

However, the use of local and ethnic languages in the press and for the mass media and the teaching of their literature shall be allowed, besides the Persian language.

*Art. 16.* Whereas the language of the Koran and of the Islamic science, literature and culture is Arabic, and the Persian literature is quite mingled with it, therefore the Arabic language shall be taught after completion of elementary course of studies, at all grades and in all fields of the secondary course of studies.

*Art. 17.* The starting point of the state calendar is the Hegira of the Prophet of Islam (blessed be he and his followers) and both the solar and lunar Hegira calendars are valid. As far as the government affairs are concerned, the solar Hegira calendar shall be used. The official weekly holiday shall be Friday.

*Art. 18.* The state flag is in green, white and red with the special emblem of the Islamic Republic and the inscription 'Allah-u-Akbar (God is the Greater).

## CHAPTER THREE

## THE RIGHTS OF THE PEOPLE

*Art. 19.* The people of Iran belonging to whatever ethnic or tribal group shall enjoy equal rights and the complexion, race, language and the like shall not be considered as a privilege.

*Art. 20.* All persons, whether men or women, shall be equal under the protection of the law and shall enjoy all human, political, economic, social and cultural rights with due observance of the Islamic precepts.

*Art. 21.* The government shall guarantee the women's rights in every respect with due observance of the Islamic precepts and shall proceed to:

1. Create a favourable atmosphere for upgrading the personality of women and restoration of their material and spiritual rights.

2. Protect mothers, especially during pregnancy and nursing, and also orphan children.

3. Assign a competent court to protect the existence and survival of the family.

4. Provide widows, aged and unprotected women with insurance facilities.

5. Entrust worthy mothers with the guardianship of children with a view to ensuring the latter a happy future, in case there is no legal guardian.

*Art. 22.* The prestige, lives, property, rights, dwelling places and occupations of people shall be immune against encroachment unless otherwise provided by law.

*Art. 23.* Inquisition into people's opinions shall be forbidden and no one shall be offended or brought to account merely for having a certain opinion.

*Art. 24.* The press and publications shall be free in their writings unless such writings are detrimental to the foundations of Islam or the rights of the people. The law shall decide on the application of this article.

*Art. 25.* Inspection of letters or failure to deliver them, tapping telephones and disclosing telephone conversation, divulging telegrams and telexes, censoring or failure to send or deliver such messages, overhearing or any inquiry into other people's business shall be forbidden, unless otherwise provided by law.

*Art. 26.* Parties, associations, political groups and trade unions and Islamic or recognized religious minorities societies shall be free, provided they do not violate the principle of independence, liberty, national unity and Islamic standards and the foundation of the Islamic Republic. No person shall be forbidden nor forced to participate in any of them.

*Art. 27.* Rallies and marchings shall be free, provided they are unarmed and do not damage the foundations of Islam.

*Art. 28.* Every person has the right to choose, as he desires, an occupation that is not contrary to Islam and to public interests and the rights of others.

The government shall provide all the people with means of employment under equal conditions to get employed and with due consideration of the need of the society to different professions.

*Art. 29.* To benefit from social security in cases of retirement, unemployment,

old age, disability, unprotectedness, running short of one's money while being away, accidents, need to health and therapeutic services and medical care in the form of insurance and the like, shall be a right for all the people. The government shall provide all the people of the country with the foregoing services and financial assistance to be financed from the public revenue and the income derived from public participation.

*Art. 30.* The government shall provide means of free education for all the people until completion of secondary course of studies. With respect to higher studies they shall be provided gratis as far as self-sufficiency of the country might allow.

*Art. 31.* Every Iranian person and family shall be entitled to own a dwelling-place commensurate with their needs. The government shall put this article into effect with due consideration of priorities especially in the case of villagers and workers.

*Art. 32.* No person shall be arrested unless otherwise ordered by law. If a person is arrested, the accused shall be notified in writing of the reasons for accusation and within twenty four hours the preliminary case shall be referred to a competent court which shall inquire into the case at its earliest convenience. The party violating the provision of this article shall be punished according to law.

*Art. 33.* No person shall be exiled from his residential place nor shall he be forbidden to reside where he desires or forced to reside in a certain place, unless otherwise provided by law.

*Art. 34.* To seek administration of justice it shall be the indisputable right of every person and, to this end, all the people shall be entitled to litigate at competent courts. Such courts shall be open to all the people and no person shall be forbidden recourse to legal action which he is entitled to in accordance with law.

*Art. 35.* In all courts, the parties to a case shall be entitled to appoint an attorney and if they cannot afford a retainer, they shall be provided with means to appoint and retain an attorney.

*Art. 36.* To issue and administer a verdict of punishment it shall only be through a competent court and in conformity with law.

*Art. 37.* Acquittal shall be the main and valid point and no person shall be considered guilty by law unless his guilt is proved by a competent court.

*Art. 38.* Any torture whatsoever to make people confess or to obtain information shall be forbidden. To oblige a person to witness, confess or swear an oath shall not be allowed nor shall such witness, confession and oath be valid. The party violating this article shall be punished according to law.

*Art. 39.* Aspersion of honor and reputation of a person arrested, imprisoned or exiled according to law shall in no way be allowed and shall be liable to punishment.

*Art. 40.* No person shall be allowed to exercise his right to the prejudice of others nor to encroach upon public interests.

*Art. 41.* Nationality of Iran shall be the indisputable right of every Iranian and the government shall not be allowed to deprive an Iranian of his nationality, unless at his own instance or having accepted the nationality of another country.

*Art. 42.* Foreign nationals shall be allowed to obtain Iranian nationality and to deprive such people of their nationality it shall be allowed only if another country grants them its nationality or if they have themselves requested such nationality.

## CHAPTER FOUR

### ECONOMY AND FINANCIAL AFFAIRS

*Art. 43.* To ensure economic independence of the society, eradicate poverty and deprivation and meet the needs of a developing nation while maintaining its liberty, the economy of the Islamic Republic of Iran shall be based on the following criteria:

1. To provide essential needs: housing, food, clothing, health and therapeutic services, education and all other necessities for all the people for family formation.

2. To provide circumstances and possibilities of full employment for all the people and also supply all those persons capable of work with required facilities through co-operative measures such as making interest-free loans or through any other legal channel, not resulting in accumulation of wealth by individuals or by private groups nor in making the government as the big absolute employer. Such measures shall be phased in with due observance of the requirements governing the country's public economic planning.

3. To draw up the economic plan of the country in such a manner as working conditions and hours make it possible for every person to have enough ability and leisure time to engage in self-making from moral, political and social stand-points, take an active part in furthering the leadership of the country and enhance his skill and initiative.

4. To observe the freedom in choosing occupations, refrain from forcing a person to accept a certain job and prevent exploitation of others.

5. To prohibit any professional activity that might prove detrimental to other people's interests and also any monopoly, hoarding, usury, and other invalid and prohibited transactions.

6. To prohibit prodigality and dissipation in all processes as far as economy is concerned, i.e., in consumption, investment, production, distribution and services.

7. To take advantage of technological breakthrough and train skilful manpower commensurate with the need of the country for economic growth.

8. To bar any alien control over the economy of the country.

9. To emphasise the necessity to augment agricultural, animal and industrial production with a view to meeting public needs until the country becomes self-sufficient.

*Art. 44.* The economic system of the Islamic Republic of Iran shall be based on public, private and co-operative sectors with sound planning.

The public sector shall include all major industries, parent industries, foreign trade, mining enterprises, banking, insurance, supply of electric power, damming and irrigation system, radio, television post, telegraph, telephone, aviation, navigation,



roads, railway and the like which shall be considered as public property and shall be under the control of the government.

The co-operative sector shall include co-operative societies for production and distribution which shall be set up in cities and rural areas according to the Islamic criteria.

The private sector shall include those agricultural, animal husbandry, industrial, commercial and services branches which shall supplement economic activities of the government and co-operative sectors.

The ownership in these three sectors shall be protected by the law of the Islamic Republic provided they are in conformity with other articles under this chapter and with the laws of Islam and also further the economic growth of the country and are not to the prejudice of the interests of the society.

The criteria for and the domain of requirements of these sectors shall be defined by law.

*Art. 45.* Spoils of war and also natural resources of wealth belonging to the public such as waste land or abandoned land, mines, seas, lakes, rivers and other sources of water, mountains, valleys, forests, reeds, natural woodland, pastures with no boundary, inheritance that cannot be inherited, the property whose owner is not known and the public property taken back from usurpers shall be at the disposal of the Islamic government to be used in the interest of the public. The detailed method of implementing this article shall be determined by law.

*Art. 46.* Every person shall be the owner of the income derived from his legitimate business and profession and no person shall be entitled to deprive others, under such ownership, of their profession and business.

*Art. 47.* Private ownership established through legitimate activities shall be respected and the criteria therefor shall be determined by law.

*Art. 48.* In exploiting natural resources and utilizing national revenue in provinces and distribution of economic activities among provinces and different areas of the country, no discrimination shall be allowed so that every area might benefit, in proportion to its needs and capabilities for development, from investments and possibilities for such purposes.

*Art. 49.* The government shall confiscate the riches amassed through usury, usurpation, bribery, embezzlement, larceny, gambling, misappropriation of endowed property, misappropriation of the government contracts and deals, disposal of waste land and the property belonging to no particular person, running brothels and other illegitimate activities and return such riches to their rightful owners and in case no such owner was found deliver the riches to the State Treasury. The ruling under this article shall be effected by the government after adequate investigation of the case and after it was legally proved.

*Art. 50.* In the Islamic Republic, the preservation of the environment in which the present and future generation will live a social life bound to develop, shall be considered as a duty for all the people. Hence, any economic activity and otherwise which might pollute the environment or destroy it in such a way that cannot make up for losses incurred, shall be prohibited.

*Art. 51.* No taxes shall be levied unless authorized by law. Instances of tax exemption and reduction shall be determined by law.

*Art. 52.* The state annual budget shall be, as provided by law, prepared by the government and submitted for verification and ratification to the Majlis. Any alterations in the budget figures shall be subject to the provisions of the law.

*Art. 53.* All government receipts shall be entered into the accounts of the Treasury General and all payments shall be made according to appropriations approved by law.

*Art. 54.* The state court of accounts shall work under the supervision of the Majlis and its organization and method of administration in Tehran and in provinces shall be determined by law.

*Art. 55.* The court of accounts shall audit as provided by law all accounts of ministries, government institutions and companies and other agencies somehow benefiting from the state budget in order to make sure that no item of expenditure exceeds the approved appropriations and also that every item of appropriations shall be expended for due purposes.

The court of accounts shall collect pertinent accounts and documents, as the law ordains, and submit to the Majlis the budget liquidation report enclosed with its comments thereon. Such report shall be published for public notice.

## CHAPTER FIVE

### SOVEREIGNTY OF THE NATION AND THE POWERS EMANATING THEREFROM

*Art. 56.* The absolute sovereignty over the universe and man belongs to God who has bestowed upon man sovereignty over his social destiny. No one can deprive man of this divine sovereignty nor can he place it in the interest of a certain other person or group of persons. The nation shall exercise this divine sovereignty through the ways referred to in the following articles of this law.

*Art. 57.* The ruling powers in the Islamic Republic of Iran shall be the legislative power, the executive power and the judicial power which shall be exercised under direction of the leader of the people as specified under the following articles of this law. These powers shall be independent of each other and shall be correlated by the president.

*Art. 58.* The legislative power shall be exercised through the Majlis which shall be a consultative assembly of the representatives elected by the people. The Majlis legislation shall be notified for enforcement to the executive and judicial powers, after having passed through such states as are defined under the following articles of this law.

*Art. 59.* As far as certain very important economic, political, social and cultural issues might be concerned, the exercise of the legislative power shall be effected through a referendum. The proposal for holding such referendum shall be approved by two thirds of the representatives of the Majlis.

*Art. 60.* The executive power shall be exercised by the President, Prime Minister and Ministers, except for instances directly entrusted to the Leader of the Nation, as specified in this law.

*Art. 61.* The judicial power shall be exercised through courts of justice which shall be formed according to the Islamic criteria to reach a decision on the cases in dispute, protect the public rights, further the administration of justice and uphold the divine jurisdiction.

## CHAPTER SIX

### LEGISLATIVE POWER

#### **Section One. The Majlis (Consultative National Assembly)**

*Art. 62.* The Majlis shall be formed with direct and secret voting of the electorate.

The requirements to be fulfilled by electors and by candidates and the process of election shall be determined by law.

*Art. 63.* Representatives of the Majlis shall serve as such for a term of four years. The election for each coming term shall be held prior to the end of the term of the preceding election so that no parliamentary interregnum might occur.

*Art. 64.* Representatives of the Majlis shall be 270 in number and after a decade, in case of a rise in population, there shall be added in each constituency, one representative for each 150000 voters. The Zoroastrians and the Jews each shall send one representative and the Assyrians and the Chaldeans shall have altogether one representative. The Armenians in the north and south of the country each shall elect one representative. In case of a rise in population of religious minorities after a decade, each shall have one more representative for each 150000 voters. The election regulations shall be as stipulated by law.

*Art. 65.* After representatives are elected, the Majlis shall form a quorum with the attendance of two thirds of representatives and the drafts and bills shall be approved according to the internal regulations of the Majlis except for instances where the Constitution Law provides a certain quorum to be reached.

The internal regulations shall be ratified with the approval of two thirds of the attendance.

*Art. 66.* The procedure for election of the Speaker and directorate of the Majlis and the number of parliamentary committees and their term of appointment as well as the procedure for conducting debates and maintaining discipline shall be determined by the internal regulations.

*Art. 67.* Representatives shall, at the opening session of the Majlis, swear an oath as follows:

In the name of God, the Beneficent, the Merciful 'Before the glorious Koran, I swear in the name of the Almighty and pledge my honor to be a custodian of sanctity of Islam and of what the Islamic revolution has bestowed upon the Iranian

people and of the foundations of the Islamic Republic; to safeguard as a just trustee the pledge of the nation entrusted to our care, to observe honesty and virtue in the discharge of my duties as a representative; to pledge allegiance all the time to independence and grandeur of the country; to maintain the rights of the people and to serve the people; to defend the Constitutional Law; and to be mindful of independence of the country and liberty of the people and security of public interests.'

Representatives of religious minorities shall swear the oath before their holy scripture.

Those representatives who fail to attend the first session shall swear the oath in the first session they attend the Majlis.

*Art. 68.* In war time and military occupation of the country the election shall not be held, as proposed by the President and approved by three fourths of the representatives and endorsed by the Council of Custodians, in the occupied parts or in the whole country for a certain period of time and until the next Majlis is formed, the former one shall keep on working.

*Art. 69.* The Majlis debate shall be held in open sessions and announced through the mass media and published in the official gazette. Under exigent conditions and in case the security of the country so demands secret sessions shall be held at the instance of Prime Minister or a Minister or eleven of the representatives. The decisions reached at secret sessions shall be valid legally only when they are endorsed by three fourth of the representatives present, with the attendance of members of the Council of Custodians. The report and the decisions of the secret sessions shall be announced after such exigencies no longer exist.

*Art. 70.* The President, Prime Minister and Ministers shall have the right to attend, jointly or severally and also accompanied by their advisors, the open sessions of the Majlis. If, however, it is deemed necessary by the representatives, the President, Prime Minister and Ministers shall attend the Majlis sessions and shall be given opportunity to report on something they wish to.

In case the President is to report to the Majlis, the invitation therefor shall be with the approval of the majority of representatives.

### **Section Two-Authority and Jurisdiction of the Majlis**

*Art. 71.* The Majlis shall have the right to legislate on all issues as stipulated in the Constitutional Law.

*Art. 72.* The Majlis shall not have the right to make laws contrary to the tenets and precepts of the state religion of the country or the Constitutional law. To decide on this matter it shall rest with the Council of Custodians, as provided under Art. 96 hereof.

*Art. 73.* Definition and interpretation of common legislation shall be within the jurisdiction of the Majlis and the ruling under this article shall not preclude judges from interpreting the laws as their function of distinguishing between the right and the wrong might demand.

*Art. 74.* Legal bills shall be submitted to the Majlis after being approved by the Council of Ministers. Legal drafts shall be propounded if proposed by at least fifteen representatives.

*Art. 75.* Legal drafts and amendments proposed by representatives to the legal bills taking care of reduction in the public revenue and increase in the public expenditure shall be propounded only when it has been made clear how such reduction shall be made up for or how such increase shall be financed.

*Art. 76.* The Majlis shall have the right to inquire about all the affairs of the country.

*Art. 77.* International treaties, protocols, contracts and agreements shall be approved by the Majlis.

*Art. 78.* Any alterations in the demarcation of frontiers shall not be allowed, except for slight alterations with due observance of the interests of the country and provided that they are not unilateral and detrimental to the independence and territorial integrity of the country, and also that they have been approved by two thirds of representatives of the Majlis.

*Art. 79.* Martial law shall not be declared. In war time and under similar exigent conditions the government shall have the right to declare temporarily, with the approval of the Majlis, certain restrictions deemed necessary. The period for such restrictions shall not under any conditions exceed thirty days. If however, exigencies so demand the government shall again ask for approval of the Majlis.

*Art. 80.* To receive domestic and foreign loans or grants or to make such loans or grants at home and abroad, the government shall obtain the approval of the Majlis.

*Art. 81.* No concession shall be granted to foreigners to establish companies and agencies to be engaged in commercial, industrial, agricultural, mining and service activities.

*Art. 82.* Employment of alien experts by the government shall not be allowed, except in case of need and subject to approval of the Majlis.

*Art. 83.* The government buildings and property which are considered as national valuables shall not be transferred to others unless otherwise approved by the Majlis and provided such valuables are not unique.

*Art. 84.* Representatives shall be individually responsible before the people and shall have the right to express their views on all domestic and foreign issues of the country.

*Art. 85.* Serving as a representative shall be the authority vested in one particular person elected to the Majlis and such authority shall not be transferred to others. The Majlis shall not have the right to delegate the legislative power to a certain person or group of persons.

However, the Majlis shall be entitled, whenever the need arises, to delegate the authority to make certain laws to its internal committees with due observance of the Article 72 hereof. Such laws shall be tentatively enforced within a period fixed by the Majlis and their final approval shall rest with the Majlis.

*Art. 86.* The representatives of the Majlis shall as such be free in expressing their

views and giving their votes and shall not be prosecuted nor arrested for their views as expressed in the Majlis or the votes given in the discharge of their duties as such.

*Art. 87.* After the government was formed and presented, it shall obtain, prior to any other action to be taken, a vote of confidence from the Majlis. When the government is in power it shall request for a vote of confidence from the Maljis on central issues in dispute.

*Art. 88.* On any occasion a representative demands an explanation from a Minister about a question that falls within the duties entrusted to him, the Minister shall be present at the Majlis and give the required explanation within ten days unless with such an excuse that might prove convincing for the Majlis.

Representatives of the Majlis shall have the right to interpellate, whenever they deem necessary, the government or any of the Ministers. The interpellation shall be considered only when submitted by at least ten representatives. The government or the Minister interpellated shall be present at the Majlis within fifteen days after the interpellation was put forward and give explanations thereon and request for vote of confidence. If the government or the Minister in question fail to attend the Majlis for this purpose, the interpellating representatives shall give necessary explanation about their interpellation and the Majlis shall give a vote of no-confidence if deemed necessary.

Failing a vote of confidence, the government or the Minister interpellated shall be dismissed and in either case the Prime Minister or the Ministers who were interpellated shall not be assigned to a post in the next government to be formed.

*Art. 90.* Any person having a complaint as to the run of affairs at the Majlis or by the executive or judicial power, he can lodge his complaint in writing with the Majlis. The Majlis shall consider the complaint and give adequate reply thereto. If, however, such complaints relate to the executive or judicial power, the Majlis shall consider the case and call upon the executive or judicial power to give adequate clarification and shall announce the result within a reasonable period of time, and if the case is a matter of interest to the public, it shall be publicized accordingly.

*Art. 91.* To maintain the tenets and precepts of Islam and the Constitutional Law with a view to ensuring that the parliamentary enactments are not contrary to them, a council entitled 'Council of Custodians' shall be formed and composed as follows:

1. Six theologians and canonists, just and abreast of the times, nominated by the leader or by the Council of Leadership.

2. Six jurists versed in different branches of law, from among Moslem jurists nominated by the Supreme Judicial Council, whose nomination shall be endorsed by the Majlis.

*Art. 92.* The members on the Council of Custodians shall be appointed for a term of six years, but after the lapse of the first three years, half a number of the two foregoing groups shall be substituted for new members by drawing lots.

*Art. 93.* The Majlis shall not be considered valid without the Council of

Custodians, except for approving the credentials of representatives and choosing the six jurists on the Council of Custodians.

*Art. 94.* All enactments of the Majlis shall be submitted to the Council of Custodians and the Council shall examine them within ten days after the receipt thereof to see whether or not they reconcile with the tenets of Islam and the Constitutional Law.

If the Council of Custodians finds the enactments contrary to Islamic tenets and the Constitutional Law, they shall return same to the Majlis for reconsideration.

*Art. 95.* In cases where the Council of Custodians finds that ten days are insufficient for consideration and expressing their views, they shall have the right to request the Majlis for a further ten days while adducing reasons.

*Art. 96.* The theologians and canonists on the Council of Custodians shall decide by the majority of their votes on whether or not the enactments of the Majlis are in accordance with the tenets of Islam. As far as the Constitutional Law is concerned such reconciliation shall be decided upon by the majority of all members of the Council of Custodians.

*Art. 97.* With a view to expediting the affairs, the members of the Council of Custodians shall be allowed to attend the Majlis while holding debate a legal bill or draft. If, however, there might be an urgent draft or bill on the agenda of the Majlis, the members of the Council of Custodians shall attend the Majlis and express their views thereon.

*Art. 98.* The Council of Custodians shall interpret the Constitutional Law and such interpretation shall be approved with the vote of three fourth of members of the Council.

*Art. 99.* The Council of Custodians shall supervise the election of President, general election of representatives of the Majlis and holding a referendum.

## CHAPTER SEVEN

### COUNCILS

*Art. 100.* The speed up the progress of social, economic, development, health, cultural and educational plans and other welfare services through public collaboration with due considerations of local requirements, the affairs of each village, district, town, city or province shall be directed under supervision of a Council composed of members from among inhabitants of each such place. The requirements to be fulfilled by electors and by the elected and the jurisdiction of each such council and the method of electing council members and how such councils shall supervise the direction of affairs and the hierarchy to be observed therein which shall all be with due observance of the principles of national unity, territorial integrity, system of government in the Islamic republic and obedience to the directions of the central government, shall be determined by law.

*Art. 101.* With a view to putting an end to discriminatory measures and calling

upon public collaboration for preparing development and welfare plans in each province and supervising concerted implementation of such plans, a high Council of Provinces composed of representatives of provincial councils shall be formed.

The method of formation and the jurisdiction of the high Council of Provinces shall be determined by law.

*Art. 102.* The High Council of Provinces shall have the right, within its jurisdiction, to prepare projects and propose them, directly or through the government, to the Majlis and the Majlis shall give such projects due consideration.

*Art. 103.* Governors-general, governors, district governors and other civil officials appointed by the government shall observe the decisions of the councils made within their jurisdiction.

*Art. 104.* With a view to ensuring the Islamic justice and equity and co-operating in preparing plans and coordinating the progress of affairs in manufacturing, industrial and agricultural units, certain councils composed of representatives of workers, farmers and other staff and managers shall be formed. In education, administrative and service units and the like, some councils composed of representatives of such units shall likewise be formed.

The method of formation and the jurisdiction of such councils shall be determined by law.

*Art. 105.* The decisions made by the Councils shall not be contrary to the Islamic tenets and the laws of the country.

*Art. 106.* The Councils shall not be dissolved except in cases where they depart from their legal duties. The authority to decide on whether or not such departure has taken place and the method of dissolution of the Councils and of their reorganization shall be determined by law.

In case the Councils take exception to their dissolution, they shall have the right to lodge a complaint with a competent court and the court shall consider the case out of turn.

## CHAPTER EIGHT

### THE LEADER OR COUNCIL OF LEADERSHIP

*Art. 107.* In case a fully qualified theologian and canonist referred to under Article 5 of this law is known and accepted by a decisive majority of people to be their leader as has been the case with their exalted Marja'i Taqlid (Authority on Islamic theological and canon law) and leader of the revolution, Ayatollah Imam Khomeini, he shall have the authority to command and all the responsibilities emanating therefrom; otherwise, the experts elected by the people shall consult about all those considered competent as to be vested with such authority and leadership. If one such authority is known to be pre-eminent above all others, he shall be appointed as the leader of the nation; otherwise, three or five authorities fully qualified for leadership shall be appointed as members of the Council of Leadership.



*Art. 108.* The law taking care of the number of experts thus elected and the requirements to be fulfilled by them, method of their election and regulations for holding sessions of their assembly for the first term shall be made by the theologians and canonists of the first Council of Custodians and approved by majority of their votes and finally endorsed by the Leader of the Revolution. Thenceforth, any alteration or revision in the said law shall be within the jurisdiction of the Constituent Assembly of Experts.

*Art. 109.* Requirements to be fulfilled by the Leader or members of the Council of Leadership:

1. Scientific eligibility and theological virtues essential for expounding Islamic theological and canon law and being an authority thereon.

2. Political and social insight, bravery, capability and adequate management for leadership.

*Art. 110.* Duties and authority of leadership:

1. Nomination of theologians and canonists, members of the Council of Custodians.

2. Appointment of the highest-ranking official of the judicial bench of the country.

3. In the capacity of Commandeer-in-Chief of the Armed Forces, as follows:

*a.* Appointment and dismissal of Chief of the General Staff.

*b.* Appointment and dismissal of Islamic Revolutionary Guards Corps (Pasdaran).

*c.* Formation of supreme council of national defence composed of:

– President

– Prime minister

– Defence minister

– Chief of the General Staff

– Commander of the Islamic Revolutionary Guards Corps (Pasdaran)

– Two advisors appointed by the leader

*d.* Appointment of Commanders-in-Chief of the three Armed Forces (Ground Forces, Air Force and Navy) as proposed by Defence Supreme Council.

*e.* Declaring war and peace and mobilization of Armed Forces as proposed by Defence Supreme Council.

4. Appointment of the President after having been elected by the people. The eligibility of candidates for presidency as specified in the Constitutional Law shall be confirmed by the Council of Custodians prior to election and endorsed by the Leadership for the first term of presidency.

5. Dismissal of the President with due consideration of the interests of the country, after the Supreme Court of Cassation has ruled that he has departed from his legal duties or after the Majlis has ruled as to his political incapability.

6. Pardoning convicts or mitigating their punishments within Islamic criteria after being proposed by the Supreme Court of Cassation.

*Art. 111.* In case the Leader or a member on the Council of Leadership fails

to perform the legal duties of leadership or loses one or other of qualifications referred to under Article 109, he shall be dismissed from his position. Any decision in this regard shall be adopted by the experts mentioned under Article 108. The rules governing the Constituent Assembly of Experts to consider and implement the provision of this article shall be determined in the first session of the Assembly.

*Art. 112.* The Leader or members on the Council of Leadership shall be considered as equal with other people of the country, as far as enforcement of law is concerned.

## CHAPTER NINE

### EXECUTIVE POWERS

#### Section One. President

*Art. 113.* Next in rank to the Leader, the President shall be the highest state authority of the country and shall have the responsibility for enforcing the Constitutional Law and coordinating the correlation between the three powers of the country. The President shall also be the chief of the executive power, except for such matters of government that fall directly within the jurisdiction of the leadership.

*Art. 114.* The President shall be elected for a term of four years with direct votes of the people and his reelection consecutively shall be allowed for one term only.

*Art. 115.* The President shall be elected from among religious and political personalities qualified as follows:

Of Iranian extraction and nationality, organizer, judicious, with good name, honesty and virtue, faithful in the foundations of Iranian Islamic Republic and the state religion of the country.

*Art. 116.* Candidates for presidency shall declare their readiness prior to election. The method for holding presidential election shall be determined by law.

*Art. 117.* The President shall be elected by absolute majority of votes of electors. If, however, no candidate wins such a majority in the first poll, on Friday of the following week the voters shall go to the polls for the second time. In the second poll only the two candidates who had taken the largest number of votes in the first poll shall again be put forward for presidency. In case certain candidates who have received a greater number of votes give up their candidature two of the remaining candidates with the largest majority of votes in the first poll shall again be put forward for presidency.

*Art. 118.* The responsibility to supervise presidential election shall rest, in accordance with Article 99 hereof, with the Council of Custodians, but prior to formation of the first Council of Custodians the supervisory board assigned by law for this purpose shall supervise the election.

*Art. 119.* The new President shall be elected at least one month prior to termination of tenure of office of former President and within the interval between election of new President and termination of term of office of former President, the latter shall perform the presidential duties.

*Art. 120.* In case of demise of a candidate within ten days before polling whose eligibility has been confirmed as stipulated in the law, the presidential election shall be postponed for two weeks. If within the interval between the first and second poll, either of the two candidates who had polled the largest number of votes passes away, the election shall be held two weeks later.

*Art. 121.* The President-elect shall swear the following oath and sign the affidavit at the Majlis in presence of president of Supreme Court of Cassation and members of Council of Custodians of the Constitutional Law.

In the name of God, the Beneficent, the Merciful 'Before the glorious Koran and the people of Iran, I swear as President in the name of God to be a custodian of the state religion, the system of government of the Islamic Republic and the Constitutional law; to strive to the best of my ability to perform the responsibilities entrusted to me; to devote myself to the service of people, grandeur of my country, promotion of religion and morality and support and furtherance of justice; to avoid all acts of autocratic rule; to respect individual liberties and to maintain the rights the Constitutional Law bestows upon the people; to make every endeavor to maintain the frontiers and political, economic and cultural independence of the country, and with the divine help and following the way of the Prophet of Islam and the saintly Imams, blessed be their souls, keep devotedly and wholeheartedly as a sacred pledge the power vested in me by the people and entrust same to the elect of the people who comes after me to serve in my capacity.'

*Art. 122.* The President shall be responsible before the people within his jurisdiction and any investigation as to his departure from his responsibilities shall be decided upon by law.

*Art. 123.* The President shall sign the enactments of the Majlis or the result of any referendum, after having passed through legal stages and having been notified to him, and shall refer them for implementation to responsible authorities.

*Art. 124.* The President nominates a Prime Minister and shall sign the decree of his appointment as such after he has received a vote of inclination from the Majlis.

*Art. 125.* All treaties, protocols, agreements and contracts made between Iran and other countries and also the treaties relating to international alliances shall be signed by the President or his legal deputy, after they have been approved by the Majlis.

*Art. 126.* The decrees and regulations approved by the Council of Ministers shall be notified to the President and if he finds them contrary to prevailing laws he shall return them, while giving his reasons, to the Council of Ministers.

*Art. 127.* The Council of Ministers shall meet presided over by the President if he so deems necessary.

*Art. 128.* The President shall sign the credentials of the Iranian ambassadors

to other countries and shall also receive the credentials of other countries' ambassadors to Iran.

*Art. 129.* The government decorations shall be awarded by the President.

*Art. 130.* In the absence of the President or in case of his illness, a council named 'Provisional Council of Presidency' composed of Prime Minister, Speaker of the Majlis and President of Supreme Court of Cassation shall perform his duties, provided his absence from his office does not continue more than two months. In case of dismissal of the President or in case the term of office of former President has expired and the new President has not yet been elected for certain obstacles, the duties of the President shall be performed by the said Council.

*Art. 131.* In case of demise or resignation of the President or his illness for more than two months or his dismissal or other such causes, the Provisional Council of Presidency shall make arrangements for election of a new President within fifty days and shall perform the duties and authority of the President.

*Art. 132.* During the period that the Provisional Council of Presidency shall perform the duties of the President, the government shall not be interpellated nor given a vote of non-confidence. At the same time the Constitutional Law shall not be revised either.

## **Section Two. Prime Minister and Ministers**

*Art. 133.* Ministers shall be appointed as proposed by Prime Minister and approved by the President and shall be presented to the Majlis to receive a vote of confidence. Number of Ministers and their individual jurisdiction shall be determined by law.

*Art. 134.* The Council of Ministers shall be presided over by the Prime Minister who also has control over Ministers. The Prime Minister shall take necessary measures to coordinate the decisions made by the government and shall outline the program and policies of the government in collaboration with Ministers and shall enforce the laws.

The Prime Minister shall be responsible before the Majlis for whatever actions taken by ministers.

*Art. 135.* The Prime Minister shall be in power as long as there is not a lack of confidence in him by the Majlis.

The Prime Minister shall submit his resignation to the President and pending formation of a new government he shall remain in office.

*Art. 136.* If the Prime Minister chooses to dismiss a Minister and substitute him for another person, such dismissal and appointment shall be with the approval of the President. The Prime Minister shall then receive for the new Minister a vote of confidence from the Majlis. If as a result of such vote of confidence half the number of Ministers change, the government shall again request the Majlis for a vote of confidence.

*Art. 137.* Each Minister shall be responsible before the Majlis for his specific functions, but with respect to the affairs approved by the Council of Ministers, he shall also be responsible for what others have done.

*Art. 138.* Besides the cases where the Council of Ministers or a Minister is commissioned to draw up the executive regulations of the legislation, the Council of Ministers shall have the right to make decrees and regulations for execution of administrative functions and ensuring enforcement of the legislation and also regulating administrative organizations. Each Minister shall also be entitled, within his jurisdiction and considering the decrees of Council of Ministers, to draw up regulations and issue circulars. However, the purport of such provisions shall not be contrary to the letter of the laws.

*Art. 139.* Any compromise as to litigations concerning the public and government property or referring such cases to arbitration shall be subject to approval of the Council of Ministers and shall be notified to the Majlis. In cases where the party to such litigations is a foreigner and as far as important domestic affairs are concerned, the matter shall be approved by the Majlis. The law shall specify important cases.

*Art. 140.* Charges brought against the President, Prime Minister and Ministers as far as ordinary offences are concerned shall be investigated at ordinary courts of justice with prior knowledge of the Majlis.

*Art. 141.* The President, Prime Minister, Ministers and government employees shall not be entitled to have more than one government occupation nor shall they be allowed to have any other occupation in an establishment whose capital is wholly or partly owned by the government or public institutions. They shall not either be elected to the Majlis nor shall they be entitled to practise law as barristers and solicitors, serve as chairman or managing director or member on the board of directors of all types of private companies other than cooperative societies and institutions.

The ruling of this article shall not be applicable to educational posts at universities and research institutions.

The Prime Minister shall, if deemed necessary, take provisional charge of the affairs of certain ministries.

*Art. 142.* The Supreme Court of Cassation shall verify the assets of the leader or members of the Council of Leadership, and that of the President, Prime Minister, Ministers, their wives and children, before or after appointment as such, so as to ensure they have not been augmented unjustly.

### **Section Three. The Army and the Islamic Revolutionary Guards Corps (Pasdaran)**

*Art. 143.* The Army of the Islamic Republic of Iran shall be entrusted with the task of protecting independence, territorial integrity and system of government of Islamic Republic of the country.

*Art. 144.* The Army of the Islamic Republic of Iran shall be a popular army organized on the tenets of Islam and shall recruit competent persons faithful in the objectives of the Islamic Revolution and devoted in seeing them realized.

*Art. 145.* Aliens shall not be recruited by the Army and by the security forces of the country.

*Art. 146.* No military base shall be set up in Iran to be used by foreign countries even if such bases are for peaceful purposes.

*Art. 147.* The government shall benefit, in peace time, from the Army personnel and technical equipment for public assistance and educational and productive purposes and also in crusade for reconstruction with due observance of Islamic justice and equity and to such an extent not detrimental to combative preparedness of the army.

*Art. 148.* Any utilization whatsoever for person use of the facilities of the Army or the personnel of the Army to serve as orderlies or drivers shall not be allowed.

*Art. 149.* Promotion and demotion of officers shall be as specified by law.

*Art. 150.* The Islamic Revolutionary Guards Corps (Pasdaran) which was organized in the early days of the victory of this revolution shall continue to perform its role in safeguarding the revolution and the outcomes ensuing therefrom. The scope of functions and responsibilities of the said corps in relation to the scope of functions and responsibilities of the Armed Forces with the stress laid upon fraternal collaboration and coordination between the two of them shall be determined by law.

*Art. 151.* According to the holy verse: 'Make ready for them all you can of armed forces and of horses tethered, that thereby you may dismay the enemy of Allah and your enemy, and others beside them whom you know not. Allah knows them.' the government shall provide the people of the country with the program and facilities of military training in conformity with the Islamic criteria, so as to enable them all to take up arms to defend the country and the system of government of the Islamic Republic of Iran. However, to keep arms, it shall be authorized by official authorities.

## CHAPTER TEN

### FOREIGN POLICY

*Art. 152.* The foreign policy of the Islamic Republic of Iran shall be based on negation of any kind of domination and being dominated, protection of overall independence and territorial integrity of the country, defending the rights of all Moslems and the non-alignment policy before dominating powers and mutual peaceful relations with non-belligerent countries.

*Art. 153.* Any conventions resulting in domination of aliens over natural and economic resources as well as over the culture and Army and any other domain of the country shall not be allowed.

*Art. 154.* The Islamic Republic of Iran shall aspire after prosperity of man in all human societies and shall recognize independence, liberty and the rule of justice as universal rights to be enjoyed by all the peoples of the world alike. Hence, while refraining from any intervention in internal affairs of others nations, it shall support any rightful struggle of the weak against the strong on the face of the globe.

*Art. 155.* The Islamic Republic of Iran shall offer sanctuary to all those asking for political asylum, excepting those who are known, in accordance with the laws of Iran, to be traitors and criminals.

## CHAPTER ELEVEN

### JUDICIAL POWER

*Art. 156.* The judicial power is an independent power which shall protect individual as well as social rights and shall be responsible for the administering of justice and performing the following duties:

1. Investigation of litigation, injustice and complaints and issuance of verdicts thereon; settlement of disputes and making decisions on those non-litigious affairs to be determined by law.

2. Restoration of public rights and promotion of justice and legal freedoms.

3. Supervision of good administration of laws.

4. Detection of wrong-doing, prosecution, punishment and chastisement of wrong-doers and administration of rulings as specified by the penal laws of Islam.

5. Taking adequate measures to preclude wrong-doing and reform offenders.

*Art. 157.* With a view to performing the responsibilities of the judicial power, a council named 'Supreme Judicial Council' shall be formed and shall be the highest judicial authority taking care of:

1. Creation of appropriate justice organizations to fulfil the requirements referred to under Article 156 above.

2. Drafting such judicial bills as are expected in the Islamic Republic.

3. Recruitment of competent and righteous judges, their appointment and dismissal, their assignment to judicial posts and promotion and other such administrative affairs as the law ordains.

*Art. 158.* The Supreme Judicial Council shall be composed of:

1. President of Supreme Court of Cassation.

2. State Prosecutor General.

3. Three righteous judges versed in Islamic theological and canon law nominated by the country's judicial bench.

The members of the Council shall be elected for five years in accordance with the law and shall be allowed to be re-elected. The requirements to be fulfilled by those to be elected and by those electing shall be determined by law.

*Art. 159.* The state authority to deal with litigation and the complaints shall be justice courts and the formation and jurisdiction of such courts shall be determined by law.

*Art. 160.* The Justice Minister shall be responsible for all issues concerning relations of the judicial power with the executive and legislative powers and shall be appointed as such from among nominees of the Supreme Judicial Council proposed to the Prime Minister.

*Art. 161.* The Supreme Court of Cassation shall be formed on the basis of the

criteria as set forth by the Supreme Judicial Council in order to supervise the sound administration of laws at justice courts, maintain an identical judicial procedure and perform the responsibilities entrusted to it by law.

*Art. 162.* The President of Supreme Court of Cassation and the state Prosecutor General shall be righteous theologians and canonists versed in judicial issues and shall be appointed as such by the Leadership for a period of five years.

*Art. 163.* The qualifications and eligibility of the judicial bench shall be determined by law in conformity with theological and canon law.

*Art. 164.* Judges shall not be dismissed provisionally or permanently without being tried and pleaded guilty of the offence necessitating such dismissal nor shall they be transferred to other posts without their consent, except in cases where the interests of the society so demand, and such transfer shall be effected with unanimous approval of members of Supreme Judicial Council. The periodic transfer of judges shall be according to general criteria determined by law.

*Art. 165.* Trials shall be held in open sessions with the public admitted to attend, except when the court so decides that open sessions would be contrary to public decency or order or when in private litigation the parties thereto request that trial sessions should not be held open.

*Art. 166.* The verdicts of the courts shall be issued with sufficient proof as to the merit of the case and also on the strength of pertinent laws and principles.

*Art. 167.* Judges shall try to find the ruling applicable to any litigation in the written laws and failing this they shall bring in the right verdict on the strength of reliable Islamic sources or authentic judgements. Judges shall not refuse to investigate a litigation and issue verdict thereon under such excuses that the law is silent about it; that there are certain defects or ambiguities in the law or the written laws contradict one another.

*Art. 168.* Investigation of political and the press offences shall be held in open sessions of justice courts in presence of the jury. The procedure for appointment of jury members, their eligibility and the jurisdiction of the jury as well as the definition of political offences shall be specified by law in accordance with Islamic tenets.

*Art. 169.* No act nor relinquishment thereof shall be considered as an offence on the strength of the law enacted thereafter.

*Art. 170.* Judges of justice courts shall refrain from administering the government decrees and regulations contrary to Islamic laws and stipulations or beyond the jurisdiction of the executive power and everyone has the right to request justice courts for annulment of such decrees and regulations.

*Art. 171.* If a judge fails to consider rightly the merit of the case or makes an error in his judgement or in reconciliation of the verdict with a particular case and thus causes someone to sustain material and non-material losses he shall be responsible for such failure according to Islamic practice; otherwise the government shall pay for the losses incurred and in any case the accused shall be rehabilitated.

*Art. 172.* To investigate the offences relating to special military or security duties of the personnel of the Armed Forces, Gendarmerie, Police and the Revolutionary Guards Corps, military tribunals shall be held according to the law. As far



as ordinary offences of such personnel or their offences in the capacity of justice officers are concerned, such offences shall be investigated at justice courts. The military prosecutor's office and tribunals shall be within the jurisdiction of the judicial power of the country and shall be subject to the principles thereof.

*Art. 173.* To investigate litigation, complaints and protests of the public against the government officials, units or regulations and to administer justice in their case a tribunal named 'Administrative Justice Tribunal' shall be formed under control of the Supreme Judicial Council. The jurisdiction and the procedure for functioning of this tribunal shall be determined by law.

*Art. 174.* On the strength of the right of the judicial power to control over the satisfactory circulation of affairs and the sound administration of laws in the government units, an organization named 'The State Inspectorate' shall be formed under control of the Supreme Judicial Council. The jurisdiction of this inspectorate shall be determined by law.

## CHAPTER TWELVE

### MASS MEDIA

*Art. 175.* In the mass media (radio and television) the freedom of publicity and propaganda shall be ensured according to Islamic practice. Such mass media shall work under the control of the three powers: Judicial (Supreme Judicial Council), legislative and executive. The procedure for this purpose shall be determined by law.

The Constitutional Law of the Islamic Republic of Iran, in twelve Chapters including one hundred seventy five articles, has been approved by the votes of two thirds of representatives of the Constituent Assembly commissioned with final consideration of the Constitutional Law on the 24th Aban 1358, solar Hegira year (24th Zilhaja 1399 lunar Hegira year – 15th November 1979).