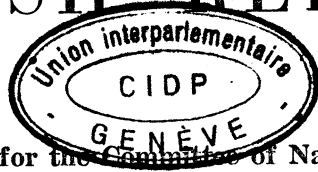




CONSTITUTION
OF THE
TURKISH REPUBLIC



Translated for the Committee of National Unity

by
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CONSTITUTION OF THE TURKISH REPUBLIC

PREAMBLE

Having enjoyed freedom, and fought for her rights and liberties throughout her history, and having achieved the Revolution of May 27, 1960 by exercising her right to resist the oppression of a political power which had deteriorated into a state of illegitimacy through behavior and actions contrary to the rule of law and the Constitution, the Turkish Nation, prompted and inspired by the spirit of Turkish nationalism, which unites all individuals, be it in fate, pride or distress, in a common bond as an indivisible whole around national consciousness and aspirations, and which has as its aim always to exalt our nation in a spirit of national unity as a respected member of the community of the world of nations enjoying equal rights and privileges;

With full dedication to the principle of «peace at home, peace in the world» and with full dedication to the spirit of national independence, and sovereignty and to the reforms of Atatürk;

Guided by the desire to establish a democratic rule of law based on juridical and social foundations, which will ensure and guarantee human rights and liberties, national solidarity, social justice, and the welfare and prosperity of the individual and society;

Now therefore, the Turkish Nation hereby enacts and proclaims this Constitution drafted by the Constituent Assembly of the Turkish Republic, and entrusts it to the vigilance of her sons and daughters who are devoted to the concepts of freedom, justice and integrity, with the conviction that its basic guarantee lies in the hearts and minds of her citizens.

PART ONE

General Principles

I. Form of the State :

ARTICLE 1 — The Turkish State is a Republic.

II. Characteristics of the Republic :

ARTICLE 2 — The Turkish Republic is a nationalistic, democratic, secular and social State governed by the rule of law, based on human rights and the fundamental tenets set forth in the preamble.

This Constitution was promulgated as law number 334 of July 9, 1961 in the Official Gazette number 10859 of July 20, 1961.

III. *Indivisibility of the State; its official language and its seat of government.*

ARTICLE 3 — The Turkish State is an indivisible whole comprising its territory and people. Its official language is Turkish.

Its capital is the city of Ankara.

IV. *Sovereignty :*

ARTICLE 4 — Sovereignty is vested in the nation without reservation and condition.

The nation shall exercise its sovereignty through the authorized agencies as prescribed by the principles laid down in the Constitution.

The right to exercise such sovereignty shall not be delegated to any one person, group or class. No person or agency shall exercise any state authority which does not derive its origin from the Constitution.

V. *Legislative power :*

ARTICLE 5 — Legislative power is vested in the Turkish Grand National Assembly. This power shall not be delegated.

VI. *Executive Function :*

ARTICLE 6 — The executive function shall be carried out by the President of the Republic and the Council of Ministers within the framework of law.

VII. *Judicial power :*

ARTICLE 7 — Judicial power shall be exercised by independent courts on behalf of the Turkish nation.

VIII. *Supremacy and binding force of the Constitution :*

ARTICLE 8 — Laws shall not be in conflict with the Constitution.

The provisions of the Constitution shall be the fundamental legal principles binding the legislative, executive and judicial organs, administrative authorities and individuals.

IX. *Irrevocability of the form of the State :*

ARTICLE 9 — The provision of the Constitution establishing the form of the state as a republic shall not be amended nor shall any motion therefor be made.

PART TWO

Fundamental rights and duties

SECTION ONE

General Provisions

I. The nature of the fundamental rights and their protection :

ARTICLE 10 — Every individual is entitled, in virtue of his existence as a human being to fundamental rights and freedoms, which cannot be usurped, transferred or relinquished.

The State shall remove all political, economic and social obstacles that restrict the fundamental rights and freedoms of the individual in such a way as to be irreconcilable with the principles embodied in the rule of law, individual well-being and social justice. The State prepares the conditions required for the development of the individual's material and spiritual existence.

II. The essence of the basic rights :

ARTICLE 11 — The fundamental rights and freedoms shall be restricted by law only in conformity with the letter and spirit of the Constitution.

The law shall not infringe upon the essence of any right or liberty not even when it is applied for the purpose of upholding public interest, morals and order, social justice as well as national security.

III. Equality :

ARTICLE 12 — All individuals are equal before the law irrespective of language, race, sex, political opinion, philosophical views, or religion or religious sect.

No privileges shall be granted to any individual, family, group or class.

IV. The status of aliens :

ARTICLE 13 — The rights and liberties of allens referred to in this section shall be defined according to the provisions of international law.

SECTION TWO

The rights and duties of the individual

I. Personal immunities :

ARTICLE 14 — Every individual shall enjoy the right to seek to improve himself materially and spiritually, and have the benefit of personal freedom.

The immunities and freedoms enjoyed by the individual shall not be restricted except in cases explicitly prescribed by law, and in conformance with judgments duly passed by a court.

No individual shall be subjected to ill-treatment or torture.

No punishment incompatible with human dignity shall be imposed.

II. *Protection of individual privacy :*

a) *The privacy of the individual's life :*

ARTICLE 15 — The privacy of the individual's life shall not be violated. The exceptions required as a result of legal proceedings shall be reserved.

Unless there exists a judgment duly passed by a court in cases explicitly provided by law, and unless there exists an order of an agency authorised by law in cases required by public order, neither the person nor the private papers and belongings of an individual shall be searched.

b) *Immunity of domicile :*

ARTICLE 16 — The privacy of the individual's home shall not be violated.

Unless there exists a court judgment duly passed in cases explicitly provided by law, and unless there exists an order of an agency authorized by law in cases where delays are deemed dangerous to national security and public order, no domicile shall be entered or searched, or the furniture and property therein confiscated.

c) *Freedom of communication :*

ARTICLE 17 — Every individual is entitled to the right of free communication.

The privacy of communication is essential and shall not be infringed unless there exists a court judgment duly passed in cases required by law.

III. *Freedom of travel and residence :*

ARTICLE 18 — Every individual shall be entitled to travel freely; this freedom can be restricted only by law for the purposes of maintaining national security or for preventing epidemics.

Every individual shall be entitled to reside wherever he chooses. The freedom can be limited only by laws when necessary to maintain national security, to prevent epidemics, to protect public property, and to achieve social and economic and agricultural development.

Turkish citizens shall be free to leave and re-enter Turkey. The freedom to leave Turkey shall be regulated by law.

IV. *The rights and freedoms of thought and belief :*

a) *Freedom of thought and faith :*

ARTICLE 19 — Every individual is entitled to follow, freely the dictates of his conscience, to choose his own religious faith and to have his own opinions.

Forms of worship, and religious ceremonies and rites are free provided they are not in opposition to public order, or morals or to the laws enacted to uphold them.

No person shall be compelled to worship, or participate in religious ceremonies and rites, or to reveal his religious faith and belief. No person shall be reproached for his religious faith and belief.

Religious education and teaching shall be subject to the individual's own will and volition, and in the case of minors to their legally appointed guardians.

No person shall be allowed to exploit and abuse religion or religious feelings or things considered sacred by religion in any manner whatsoever for the purpose of political or personal benefit, or for gaining power, or for even partially basing the fundamental social, economic, political and legal order of the State on religious dogmas. Those who violate this prohibition, or those who induce others to do so shall be punishable under the pertinent laws. In the case of associations and political parties the former shall be permanently closed down by order of authorized courts and the latter by order of the Constitutional Court.

b) Freedom of thought :

ARTICLE 20 — Every individual is entitled to have his own opinions and to think freely. He is free to express his thoughts and opinions singly or collectively, through word of mouth, in writings through pictures or through other media.

No individual shall be coerced to disclose his thoughts and opinions.

V. Freedom of science and the arts :

ARTICLE 21 — Every individual is entitled to acquire and impart science and arts, to practice, profess and to disseminate knowledge concerning them, and to carry out all kinds of research in these fields.

Education and teaching shall be free under the supervision and control of the State.

The provisions governing private schools shall be regulated by laws in conformity with the level desired to be attained in state schools.

No educational institutions shall be set up which are incompatible with the principles of learning and education.

VI. Provisions governing the press and publications :

a) Freedom of the press :

ARTICLE 22 — The press is free, and shall not be subjected to censorship. The State shall adopt the measures to assure the freedom of the press, and the obtainment of information.

Freedom of the press and the obtainment of information can be restricted by law only in order to safeguard national security, or public morality, to prevent attacks on the dignity, honor and rights of individuals; to prevent instigations to commit crimes; and to assure proper implementation of judicial functions.

Barring a court order passed in cases specified by law, in order that the judicial functions may be carried out properly, no ban shall be imposed on publication of any item of information.

The confiscation of newspapers and periodicals published in Turkey can be carried out only in conformity with a court judgment, or in the event that offenses

are committed for which the pertinent law explicitly specifies that these measures shall be applied.

The newspapers and periodicals published in Turkey can be closed down only by court judgment, in the event of conviction for offenses provided in article 57.

b) The right to publish newspapers and periodicals :

ARTICLE 23 — Publication of newspapers and periodicals shall not be subject to obtaining permission prior to publication nor to the depositing of a guarantee fund.

The publication and distribution of newspapers and periodicals, their financial resources, and the conditions pertaining to journalism shall be regulated by law. Such law shall lay down no political, economic, financial or technical restrictions liable to curb or coerce the free dissemination of news, ideas and opinions.

Newspapers and periodicals shall avail themselves of the media and facilities provided by the State and other public corporate bodies or associations affiliated with them, and these facilities shall be equally available to all.

c) The right to publish books and pamphlets :

ARTICLE 24 — No permits shall be necessary for the publication of books and pamphlets, nor shall they be subject to censorship.

Books and pamphlets published in Turkey shall not be confiscated except in cases provided under paragraph 5 of article 22.

d) The protection of printing equipment :

ARTICLE 25 — Printing shops, including their presses and other furniture and fixtures shall not be seized, confiscated, or prevented from operation, even though the underlying charge may be that they are accessory to a criminal act.

e) The right to make use of means of communication other than the press :

ARTICLE 26 — Individuals and political parties are entitled to avail themselves of the communication and publication facilities including the press which are owned by public corporate bodies. The conditions and procedures for such obligation shall be regulated in conformity with democratic principles and standards of equity. No law shall be enacted which restricts freedom of information, or which aims to control the formation of ideas and opinions and the shaping of public opinion.

f) The right to controvert and rebut :

ARTICLE 27 — The right to controvert and to rebut is recognized only in cases where the dignity and honor of individuals have been affected, or where they have been made the butt of unfounded statements in print.

If the counter statement containing the individual's rebuttal is not published voluntarily, a court of justice shall decide for or against its publication.

VII. *The right and freedom to congregate :*

a) *The right to congregate and march in demonstration :*

ARTICLE 28 — All individuals are entitled to congregate or march in demonstration without prior permission, insofar as they are unarmed and have no intent to assault.

This right can be restricted only by law for purposes of maintaining public order.

b) *The right to form associations :*

ARTICLE 29 — Every individual is entitled to form associations without prior permission. This right can be restricted only by law for the purposes of maintaining public order or morality.

VIII. *Provisions governing the protection of rights :*

e) *Personal security :*

ARTICLE 30 — Individuals against whom there exists a strong case for indictment can be detained by court judgment for purposes of preventing escape or alteration of evidence, or in other similar cases which necessitate detainment and in other instances specified by law. The prolongation of detainment is subject to the same conditions.

Taking into custody is resorted to only *in flagrante delicto* or in cases where delay is likely to thwart justice. The conditions for such detainment shall be specified by law.

Individuals taken or held in custody shall be notified immediately in writing of the reasons for their detention as well as of the charges against them.

The person taken or held in custody shall be arraigned within 24 hours excluding the time taken to send him to the court nearest to the place of arrest, and after the lapse of this time, such person cannot be deprived of his freedom without a court judgment. When a person taken or held in custody, or is so arraigned, his next of kin shall be immediately notified thereof.

All damages suffered by persons subjected to treatment other than that specified herein shall be indemnified by the State according to law.

b) *The freedom to seek one's rights :*

ARTICLE 31 — Every individual is entitled to litigate and defend his case as plaintiff or defendant before judicial authorities by availing himself of all legitimate methods and procedures.

No court of justice shall abstain from conducting the trial of a case within its jurisdiction.

c) *Ordinary channels of justice :*

ARTICLE 32 — No person shall be made to appear before an agency other than the relevant court.

No agencies vested with extraordinary powers to pass judgment can be created which may entail the appearance of a person before an agency other than the court normally empowered to try him.

d) Punishments may be meted out only by reference to law and they concern only the individual involved; prohibition of duress :

ARTICLE 33 — No person shall be punishable for an act which is not considered an offense under the law in force at the time the act was committed.

Punishments and penal measures shall be established only by law.

No person shall be punishable with a heavier penalty than that provided in the law for that offense at the time the offense was committed.

No person shall be coerced to make statements or to give testimony liable to incriminate himself or his legally defined next of kin. Criminal responsibility is personal.

No penalty involving general confiscation shall be imposed.

e) The right to prove the truth of an allegation :

ARTICLE 34 — In cases of libel instituted by those in public service on the grounds that libellous statements were made concerning the plaintiff's discharge of his services or functions, the defendant is entitled to prove the truth of his allegations. In cases falling outside of the above, the granting of the request to prove the truth of the libellous statement is dependent upon whether or not the determination of the allegation is in public interest, or upon whether the plaintiff requests such a hearing designed to establish the truth or falsity of the statement.

SECTION THREE

Social and economic rights and duties

I. Protection of the family :

ARTICLE 35 — The family is the fundamental unit of the Turkish Society.

The State and other public corporate bodies shall adopt the requisite measures and establish the organizations needed for the protection of the family, the mother, and the child.

II. Property rights :

ARTICLE 36 — Every individual is entitled to the rights of ownership and inheritance.

a) General rule concerning property :

These rights may be restricted only by law in the interest of the public.

The exercise of property rights shall in no way conflict with public welfare.

b) *Land ownership* :

ARTICLE 37 — The State shall adopt the measures needed to achieve the efficient utilization of land and to provide land for those farmers who either have no land, or own insufficient land. For this purpose the law may define the size of tracts of land according to different agricultural regions and types of soil. The State shall assist farmers in the acquisition of agricultural implements.

e) *Expropriation* :

ARTICLE 38 — The State and other corporate bodies, where public interest deems it necessary, are authorized, subject to the principles and procedures as set forth in the pertinent law, to expropriate the whole or a part of any immovable property under private ownership, or to impose an administrative servitude thereon provided that the true equivalent value is immediately paid in cash.

The form of payment of the true equivalent values of land expropriated for the purpose of enabling farmers to own land, for nationalization of forests, for afforestation and for accomplishing the establishment of settlement projects, shall be provided by law. Where the law deems it necessary that payment be made by installments, the period of payment shall not exceed ten years. In this event, the installment shall be paid in equal amounts and shall be subject to interest rates prescribed by law.

The value of that part of expropriated land which is tilled by the farmer himself, the amount of land to be indicated by law which is essential within equitable principles, to provide him with a living, and the value of the land expropriated from the small farmer shall be paid in cash under all circumstances.

d) *Nationalization* :

ARTICLE 39 — Where it is deemed necessary in the public interest, private enterprises which bear the characteristics of a public service, may be nationalized provided that the true equivalent value thereof is paid as indicated by law. Where the law deems it necessary that payment be made by installments, the period of payment shall not exceed ten years, and the installments shall be paid in equal amounts; these installments shall be subject to interest rates prescribed by law.

III. *Freedom of work and contracts* :

ARTICLE 40 — Every individual is entitled to carry on business activities, and to enter into contracts in the field of his choice. The establishment of private enterprises is free.

The law may restrict these freedoms only in the public interest.

The State shall adopt those measures necessary to ensure the functioning of private enterprises in an atmosphere of security and stability consistent with the requirements of the national economy and the objectives of the society.

IV. The regulation of economic and social life :

ARTICLE 41 — Economic and social life shall be regulated in a manner consistent with justice, and the principle of full employment, with the objective of assuring for everyone a standard of living befitting human dignity.

It is the duty of the State to encourage economic, social and cultural development by democratic processes and for this purpose to enhance national savings, to give priority to those investments which promote public welfare, and to draw up development projects.

V. Provisions governing employment :

a) The right and duty to engage in an occupation, trade or business :

ARTICLE 42 — It is the right and duty of every individual to be engaged in some occupation, trade or business.

The State shall protect workers and promote employment by adopting social, economic and financial measures of such nature that workers will be provided with a decent human existence so that stable employment may be developed. The State shall also adopt measures to prevent unemployment. Imposing unwarranted burdens on individuals without compensation is prohibited.

The forms and conditions of physical and intellectual work in the nature of civic duty in cases where the needs of the country so require shall be regulated by law in accordance with democratic procedures.

b) Conditions of employment :

ARTICLE 43 — No individual can be employed at a job that does not suit his age, capacity and sex.

Children, young people, and women shall be accorded special protection in terms of conditions of employment.

e) The right to rest :

ARTICLE 44 — Every worker has the right to rest.

The right of paid week-ends, religious and national holidays, and paid annual leave shall be regulated by law.

d) Provision of equity in wages :

ARTICLE 45 — The State shall adopt the necessary measures so that workers may earn decent wages commensurate with the work they perform, and sufficient to enable them to maintain a standard of living befitting human dignity

e) The right to establish trade unions :

ARTICLE 46 — Employees and employers are entitled to establish trade unions and federations of trade unions without having to obtain prior permission, to enrol in them as members, and to resign from such membership freely.

For those engaged in public services other than physical labor similar rights shall be regulated by law.

The by-laws, the management, and the operation of trade unions and federations thereof shall not conflict with democratic principles.

f) *The right to bargain collectively and to strike :*

ARTICLE 47 — In their relations with their employers, workers are entitled to bargain collectively and to strike with a view to protecting or improving their economic and social status.

The exercise of the right to strike, and the exceptions thereto, and the rights of employers shall be regulated by law.

IV. *Social security :*

ARTICLE 48 — Every individual is entitled to social security. The State is charged with the duty of establishing or assisting in the establishment of social insurance and social welfare organizations.

VII. *The right to medical care :*

ARTICLE 49 — It is the responsibility of the State to ensure that everyone leads a healthy life both physically and mentally, and receives medical attention.

The State shall take measures to provide the poor and low-income families with dwellings that meet sanitary requirements.

VIII. *Education :*

ARTICLE 50 — One of the foremost duties of the State is to provide for the educational needs of the people.

Primary education is compulsory for all citizens, male and female, and shall be provided free of charge in State Schools.

To assure that capable and deserving students in need of financial support may attain the highest level of learning consistent with their abilities, the State shall assist them through scholarships and other means.

The State shall take the necessary measures conducive to making useful citizens of those who need special training on account of their physical and mental incapacity.

The State shall provide for the preservation of works and monuments of historical and cultural value.

IX. *Promotion of cooperative activities :*

ARTICLE 51 — The State shall take measures conducive to the promotion of cooperative activities.

X. *Protection of Agriculture and farmers :*

ARTICLE 52 — The State shall take the necessary measures to provide the people with adequate nourishment, to assure an increase in agricultural production

to the benefit of the society, to prevent erosion, to enhance the value of agricultural products, and the toil of those engaged in agriculture.

XI. The scope of the economic and social duties of the State :

ARTICLE 53 — The State shall carry out its duties to attain the social and economic goals provided in this section only insofar as economic development and its financial resources permit.

SECTION FOUR

Political rights and duties

I. Citizenship :

ARTICLE 54 — Every individual who is bound to the Turkish State by ties of citizenship is a Turk.

The child of a Turkish father or a Turkish mother is a Turk. The citizenship status of a child of a Turkish mother and a foreign father shall be regulated by law.

Citizenship is acquired under the conditions provided by law, and is lost only under conditions provided by law.

No Turk shall be deprived of his citizenship unless he commits an act irreconcilable with loyalty to the homeland.

The right to litigate in cases of decisions and procedures involving deprivation of citizenship shall not be obstructed.

II. The right to elect and be elected :

ARTICLE 55 — All citizens are entitled to elect and be elected, pursuant to the conditions provided in the law.

Elections shall be free, and secret and shall be conducted on the basis of equality, direct suffrage, open counting and classification.

III. Provisions governing political parties :

a) The right to found political parties and their place in political life :

ARTICLE 56 — Citizens are entitled to establish political parties and to join in or withdraw from them pursuant to pertinent rules and procedures.

Political parties can be founded without prior permission and shall operate freely.

Whether in power or in opposition political parties are indispensable entities of democratic political life.

b) Principles to which political parties are expected to conform :

ARTICLE 57 — The statutes, programs and activities of political parties shall conform to the principles of a democratic and secular republic, based on human

rights and liberties, and to the fundamental principle of the State's territorial and national integrity. Parties failing to conform to these provisions shall be permanently dissolved.

Political parties shall account for their sources of income and expenditures to the Constitutional Court.

The internal affairs and activities of political parties, the manner in which they shall be accountable to the Constitutional Court, and the manner in which this Court shall audit their finances, shall be regulated by law in accordance with democratic principles.

Actions in law involving the dissolution of political parties shall be heard at the Constitutional Court, and the verdict to dissolve them shall be rendered only by this Court.

IV. The right to enter public service :

a) Entry into public service :

ARTICLE 58 — Every Turk is entitled to enter public service.

In hiring personnel no discrimination shall be made other than job qualifications.

b) Declaration of financial net worth :

ARTICLE 59 — The law shall prescribe the conditions of declaration of financial net worth for persons entering public service. Those assuming duties in the legislative and executive organs shall not be exempt from this obligation.

V. The right and duty to take part in the defense of the homeland :

ARTICLE 60 — Taking part in the defense of the homeland is the right and duty of every Turk. This duty and the obligation to serve in the armed forces shall be regulated by law.

VI. Tax obligation :

ARTICLE 61 — To meet public expenditures every individual is under obligation to pay taxes in proportion to his financial capacity.

Taxes, dues, charges and similar financial obligations shall be imposed only by law.

VII. The right to petition :

ARTICLE 62 — Citizens are entitled to petition in writing singly or collectively the competent authorities, and the Grand National Assembly concerning requests and complaints involving themselves or the public.

The action taken as a result of petitioning involving the applicants in person shall be communicated to them in writing.

PART THREE

The basic organization of the republic

SECTION ONE

Legislative power

A) THE GRAND NATIONAL ASSEMBLY

I. Organization of the T. G. N. A. :

ARTICLE 63 — The Grand National Assembly of Turkey is composed of the National Assembly and the Senate of the Republic.

The two bodies meet in joint session in such instances as provided in the Constitution.

II. The duties and powers of the T. G. N. A. :

a) General provisions :

ARTICLE 64 — The Grand National Assembly is empowered to enact, amend and repeal laws, to debate and adopt the bills on the State budget and final accounts, to pass resolutions in regard to minting currency, proclaiming pardons and amnesties, and to the carrying out of definitive death sentences passed by courts.

b) Ratification of International Treaties :

ARTICLE 65 — The ratification of treaties negotiated with foreign States and international organizations in behalf of the Turkish Republic is dependent upon approval of the Turkish Grand National Assembly and such ratification can be finalized only through the enactment of a law by the Turkish Grand National Assembly.

Treaties which regulate economic, commercial and technical relations, and which are not effective for a period longer than one year, may be put into effect through promulgation, provided they do not entail a commitment of the State's finances and provided they do not infringe upon the status of individuals or upon the rights of ownership of Turkish citizens in foreign lands. In such cases, these treaties must be brought to the attention of the Turkish Grand National Assembly within two months following their promulgation.

Agreements concluded in connection with the implementation of an international treaty, and economic, commercial, technical or administrative treaties concluded pursuant to the authority provided by laws are not required to be approved by the Turkish Grand National Assembly provided however that economic and commercial treaties or treaties affecting the rights of individuals shall not be put into effect unless promulgated.

The provisions of paragraph 1 shall apply in all treaties involving amendments in Turkish legislation.

International treaties duly put into effect carry the force of law. No recourse to the Constitutional Court can be made as provided in articles 149 and 151 with regard to these treaties.

c) The authority to permit the use of armed forces :

ARTICLE 66 — The authority to declare a state of war in cases deemed legitimate by international law, and exclusive of cases rendered necessary by international treaties to which Turkey is a party, or by rules of international comity, to send Turkish expeditionary forces to foreign lands and to allow foreign armed forces to be stationed in Turkey, is vested in the Turkish Grand National Assembly.

For the granting of such permission the National Assembly and the Senate shall pass resolutions in joint session.

III. The National Assembly :

a) Organization :

ARTICLE 67 — The National Assembly is composed of 450 deputies elected by direct general ballot.

b) Election qualifications for deputy :

ARTICLE 68 — Every Turk who has completed his thirtieth year is eligible to be elected deputy.

Persons who are illiterate, under interdiction, those who have not done or those who are not considered to have done their active military service despite the fact that they are liable for and not exempted from such service, those who are barred from public service, those who have been convicted by final judgment to a term of penal servitude or who have been sentenced to five years imprisonment, except in cases of conviction for negligence, or those who have been sentenced by final judgment for any offense such as defalcation, misappropriation, embezzlement, bribery, theft, fraud, forgery, breach of confidence, and those who have been convicted of such disgraceful offense as fraudulent bankruptcy are not eligible for election as deputies, even though they may have been pardoned.

Placing one's candidacy shall not be made dependent upon resignation from public service.

To ensure that elections are conducted safely, provision shall be made in the law as to which public servants may place their candidacy and under what conditions.

Judges, army officers, military employees and non-commissioned officers are not entitled to place their candidacy or to be elected unless they resign from office.

c) The term of office of the National Assembly :

ARTICLE 69 — Elections to the National Assembly shall be held every four years.

The Assembly may decide to hold new elections before the termination of the four-year period. Deputies whose term of office expires shall be eligible for re-election.

The power of the National Assembly continues until a new National Assembly is elected.

IV. *The Senate of the Republic :*

a) *Organization :*

ARTICLE 70 — The Senate of the Republic is composed of 150 members elected by general ballot, and 15 members appointed by the President of the Republic.

The Chairman and members of the National Unity Committee whose names are listed under law 157 dated December 13, 1960, and the former Presidents of the Republic are *ex officio* members of the Senate of the Republic regardless of their age. The *ex officio* members are subject to the same provisions as the other members of the Senate of the Republic, provided, however that paragraphs I and 2 of Article 73, and paragraph 1 of temporary article 10 of Section V of this Constitution are not applicable to these members. *Ex officio* members who join a political party subsequent to their joining the Senate shall lose their status as *ex officio* members on the date of the first senatorial election held thereafter.

b) *The right to elect members to the Senate :*

ARTICLE 71 — All Turks who are eligible to vote in the election of the National Assembly shall be eligible to vote under the same conditions in the election of the Senate.

c) *Qualifications for Senate membership :*

ARTICLE 72 — Every Turk who has completed his fortieth year, and received a higher education, and who is eligible to be elected a deputy, may be elected to the Senate of the Republic.

Members appointed by the President shall be selected from among people distinguished for their services in various fields and shall have completed their fortieth year. At least ten of such members shall be appointed from among persons who are not members of any political party.

d) *Term of office of Senate members :*

ARTICLE 73 — The term of office of Senate members is six years. Members completing their term of office are eligible for re-election.

One third of the Senate members elected by general ballot and by the President of the Republic shall be rotated every two years.

When the terms of office of the members appointed by the President expire, or when a vacancy occurs in these memberships for any other reason, the President of the Republic shall appoint a new member within a month.

The person appointed to fill a vacancy shall be appointed for the remainder of the term of office of the member he replaces.

V. *Postponement of elections for the Grand National Assembly and By-elections :*

ARTICLE 74 — If new elections cannot be held due to a state of war, they may be postponed for one year by law.

By-elections to the both legislative bodies of Grand National Assembly shall be held every two years at the same time as the senatorial elections.

No by-elections shall be held one year prior to the general elections for the National Assembly.

VI. Procedures governing the holding and supervision of elections :

ARTICLE 75 — Elections shall be conducted under the control and supervision of judicial organs.

To implement and cause to implement all procedures necessary to the fair and orderly conduct of elections from inception to completion, to review and pass final judgment on all irregularities, complaints and objections regarding election matters during and after elections, and to certify the validity of election credentials are functions devolving upon the Supreme Election Board.

The functions and powers of the Supreme Election Board and other Election Boards shall be regulated by law.

The Supreme Election Board shall be composed of seven regular members and four alternates. Six of the members shall be elected by the general assembly of the Court of Cassation, and five by the general assembly of the Council of State from among their own members by secret ballot, and by an absolute majority of their plenary session. These members in turn shall elect from among themselves by secret ballot and by absolute majority, a chairman and a vice-chairman.

The four alternate members of the Supreme Election Board shall be selected by lot, two from the members chosen by the Court of Cassation and two from the members chosen from the Council of State. The Chairman and Vice-Chairman of the Supreme Election Board are exempt from the drawing of lots.

B. Provisions Applicable to both legislative bodies :

I. Provisions governing membership in the Grand National Assembly :

a) Representation of the Nation :

ARTICLE 76 — Members of the Grand National Assembly represent neither their constituencies nor their constituents, but the nation as a whole.

b) Oath taking :

ARTICLE 77 — The members of the Grand National Assembly of Turkey shall take the following oath at their induction into office :

«I swear upon my honor that I will protect the independence of the State, and the integrity of the homeland and the nation, that I will remain committed to the unqualified and unconditional sovereignty of the nation, and to the principles of a democratic and secular republic, and that I will make every effort to promote the happiness of the people.»

c) *Activities incompatible with membership :*

ARTICLE 78 — No person may become a member of both legislative bodies.

Members of the Turkish Grand National Assembly may not be employed by any governmental department or other public corporate bodies nor enterprises and corporations in which the State or other corporate bodies participate directly or indirectly, nor may they hold positions in the administrative boards and in other public welfare societies of which the private sources of income and special facilities are provided by law, and neither may they directly or indirectly undertake any of their activities.

Members of the Turkish Grand National Assembly may not be charged with any official or private responsibility which entails proposals, recommendations, appointments, or approval by the Executive branch. A member may accept a temporary assignment not exceeding six months on a specific subject only with the approval of the particular legislative body to which he belongs.

Other occupations and functions incompatible with membership in the Turkish Grand National Assembly are set forth by law.

d) *Legislative immunities :*

ARTICLE 79 — Members of the Turkish Grand National Assembly may not be held legally liable for their votes and statements, for the ideas and opinions they express in the Assembly nor for repeating and disclosing these outside the Assembly.

No member of the legislative body, who is alleged to have committed an offense before or after his election to office may be taken into custody, questioned, held in custody nor brought to trial without the decision of the legislative body to which he belongs.

This provision does not apply to cases where the accused was apprehended *in flagrante delicto* which entail heavy penalties; provided, however, that in such instances the competent authority is under obligation to inform directly and forthwith particular legislative body to which the member belongs.

The execution of a criminal sentence passed against a member of the legislative body before or after his election, is suspended until his membership expires. Prescription does not operate for the duration of his term of office.

Prosecution of an elected member of a legislative body is dependent upon the suspension of his immunity by the legislative body to which he belongs.

Political party groups in the legislative bodies shall not hold debates and pass resolutions in connection with legislative immunities.

e) *Disfranchisement of a member :*

ARTICLE 80 — A member of the Turkish Grand National Assembly shall be disfranchised in cases of final conviction rendered by a competent court for an offense preventing his election as a member and in cases where he resigns, is

interdicted, accepts a duty incompatible with his status as a member, or when the legislative body to which he belongs decides to disfranchise him for failure to attend the functions of the Assembly for a consecutive period of one month without taking leave or without offering an acceptable reason for his absence.

f) *Request for removal of legislative immunities :*

ARTICLE 81 — In the event that a member is deprived of legislative immunities or is definitely disfranchised from membership by the vote of the Assembly, the member concerned or any member of the Turkish Grand National Assembly may within one week from the date of such decision, apply to the Constitutional Court for an annulment of the decision on the grounds that it conflicts with the Constitution or with the by-laws of the National Assembly. The Constitutional Court shall render a decision on the request for the removal of legislative immunities within fifteen days.

g) *Salaries and travel allowances :*

ARTICLE 82 — The salaries and travel allowances of the members of the Turkish Grand National Assembly shall be regulated by law. The monthly total of the salary may not exceed the monthly salary of a government official in the highest pay bracket; travel allowances may not exceed half of the salary.

Not more than a three-month total of the salaries and travel allowances may be paid in advance.

Increases in and additions to the salaries and travel allowances of members of the Turkish Grand National Assembly to be made in any manner whatsoever shall take effect only after the general elections following such increases and additions.

II. *Provisions governing the functions of the Turkish Grand National Assembly.*

a) *Convocation and adjournment :*

ARTICLE 83 — The Turkish Grand National Assembly shall convene on the first day of November each year without summons.

Each year the Turkish Grand National Assembly may take vacations not exceeding five months. Both legislative bodies shall take these vacations at the same time.

During recess or vacation the Turkish Grand National Assembly shall be convened either directly by the President of the Republic or upon the request of the Council of Ministers. The chairman of each legislative body shall, either directly or upon the request of one fifth of its membership, convene his respective legislative body.

When one legislative body is convened, the other convenes without summons.

Legislative bodies convened while in recess or on vacation, shall first debate the wherefore of the meeting.

b) *Chairmanship council :*

ARTICLE 84 — The chairmanship council of each legislative body shall be so composed as to give proportionate representation to each political party represented in that particular legislative body.

The chairmen of the National Assembly and of the Senate of the Republic shall be elected by a two thirds majority of the plenary session of their respective legislative bodies, and by secret ballot for a term of two years. If this specified majority cannot be obtained in the first two ballotings, an absolute majority shall suffice. Political party groups represented in the legislative bodies may not nominate candidates for the chairmanship thereof.

The Chairman and vice-chairman may not participate inside or outside the Turkish Grand National Assembly in the activities of the political parties or political party groups to which they belong, neither can they take part in the debates of the Assembly except in cases required by their functions. The Chairman may not vote.

In joint sessions of the Turkish Grand National Assembly the Chairmanship council of the National Assembly shall preside.

c) *By-laws, political party groups and disciplinary measures :*

ARTICLE 85 — The functions of the Turkish Grand National Assembly and those of each legislative body shall be governed by the provisions of their own by-laws.

The provisions of the by-laws shall be so conceived as to assure to each political party group participation in all the activities of both legislative bodies in proportion to their size. A political party group shall consist of at least ten members.

The legislative bodies shall enact their own disciplinary rules and enforce them.

d) *Quorums for meetings and resolutions :*

ARTICLE 86 — An absolute majority of its plenary session, shall constitute a meeting quorum for each legislative body, and unless otherwise provided in the Constitution, an absolute majority of the attending members shall constitute a quorum of decision.

The quorum for the Turkish Grand National Assembly shall be the absolute majority of the plenary session of both legislative bodies.

e) *Debates are public and published :*

ARTICLE 87 — Debates in both legislative bodies are public and published *in extenso* in the record of proceedings of the legislative body concerned.

Subject to the provisions of their respective rules of procedure, each legislative body may hold closed sessions; the publication of the debates of such sessions is subject to the decision of the legislative body concerned.

The publication by every means of public proceedings in legislative bodies shall in no way be prevented.

III. *Methods of Supervision of the Turkish Grand National Assembly :*

a) *Generally :*

ARTICLE 88 — Questions, General debates, parliamentary investigations and parliamentary inquiries fall under the jurisdiction of both legislative bodies.

Parliamentary inquiries are investigations conducted with a view to obtaining information on a specific subject.

b) *Interpellation :*

ARTICLE 89 — The power of interpellation is vested exclusively in the National Assembly.

The question whether or not a motion of interpellation made by deputies, or by a political party group, is to be placed on the agenda, shall be debated at the first session following the submittal of the motion. At such debates, only the member or one of the members of the group who made the motion, or a deputy acting on behalf of each political party group, or either the Prime Minister or a Minister acting on behalf of the Council of Ministers may take the floor.

The day on which the interpellation is to be debated shall be decided at the same time as the decision to place the interpellation on the agenda is announced.

The interpellation may not be debated before the lapse of two days following the date of the decision to place the interpellation on the agenda, and may not be delayed for more than seven days.

Motion of no confidence accompanied by a statement of the reasons therefor during the debate of an interpellation, or the request for a vote of confidence on the part of the Council of Ministers shall be put to vote only after the lapse of one full day.

An absolute majority of the plenary session has the power to unseat the Council of Ministers from office.

c) *Parliamentary investigation :*

ARTICLE 90 — Requests for parliamentary investigation concerning the Prime Minister or other Ministers shall be debated and voted upon at the plenary session of the Turkish Grand National Assembly.

The investigation shall be carried out by a committee composed of an equal number of members from each legislative body.

The resolution to refer the matter to the Supreme Court shall be voted on at a plenary session.

No debates may be conducted and no resolutions may be adopted at political party caucuses in either legislative body in regard to parliamentary investigation.

C) ENACTMENT OF LAWS

I. *General Principles :*

a) *The right to initiate legislation :*

ARTICLE 91 — The Council of Ministers and the members of the Turkish Grand National Assembly are entitled to initiate legislation.

The members may defend the proposed legislation at the relevant committees of both legislative bodies.

b) *The debate and enactment of laws :*

ARTICLE 92 — Bills and proposals shall be debated first in the National Assembly.

Bills and proposals adopted with or without modification, or rejected outright by the National Assembly shall be referred to the Senate of the Republic.

If the draft adopted by the National Assembly is endorsed by the Senate of the Republic without modification, such draft becomes law.

If the Senate of the Republic endorses with amendments the draft submitted to it, such draft becomes law, provided the National Assembly approves the modifications made by the Senate.

In case the National Assembly refuses to accept the amended draft referred by the Senate of the Republic, a mixed committee shall be set up composed of an equal number of members from among the relevant committees of both legislative bodies.

The draft prepared by this committee shall be submitted to the National Assembly which is under obligation to adopt without change either the draft of the mixed committee or that of the Senate of the Republic or the one previously prepared by itself.

When the proposed amendment to articles is adopted by a vote of absolute majority of the plenary session of the Senate of the Republic, the National Assembly may adopt its own original and unamended draft only by a vote of an absolute majority of its plenary session. In such instances the voting shall be by open ballot.

If a bill or proposal rejected by the National Assembly is also rejected by the Senate of the Republic, it is void.

If a bill or a proposal rejected by the National Assembly is adopted by the Senate of the Republic either with or without amendments, the National Assembly shall review the draft approved by the Senate of the Republic. If the draft of the Senate of the Republic is adopted by the National Assembly it becomes law; if it is rejected the draft or proposal becomes void. If the draft sent by the Senate of the Republic is approved with amendments, the provisions of paragraphs 5 shall apply.

An absolute majority vote of a plenary session of the National Assembly is required in order to approve a draft rejected *in toto* by an absolute majority of a plenary session of the Senate. In such cases the voting shall be by open ballot.

If a draft of legislation is rejected *in toto* by a two thirds majority vote of a plenary session of the Senate, it can become law only if it is approved by a two thirds majority vote of a plenary session of the National Assembly. In such cases the voting shall be by open ballot.

The Senate of the Republic shall vote on a draft referred to it, within a period not exceeding the length of time devoted to debate on that draft both in the committees and in the plenary session of the National Assembly. Such period may not exceed three months, and in cases of emergency it may not be less than fifteen days, and in normal times it may not be less than one month. Drafts not voted on within such periods shall be considered as approved by the Senate in the form they arrived from the National Assembly. When the legislative bodies are on vacation, such time shall not be included in the periods specified in this paragraph.

The provisions of the foregoing paragraphs shall apply to the passage or rejection of legislation concerning the election of the legislative and local administrative bodies and in the approval or rejection of drafts and proposals concerning the political parties, provided however, that in cases calling for the establishment of a mixed committee, the report of this committee shall be debated and resolved upon at a plenary session of the Turkish Grand National Assembly. For the adoption of the initial draft of the National Assembly at the session of the Grand National Assembly, the absolute majority of the plenary session is required; the provisions of paragraphs 8 and 9 are reserved.

c) Promulgation of legislation by the President of the Republic :

ARTICLE 93 — The President of the Republic shall promulgate the laws enacted by the Turkish Grand National Assembly within ten days. Any law he disapproves he shall return to the Grand National Assembly for reconsideration together with his reasons within the same period. The budget laws and the Constitution do not fall within the scope of this provision. Should the Turkish Grand National Assembly re-enact the law so returned, the President of the Republic shall promulgate said law within ten days from re-enactment.

II. Debate and adoption of the budget; proposals which would result in increases in State expenditures and decreases in State income :

ARTICLE 94 — The report incorporating the bills relating to the general and annexed budgets, and the national budget estimates shall be submitted to the Turkish Grand National Assembly by the Council of Ministers at least three months before the beginning of the new fiscal year.

These budget bills and budget estimates reports shall be entrusted to a mixed committee to consist of thirty five deputies and fifteen Senate members. In forming this committee at least thirty of the fifty seats shall be assigned to members of the party or parties in power, and the remaining seats shall be distributed proportionately among the other political parties and independents.

The budgetary drafts submitted to the mixed committee shall be acted upon within a period not exceeding eight weeks, and the text thus approved by the mixed

committee shall then be debated by the Senate of the Republic, and voted, upon within a length of time not exceeding ten days.

Thereafter the draft approved by the Senate of the Republic shall be referred back to the mixed committee for its reconsideration which must be completed within one week. The final draft approved by the mixed committee shall be debated by the National Assembly and voted upon before the beginning of the fiscal year.

Members of the Grand National Assembly shall express their views on the budgets of the Ministries, the budgets of the various government departments, and the annexed budgets, at the time each of these budgets is being debated in its entirety at the plenary sessions of their respective legislative bodies. The Sections of the various budgets, and motions for amendment shall be read and put to vote without being debated.

Members of the Turkish Grand National Assembly shall make no motions entailing increases in expenditure or decreases in specific incomes at the budget debates conducted in plenary sessions.

SECTION TWO

Executive Power

A) THE PRESIDENT OF THE REPUBLIC

I. *Election and freedom from bias :*

ARTICLE 95 — The President of the Turkish Republic shall be elected for a term of seven years from among those members of the Turkish Grand National Assembly who have completed their fortieth year and received higher education; election shall be by secret ballot, and by a two thirds majority of the plenary session. In case this majority is not obtained in the first two ballots, an absolute majority shall suffice.

The President is not eligible for re-election.

The President elect shall dissociate himself from his party, and his status as a regular member of the Grand National Assembly shall be terminated.

II. *Oath taking :*

ARTICLE 96 — The President of the Republic shall take the following oath at his induction :

«As President of the Republic, I swear upon my honor that I will fight any threat directed against the independence of the Turkish State or against the integrity of the fatherland and the Nation, that I will respect and defend the unqualified and unconditional sovereignty of the Nation, that I will not deviate from the principles of a democratic state based on the rule of law and human rights, that I will be free from all bias, and that I will do my utmost to protect and exalt the glory of the Turkish Republic and fulfil the task I have undertaken.»

III. Duties and authority :

ARTICLE 97 — The President of the Republic is the head of the State. In this capacity he shall represent the Turkish Republic and the integrity of the Turkish Nation.

The President of the Republic shall preside over the Council of Ministers whenever he deems it necessary, shall dispatch representatives of the Turkish State to foreign states, shall receive the representatives of foreign states, shall ratify and promulgate international conventions and treaties and may commute or pardon on grounds of chronic illness, infirmity or old age the sentences of convicted individuals.

IV. Presidential immunities :

ARTICLE 98 — The president of the Republic shall not be accountable for his actions connected with his duties.

All decrees emanating from the President of the Republic shall be signed by the Prime Minister, and the relevant Ministers. The Prime Minister and the Minister concerned shall be responsible for the enforcement of these decrees.

V. Presidential responsibility :

ARTICLE 99 — The President of the Republic may be impeached for high treason upon the proposal of one third of the plenary session of the Turkish Grand National Assembly, and conviction of high treason shall require the vote of at least a two thirds majority of the joint plenary session of both legislative bodies.

VI. Deputation for the President of the Republic :

ARTICLE 100 — In the event the President of the Republic is temporarily absent on account of illness, or foreign travel, the chairman of the Senate of the Republic shall act as deputy until the President returns to his post; and in the event of the demise or resignation of the President or in the event of a vacancy for any other reason, the chairman of the Senate of the Republic shall act as deputy until a new President of the Republic is elected.

VII. Termination of the President's duties and election of a new President :

ARTICLE 101 — The Turkish Grand National Assembly shall elect the new President of the Republic 15 days prior to the expiration of the term of office of the outgoing president; in the event of an emergency vacancy a new President will be elected immediately.

B) THE COUNCIL OF MINISTERS :

I. Organization :

ARTICLE 102 — The Council of ministers shall consist of the Prime Minister and the ministers.

The Prime Minister shall be designated by the President of the Republic from among the members of the Turkish Grand national Assembly.

The Ministers shall be nominated by the Prime Minister, and appointed by the President of the Republic from among the members of the Turkish Grand National Assembly, or from among those qualified for election as deputies.

II. Induction into office and vote of confidence :

a) Vote of confidence at the time of induction :

ARTICLE 103 — The full list of members of the Council of Ministers shall be submitted to each legislative body. If these bodies are not in session, they shall be convened.

The Prime Minister or any of the Ministers shall read the government program before each legislative body not later than a week after the formation of the Council of Ministers, whereupon the program shall be submitted to the National Assembly for a vote of confidence. Debate on the vote of confidence shall begin after two full days following the reading of the program, and the vote shall be taken after one full day following the termination of the debates.

b) Vote of confidence while in office :

ARTICLE 104 — If the Prime Minister deems it necessary, he may ask for a vote of confidence from the National Assembly after discussing the matter at a meeting of the Council of Ministers.

The request for a vote of confidence shall not be debated until after one full day has elapsed from the time it was submitted to the National Assembly, and shall be put to vote only one full day after the debate.

A request for a vote of confidence may be rejected only by an absolute majority of the plenary session.

III. Duties and political responsibility :

ARTICLE 105 — As head of the Council of Ministers, the Prime Minister promotes cooperation among the Ministries, and supervises the implementation of the government's general policy. The members of the Council of Ministers are jointly and equally responsible for the manner in which this policy is implemented.

Each Minister shall be further responsible for the operations in his field of authority and for the acts and activities of his subordinates.

The Ministers are subject to the same immunities and liabilities as the members of the Turkish Grand National Assembly.

IV. Organization of the Ministries, and Ministers :

ARTICLE 106 — The Ministries shall be organized in accordance with the principles prescribed by law.

A Minister shall become the acting Minister for a Ministry in which there is a vacancy or for a Minister who is on leave or is absent for some valid reason. In no case, however, may a Minister act for more than one Minister. A Minister who is brought to trial before the Supreme Court by decision of the Turkish Grand National Assembly shall be deprived of his ministerial status.

When a ministerial post is vacated for any reason whatsoever a new appointment shall be made within a length of time not exceeding fifteen days.

V. Regulations :

ARTICLE 107 — The Council of Ministers may draw up regulations governing the mode of enforcement of laws, provided that these are not in conflict with existing legislation and have been considered by the Council of State.

Regulations shall be signed by the President of the Republic, and promulgated in the same manner as laws.

VI. Renewal of the elections for the National Assembly by the President of the Republic :

ARTICLE 108 — If the Council of Ministers has been unseated twice by a vote of no confidence according to articles 89 and 104 of the Constitution, within a period of eighteen months, and if thereafter a third vote of no confidence is voted, the Prime Minister may request the President of the Republic to call new elections for the National Assembly. Whereupon, the President of the Republic, after consultation with the Chairmen of the legislative bodies, may decide to call new elections. Such decision shall be promulgated in the Official Gazette and immediately thereafter steps shall be taken to hold new elections.

VII. Provisional Council of Ministers during elections :

ARTICLE 109 — The Ministers of Justice, of Interior, and of Communications shall resign prior to the elections for the National Assembly.

In the event of a decision being taken to call new elections before the regular expiration of the legislative session, new Ministers of Justice, Interior, and Communications shall be appointed by the Prime Minister from among the independent members of the Turkish Grand National Assembly within five days after the date of such decision, and not less than three days before the date on which elections are to be held.

Upon the decision being reached to hold new elections in accordance with Article 108, the Ministers shall resign and the Prime Minister shall form a Provisional Council of Ministers.

The Provisional Council of Ministers shall consist of members of the party groups in proportion to their representation in the National Assembly, provided that the Ministers of Justice, Interior and Communications are from among the independent deputies in the Turkish Grand National Assembly.

The number of members to be recruited from party groups shall be established by the Chairman of the National Assembly and submitted to the Prime Minister.

Those party members who refuse to accept the ministerial posts offered or who resign subsequently shall be replaced by independents in the National Assembly or outside it.

The Provisional Council of Ministers shall be formed within five days following the publication in the Official Gazette of the decision to hold new elections. The Provisional Council of Ministers shall not be subject to a vote of confidence.

The provisional Council of Ministers shall discharge its functions for the duration of the elections and until the new Assembly convenes.

VIII. *National Defense :*

a) *The office of the Commander-in-Chief and the Chief of the General Staff :*

ARTICLE 110 — The office of the Commander-in-Chief is integrated in spirit in the Turkish Grand National Assembly and is represented by the President of the Republic.

The Council of Ministers shall be responsible to the Turkish Grand National Assembly for ensuring national security and preparing the armed forces for war.

The Chief of the General Staff is the Commander of the armed forces.

The Chief of the General Staff shall be appointed by the President of the Republic upon his nomination by the Council of Ministers, and his duties and powers shall be regulated by law. The Chief of the General Staff is responsible to the Prime Minister in the exercise of his duties and powers.

b) *The National Security Council :*

ARTICLE 111 — The National Security Council shall consist of the Ministers as provided by law, the Chief of the General Staff, and representatives of the armed forces.

The President of the Republic shall preside over the National Security Council, and in his absence this function shall be discharged by the Prime Minister.

The National Security Council shall communicate the requisite fundamental recommendations to the Council of Ministers with the purpose of assisting in the making of decisions related to national security and coordination.

C) *ADMINISTRATION*

I. *Fundamentals of Administration :*

a) *The indivisibility and public corporate nature of the administration :*

ARTICLE 112 — The organization and functions of the administration are based both on the principles of centralization and decentralization.

In terms of organization and functions, the administration is a whole, and is regulated by law.

Public corporate bodies shall be created only by law or on the authority expressly granted by law.

b) *By-laws :*

ARTICLE 113 — The Ministries and public corporate bodies may issue by-laws with the purpose of assuring the enforcement of the laws and regulations related to their particular fields of operation, and in conformity with such laws and regulations. By-laws shall be published in the Official Gazette.

c) *Judicial review :*

ARTICLE 114 — No act or procedure of the administration shall be immune from the review of law enforcing courts.

In court actions instituted as a result of administrative acts, prescription shall start as of the date of written notification.

The administration is liable for the damages resulting from its acts and operations.

II. *Administrative organization :*

a) *Central administration :*

ARTICLE 115 — In terms of central administrative organization, Turkey is divided into provinces based on geographical and economic factors and on the requirements of public service, and provinces are further divided into smaller administrative districts.

Provincial administration is based on the principle of self government.

Regional self governing organizations comprising several provinces may be established with the purpose of carrying out specific public services.

b) *Local administration :*

ARTICLE 116 — Local administrative bodies are public corporate entities created to meet the common local needs of the citizens of provinces, municipal districts, villages, whose policy-making organs are elected by the people.

The elections of local administrative bodies shall be held at such times as prescribed by law and subject to the provisions of article 55 of this Constitution.

Jurisdiction concerning the acquisition or loss of the status of an administrative organ shall be exercised only by courts.

The organization, and incorporation of local administrative bodies into unions, their functions, powers, financial and disciplinary matters and their mutual ties and relationships with the central administration shall be regulated by law. Sources of income for these administrative bodies shall be provided proportionate to their functions.

III. *Provisions governing Civil Service :*

a) *General Rules :*

ARTICLE 117 — The basic and continuing activities of the public services that the State and other public corporate bodies are expected to provide, in accordance with principles of general administration, shall be carried out by government officials.

The qualifications of government officials, the procedures governing their appointment, their duties and powers, their rights and responsibilities, their salaries and allowances and other matters of personnel shall be regulated by law.

b) *Safeguards of government officials :*

ARTICLE 118 — In cases of disciplinary action initiated against government officials, or against members of the staffs of professional organizations having the status of a public institution, it is an indispensable condition that the allegation be communicated to the defendant openly and in writing, and that he be requested to submit a written defense and accorded a definite period of time to prepare and present such defense.

No disciplinary action can be taken unless the above procedures are observed.

Disciplinary action shall not be left outside the jurisdiction of courts of justice.

The provisions applicable to military personnel are reserved.

c) *Provisions prohibiting government officials from joining political parties :*

ARTICLE 119 — Government officials and staff members employed in an administrative or supervisory capacity in public economic enterprises, and those who are employed in the central offices of public welfare institutions, whose private facilities and sources of income are provided by law, may not join political parties. Government officials and those employed in public economic enterprises may make in the performance of their official duties no discrimination whatsoever among citizens on account of their political views.

Those whose violation of the above principles is established by court judgement shall be permanently dismissed from public service.

IV. *Autonomous establishments :*

a) *The Universities :*

ARTICLE 120 — Universities shall be established only by State and by legislation. The Universities are public corporate bodies enjoying academic and administrative autonomy.

Universities shall be administered and supervised by organs consisting of qualified members of the teaching staff elected from among themselves. The provisions governing State Universities established by special laws are reserved.

The organs, members of the teaching staff and their assistants may not, for any reason whatsoever, be removed from their office by authorities other than the universities.

Members of the teaching staffs of universities and their assistants may freely engage in research and publication activities.

The establishment and functioning of the universities, their organs and the election held to from such organs, the functions and powers thereof, and the supervision of teaching and research activities by the university organs, shall be regulated by law pursuant to the above principles.

The prohibition to join political parties shall not be applicable to the members of the teaching staff of universities and their assistants. However, such members of the teaching staff and their assistants may not assume executive functions outside the central organizations of political parties.

b) . *Broadcasting and television administration and news agencies :*

ARTICLE 121 — The administration of broadcasting and television stations shall be regulated by law as autonomous public corporate bodies.

All radio and television broadcasts shall be made along the principles of impartiality.

The broadcasting and television administration shall be vested with such authority as is required for the performance of its function of furthering and promoting educational and cultural activities.

A basic requisite for news agencies established or subsidized by the State is to exercise impartiality.

V. *Professional Organizations having the nature of public institutions :*

ARTICLE 122 — Professional organizations having the nature of public institutions shall be created by law and their organs shall be elected by them and from among their own members.

The administration may not remove permanently or temporarily without a court judgment, the elected organs from office.

The by-laws of professional organizations, their administration and activities shall not conflict with democratic principles.

VI. *Emergency administration :*

a) *Cases of emergency :*

ARTICLE 123 — Procedures governing the imposition of financial obligations, seizure of property, the impressment of labor on citizens in cases of emergency, shall be regulated by law, including the proclamation, enforcement, and termination of such obligation.

b) *Martial Law* :

ARTICLE 124 — In the event of war, or of a situation likely to lead to war or in case of a revolt or the emergence of definite indications of a serious and active uprising against the homeland and the Republic, the Council of Ministers may proclaim martial law in one or more than one region of the country, or in every part thereof, for a length of time not exceeding one month, and shall immediately submit such proclamation to the approval of the Turkish Grand National Assembly.

The Assembly, when it deems necessary, may curtail the period of the martial law or abolish it altogether. If the legislative bodies are not in session, they shall be convened immediately.

The extension of martial law, not exceeding two months each time is subject to the decision of the Turkish Grand National Assembly. Such decisions shall be taken at the joint session of both legislative bodies.

In the event of martial law, or war in general, the specific provisions to be enforced, the manner in which government operations shall be conducted and the manner in which freedoms shall be restricted shall be defined by law.

VII. *Illegal Orders* :

ARTICLE 125 — Persons employed in public services in any capacity or manner whatsoever shall not carry out an order of a superior if the person receiving the order considers it contrary to the provisions of by-laws, regulations, laws or the Constitution, and shall inform the person issuing the order of this contradiction. However, should the superior insist on the performance of his order and reiterate it in writing, such order shall be carried out. In this case the official enforcing the order shall not be held liable.

An order, which by its very nature, constitutes a crime shall not be enforced in any manner whatsoever; any person carrying out such an order shall not be absolved from responsibility.

The carrying out of military duties, and the exceptions provided by law for the preservation of public order and security in cases of emergency are reserved.

D) ECONOMIC AND FISCAL PROVISIONS

I. *The Budget* :

ARTICLE 126 — The expenditures of the State and of public corporate bodies, other than public economic enterprises, shall be effected in accordance with the provisions of the annual budgets.

The law may prescribe special periods and procedures in connection with investments related to development plans, or for work and services likely to last more than one year.

The manner in which the general and annexed budgets are to be drawn up and applied shall be defined by law.

No provisions other than those pertaining to the budget shall be incorporated in the budget law.

II. Court of Accounts; auditing of public economic enterprises :

ARTICLE 127 — The Court of Accounts is in charge of auditing in behalf of the Turkish Grand National Assembly all accounts of revenue and expenditure and property of government departments financed from general and annexed budgets, and is in charge of reaching a definite decision concerning the accounts and operations of those responsible; and in general is in charge of examining, auditing and deciding matters prescribed by legislation.

The organization of the Court of Accounts, its operation, auditing procedures, the qualifications of its staff members, their appointment, their duties and powers, their rights and obligations and other personnel matters, as well as the tenure of its Chairman and members shall be regulated by law.

The auditing of the accounts of public economic enterprises by the Turkish Grand National Assembly shall be regulated by law.

III. Final auditing :

ARTICLE 128 — The drafts of final audit reports shall be submitted to the Turkish Grand National Assembly not later than one year starting from the end of the relevant fiscal year, provided that no shorter term is specified by law. The Court of Accounts shall submit its general audits to the Turkish Grand National Assembly within six months at the latest, beginning from the submittal of the final audit report.

IV. Development :

a) Development projects and the State Planning Organization :

ARTICLE 129 — Economic, social and cultural development is based on a plan. Development is carried out according to this plan.

The organization and functions of the State Planning Organization, the principles to be observed in the preparation and execution, and application and revision of the plan, and the measures designed to prevent changes tending to impair the unity of the plan, shall be regulated by special legislation.

b) The exploration and exploitation of natural resources :

ARTICLE 130 — Natural wealth and resources shall be under the jurisdiction and at the disposal of the State. The right to explore and exploit these resources belongs to the State. Carrying out exploration and exploitation activities by the State in conjunction with private enterprise, or directly by private enterprise is dependent on the explicit permission of the law.

c) The conservation and development of forests :

ARTICLE 131 — The State shall enact requisite legislation and shall adopt the necessary measures for the conservation and expansion of forested areas. All forests shall be under State supervision.

State forests shall be administered and exploited by the State according to law. The ownership, administration and exploitation of State forests may not be turned over to private persons. Such forests may not be acquired through prescription and may not be made subject to administrative servitude, unless in the public interest.

No activity likely to harm forests shall be allowed.

The resettlement of the population living in or in the immediate vicinity of forests shall be regulated by law if such resettlement is deemed necessary to improve the living conditions of such population, and conserve the forests.

Forested areas destroyed by fire shall be reforested, and no farming or stock breeding shall be allowed in such areas.

No amnesty shall be granted for offenses involving forests; and no political propaganda likely to lead to the destruction of forests shall be permitted.

SECTION THREE

The Judiciary

A) GENERAL PROVISIONS

I. *Independence of courts :*

ARTICLE 132 — Judges shall be independent in the discharge of their duties. They shall pass judgment in accordance with the Constitution, law, justice and their personal convictions.

No organ, office, agency or individual may give orders or instructions to courts or judges in connection with the discharge of their judicial duty, send them circulars, or make recommendations or suggestions.

No questions may be raised, debates held, or statements issued in legislative bodies in connection with the discharge of judicial power concerning a case on trial. Legislative, executive organs, and the administration are under obligation to comply with ruling of the courts. Such organs and the administration shall in no manner whatsoever alter court rulings or delay their execution.

II. *Tenure of judges :*

ARTICLE 133 — Judges may not be dismissed. Unless they so desire, they may not be retired before the age limit provided in the Constitution; they may not be deprived of their salaries even for reason of the abolishment of a court or of a staff position therein.

The exceptions prescribed by law concerning those convicted for a crime entailing dismissal from office, those whose incapacity to discharge duty for reasons

of ill-health is definitely established, and those pronounced unsuitable to remain in the profession, are reserved.

III. Provisions concerning judgeship :

ARTICLE 134 — The qualifications of judges, their appointment, rights and duties, salaries and allowances, their promotion, the temporary or permanent change of their duties or places of duty, the initiation of disciplinary proceedings, and the subsequent disciplinary actions taken against them, for offenses arising from the discharge of their functions; decision to question and try them for offenses connected with the discharge of their functions, conviction for crimes necessitating dismissal from profession on instances of incompetence and other personnel matters are regulated by law in accordance with the principle of independence of courts.

Judges shall remain in office until they complete their sixty-fifth year. The age limit for military judges is prescribed by law.

Judges may undertake no private or public duties other than those prescribed by law.

IV. Court proceedings open to all and verdict justification :

ARTICLE 135 — Court proceedings shall be open to all. The conduct of all or of a part of the proceedings in secret may be decided only in cases definitely required by public morality or public security.

Special provision shall be made for the trial of minors.

All court verdicts shall be put down in writing and shall be accompanied by the justification of the verdict.

V. Organization of courts :

ARTICLE 136 — The organization of courts, their functions and jurisdiction, operations and trial procedures shall be regulated by law.

VI. Public prosecutor :

ARTICLE 137 — The law shall make provision for the tenure of public prosecutors and attorneys of the Council of State and their functions.

The Chief Prosecutor of the Republic, the Chief Attorney of the Council of State and the Chief Prosecutor of the Military Court of Cassation are subject to the provisions applicable to judges of higher courts.

VII. Military trial :

ARTICLE 138 — Military trials are conducted by military and disciplinary courts. These courts are entitled to try the military offenses of military personnel and those offenses committed against military personnel or in military areas, or offenses connected with military service and duties.

Military courts may try non-military persons only for military offenses prescribed by special laws.

The specific offenses and persons over which military courts shall have jurisdiction in time of war, or during a period of martial law, are prescribed by law.

It is imperative that the majority of members of military courts should possess the qualifications of judgeship.

The organization of military judicial organs, their operations, personnel matters pertaining to military judges, the independence of courts and judicial tenure shall be regulated by special law in accordance with the requirements of military service.

B) HIGHER COURTS

I. *The Court of Cassation :*

ARTICLE 139 — The Court of Cassation is the court of the last instance for reviewing the decisions and verdicts rendered by courts of law. It has original and final jurisdiction in specific cases defined by law.

The members of the Court of Cassation shall be elected by the Supreme Council of Judges. The Chairman and Vice-Chairman of the Court of Cassation and the Chief Prosecutor of the Republic shall be elected by the plenary session of the Court of Cassation by an absolute majority and by secret ballot.

The organization, functioning, and the qualifications of the Chairman, members and other personnel of the Court of Cassation shall be regulated by law.

II. *The Council of State :*

ARTICLE 140 — The Council of State is an administrative court of the first instance in matters not referred by law to other administrative courts, and an administrative court of the last instance in general.

The Council of State shall hear and settle administrative disputes and suits, shall express opinions on draft laws submitted by the Council of Ministers, shall examine draft regulations, specifications and contracts of concessions, and shall discharge such other duties as prescribed by law.

The Chairman, members and the Chief Attorney of the Council of State shall be elected from among individuals meeting the qualifications prescribed by law, by a committee consisting of the permanent and alternate members of the Constitutional Court, by secret ballot and a two thirds majority. If such majority is not obtained in two ballotings, an absolute majority shall suffice.

In electing the Chairman, members, and the Chief Attorney of the Council of State, the Council of Ministers and the General Assembly of the Council of State shall each propose as many candidates as there are vacancies.

The organization, functioning and judicial procedure of the Council of State, the qualifications and appointment, rights and duties, salaries and allowances, and promotion of its members, the initiation of disciplinary measures and the execution of disciplinary penalties against such members, shall be prescribed by law in accordance with the principles of court independence and tenure of judges.

III. *The Military Court of Cassation :*

ARTICLE 141 — The Military Court of Cassation is a court of the last instance to review decisions and verdicts rendered by military courts. Furthermore, it shall try specific cases as a court of the first and last instance involving military matters as prescribed by law.

The members and the Chief Prosecutor of the Military Court of Cassation shall be appointed by the President of the Republic from among three times as many candidates as the available vacancies, who meet the qualifications required for judgeship, have completed their fortieth year, have served for at least ten years as military judges or prosecutors, and have been proposed by an absolute majority of the plenary session of the Military Court of Cassation.

The Military Court of Cassation shall elect its Chairman from among its own members.

The organization, functioning, the judicial procedure of the Military Court of Cassation and the disciplinary measures concerning its members shall be prescribed by law according to the principles of court independence and tenure of judges.

IV. *Court of Jurisdictional Disputes :*

ARTICLE 142 — The Court of Jurisdictional Disputes is empowered to settle definitively disputes among civil, administrative and military courts arising from disagreements on jurisdictional matters and verdicts.

The organization and functioning of the Court of Jurisdictional Disputes shall be regulated by law. This court shall be presided over by a member delegated by the Constitutional Court from among its regular or alternate members.

C) *SUPREME COUNCIL OF JUDGES*

I. *Organization :*

ARTICLE 143 — The Supreme Council of Judges shall consist of eighteen regular and five alternate members. Six of these members shall be elected by the General Assembly of the Court of Cassation and six by judges of the first rank from among themselves by secret ballot. The National Assembly and the Senate of the Republic shall each elect three members by secret ballot and a vote of absolute majority of its plenary session, from among individuals who have served as judges in the higher courts or qualified for membership in such courts. Under this system, the General Assembly of the Court of Cassation shall elect two alternate members, while the judges of the first rank, the National Assembly and the Senate of the Republic shall each elect one member.

The Supreme Council of Judges shall elect its Chairman from among its own members by a vote of absolute majority of its plenary session.

The term of office of members of the Supreme Council of Judges is four years, and the election of half of them shall be renewed every two years. Members elected while serving as judges may not be re-elected twice in succession.

The members of the Supreme Council of Judges may not undertake any other duties or functions during their term in office.

The organization, methods of procedure of the Supreme Council of Judges, its divisions, the functions and the quorums for meetings and decisions, the salaries and allowances of the Chairman and members thereof shall be regulated by law.

The Minister of Justice may participate in the meetings of the Supreme Council of Judges, but may not vote.

II. *Functions and powers :*

ARTICLE 144 — The power to decide about all personnel matters of judges rests with the Supreme Council of Judges. The decision to dismiss a judge from judgeship for any reason whatsoever is taken by the absolute majority of the plenary session of the General Assembly.

The Minister of Justice may, when he deems it necessary, appeal to the Supreme Council of Judges in order to start disciplinary action against a judge.

The abolition of a court or staff positions, and changing the area of jurisdiction of a court are dependent upon the approval of the Supreme Council of Judges.

The supervision of judges shall be exercised by high ranking judges to be assigned by the Supreme Council of Judges for specific purposes.

D) THE CONSTITUTIONAL COURT

I. *Organization :*

a) *Selection of members :*

ARTICLE 145 — The Constitutional Court consists of fifteen regular and five alternate members. Four regular members are elected by the Court of Cassation, three by the General Assembly of the Council of State from among its own Chairmen, members, the Chief Prosecutor and the Chief Attorney by the absolute majority of its plenary session and by secret ballot; one member is elected by the Court of Accounts from among its own Chairmen and members according to the above procedure.

The National Assembly elects three, and the Senate of the Republic two members; one of these is selected from among three candidates nominated by the Military Court of Cassation by the absolute majority of its plenary session and by secret ballot. The Constitutional Court elects by secret ballot and a two-thirds majority, a Chairman and a Vice-Chairman for four years, from among its own members; re-election is permissible.

The legislative bodies shall elect these members from outside the Turkish Grand National Assembly by a two thirds majority of their plenary sessions and by secret ballot. If this majority is not obtained in the first two ballotings, then an absolute majority shall suffice.

Of the members to be elected by each legislative body, one shall be selected from among the candidates nominated in joint session by the teaching staffs of the Schools of Law, Economics, and Political Sciences of the universities, by secret ballot from among a group of originally proposed candidates three times as many as the vacant places.

A regular or alternate member of the Constitutional Court shall have completed his fortieth year and shall have served as Chairman, member, Chief Prosecutor or Chief Attorney in the Court of Cassation or the Council of State, or the Military Court of Cassation, or the Court of Accounts; or he shall have served on the teaching staffs of the Schools of Law, Economics, or Political Sciences of the universities for at least five years; or he shall have practiced law for fifteen years.

The Court of Cassation shall elect two, and the Council of State, and each of the legislative bodies one alternate member respectively to the Constitutional Court. The procedure followed in the election of the alternate members shall be the same as in the case of the elections of regular members.

The members of the Constitutional Court shall undertake no public or private functions.

b) *Termination of membership :*

ARTICLE 146 — The members of the Constitutional Court shall be retired at the age of sixty five.

Membership in the Constitutional Court shall terminate by itself in the case of a member being convicted of a crime entailing dismissal from judgeship; in case it is definitely established that a member is incapable of discharging his duties for reasons of health, membership shall be terminated by the absolute majority vote of the plenary session of the Constitutional Court.

II. *Function and powers :*

ARTICLE 147 — The Constitutional Court shall review the constitutionality of laws and the By-laws of the Turkish Grand National Assembly.

The Constitutional Court shall try as a High Council, the President of the Republic, the members of the Council of Ministers; the Chairman and members of the Court of Cassation; the Council of State; the Military Court of Cassation; the Supreme Council of Judges and the Court of Accounts, the Chief Prosecutor of the Republic, the Chief Attorney, the Chief Prosecutor of the Military Court of Cassation, as well as its own members for offenses connected with their duties; and it discharges such other duties as prescribed by the Constitution.

In case the Constitutional Court sits as a High Council, the duty of public prosecutor shall be discharged by the Chief Prosecutor of the Republic.

III. *Procedures governing trials and functions :*

ARTICLE 148 — The organization and trial procedures of the Constitutional Court shall be determined by law; its method of work and the division of labor among its members shall be determined by its own self-drafted by-laws.

The Constitutional Court shall conduct its business on the basis of written records, except in cases in which it acts as a High Court. However, when it deems necessary, it may call the interested parties to present oral explanations.

IV. *Annulment suits :*

a) *Right of litigation :*

ARTICLE 149 — The President of the Republic, the political parties which have obtained at least ten percent of the total valid ballots cast in the last elections, or the political parties represented in the Turkish Grand National Assembly, or their parliamentary groups, or one sixth of all the members of one legislative body; in cases concerning their duties and welfare, the Supreme Council of Judges, the Court of Cassation, the Council of State, the Military Court of Cassation and the universities may initiate annulment suits based on the unconstitutionality of laws, or of the By-laws of the Turkish Grand National Assembly or the specific articles or provisions thereof.

b) *The term of litigation :*

ARTICLE 150 — The right to introduce an annulment action directly to the Constitutional Court is consummated after ninety days beginning with the promulgation of the contested law or By-laws in the Official Gazette.

c) *The contention of unconstitutionality by other courts :*

ARTICLE 151 — A court which considers unconstitutional the provisions of the relevant law or is convinced of the seriousness of the claim of unconstitutionality put forth by one of the parties, may postpone a case under consideration until the Constitutional Court decides on the matter.

If the court doubts the seriousness of the claim of unconstitutionality, such claim shall be decided upon by the upper court of review along with the main contention.

The Constitutional Court shall decide on the matter within three months beginning from the receipt of the contention.

If no decision is reached within this period, the court shall settle the claim of unconstitutionality according to its own conviction, and shall thus decide on the case under consideration. However, if the decision of the Constitutional Court arrives before the judgment concerning the main case is finalized, the courts shall comply therewith.

V. *The rulings of the constitutional Court :*

ARTICLE 152 — The rulings of the Constitutional Court are final. The laws and by-laws or their provisions which have been invalidated by the Constitutional Court for unconstitutionality, shall become void from the date of the decision. The Constitutional Court may, in pertinent cases, set the date of implementation of the

annulment decision. Such date may not exceed six months beginning from the date of decision.

The annulment decision is not retroactive.

The Constitutional Court may rule that its decisions based on the claims of unconstitutionality coming from other courts are restricted in scope, or binding only on the parties involved.

The decisions of the Constitutional Court shall be published immediately in the Official Gazette, and shall be binding on the legislative, executive, and judicial organs of the State, as well as on the administration, real and corporate persons.

PART FOUR

Miscellaneous Provisions

1. *Safeguard of the Reform Laws :*

ARTICLE 153 — No provision of this Constitution shall be construed or interpreted as rendering unconstitutional the following Reform Laws which aim at raising the Turkish society to the level of contemporary civilization and at safeguarding the secular character of the Republic, which were in effect on the date this Constitution was adopted by popular vote :

1. The Law on the unification of education, of March 3, 1340 (1924), No. 430.
2. The Hat Law, of November 25, 1341 (1925), No. 671.
3. The Law on the closing down of dervish convents, and mausoleums, and the abolition of the office of keepers of tombs, and the Law on the abolition and prohibition of certain titles, of November 30, 1941 (1925).
4. The conduct of the act of marriage according to article 110 of the Civil Code of February 17, 1926, No. 743.
5. The Law concerning the adoption of international numerals of May 20, 1928. No. 1288.
6. The Law concerning the adoption and application of the Turkish alphabet, of November 1, 1928, No. 1353.
7. The Law on the abolition of titles and appellations such as efendi, bey, paşa, of November 26, 1934, No. 2590.
8. The Law concerning the prohibition to wear certain garments, of December 3, 1934, No. 2596.

II. *The Office of Religious Affairs :*

ARTICLE 154 — The Office of Religious Affairs, which is incorporated in the general administration, discharges the function prescribed by a special law.

PART FIVE

Temporary Provisions

I. The election and convention of the Turkish Grand National Assembly :

a) The joint elections of the National Assembly and the Senate of the Republic; the first session :

TEMPORARY ARTICLE 1 — The elections for the National Assembly and the Senate of the Republic, established according to this Constitution, shall be held on the same day.

On the fifth day following the publication of the election results by the High Board of Election, both legislative bodies shall convene without summons in joint session on the premises of the Turkish Grand National Assembly in Ankara at 15:00 hours. The eldest deputy shall preside over this meeting where the members of the Senate of the Republic shall first take the oath followed by the deputies.

b) The establishment of the Senate of the Republic :

TEMPORARY ARTICLE 2 — The first elections for the Senate of the Republic to be established according to this Constitution, shall be held for all the members to be elected by general ballot.

The Senate of the Republic shall acquire legal status before the election of the fifteen members to be elected by the President of the Republic. The President shall elect these members within one month beginning from the date of his own election.

c) Provisional by-laws :

TEMPORARY ARTICLE 3 — The provisions of the by-laws of the Turkish Grand National Assembly which were in effect prior to October 27, 1957, shall be enforceable with respect to the sessions and activities of the Turkish Grand National Assembly, National Assembly and the Senate of the Republic until the time these bodies enact their own By-laws.

II. The termination of the legal status of the Constituent Assembly, the National Unity Committee and the Assembly of Representatives; reform measures :

TEMPORARY ARTICLE 4 — With the convention of the Turkish Grand National Assembly established pursuant to this Constitution, the Constituent Assembly, the Committee of National Unity and the Assembly of Representatives established according to Constitutional Act No. 491 of April 20, 1924 (1924) and Law No. 1 of June 12, and Law No. 157 of December 13, 1960 shall lose their legal status and dissolve by themselves.

No penal, financial or legal responsibility claim may be set forth before any judicial authority with respect to the decisions and acts of the Committee of National Unity and the revolutionary government which have exercised legislative and

executive power on behalf of the Turkish nation from May 27, 1960, until the day of convention of the Constituent Assembly on January 6, 1961, nor against the administration, or authorized organs, which took decisions, acted upon and enforced them accordingly.

The laws enacted between May 27, 1960, and January 6, 1961, with the purpose of establishing a normal democratic regime with all its safeguards, shall be amended or abolished only according to the rules applicable to the amendment and abolition of all other laws of the Turkish Republic. However, no claim for annulment may be set forth before the Constitutional Court regarding these laws on grounds of unconstitutionality, neither may the assertion of unconstitutionality be raised as a legal objection before courts.

In the event of amendment or abolition of the laws enacted or actions undertaken between May 27, 1960, and January 6, 1961, the provisions of paragraph 2 are preserved.

III. *The election of the President of the Republic :*

TEMPORARY ARTICLE 5 — The President of the Republic shall be elected the day following the oath taking by the members of the Turkish Grand National Assembly.

With the election of the President of the Republic the prerogatives of the Head of the State, established by Law No. 1 of June 12, 1960, shall terminate by themselves.

IV. *The establishment of the Council of Ministers :*

TEMPORARY ARTICLE 6 — With the establishment of the new Council of Ministers according to article 102 of this Constitution, the duties of the incumbent Council of Ministers established pursuant to Law No. 1 of June 12, 1960, shall terminate by themselves.

V. *The organs, institutions and councils prescribed by the Constitution :*

a) *The establishment of new organs, institutions and councils :*

TEMPORARY ARTICLE 7 — The laws concerning the establishment and activities of the new organs, institutions and councils prescribed by this Constitution shall be enacted within six months at the latest, beginning from the first session of the Turkish Grand National Assembly, the other laws stipulated by this Constitution shall be enacted within a period not exceeding two years.

b) *The status of former organs, institutions and councils :*

TEMPORARY ARTICLE 8 — The relevant provisions of existing laws shall remain in force until the organizational laws concerning the establishment and functioning of the organs, institutions and councils to be established according to this Constitution, become enforceable.

c) *The ruling on the constitutionality of previous legislation :*

TEMPORARY ARTICLE 9 — No claim of unconstitutionality shall be set forth before courts and no judgment shall be passed by courts on grounds of unconstitutionality until notice of the establishment and activation of the Constitutional Court has been published in the Official Gazette.

Annulment action based on the unconstitutionality of a law, which was valid at the time the Constitutional Court began its activities, may be initiated. In such cases the right to file an annulment action shall terminate six months after the activation of the Constitutional Court has been announced in the Official Gazette.

VI. *Lot drawing at the first Senate of the Republic :*

TEMPORARY ARTICLE 10 — The Senate members to be rotated two years after their election shall be selected by lot two months before election time in accordance with paragraph 2 of article 73 concerning the rotation of the Senate members elected by popular vote, and those Senate members appointed by the President of the Republic; for those members whose election term expires after four years, lots are drawn by following the same procedure as above; however, members elected at the end of the second year shall not participate in this lot drawing.

The Chairman of the Senate of the Republic shall not be subject to lot drawing.

The legal provisions concerning the election for the Senate of the Republic shall be enforced during Senate election to be held two and four years after the election of the first Senate of the Republic.

VII. *The election rights of the amnestied :*

TEMPORARY ARTICLE 11 — Persons convicted by final verdict for non-defamatory offenses and who have been pardoned by amnesty prior to the acceptance of the Constitution by popular vote shall not be deprived of the right to be elected as prescribed by article 68.

PART SIX

Final Provisions

I. *The amendment of the Constitution :*

ARTICLE 155 — Proposals for the amendment of the Constitution may be submitted in writing by at least one third majority of the plenary session of the Turkish Grand National Assembly, but may not be debated with urgency. An amendment proposal shall be adopted by a two thirds majority vote of the plenary session of each legislative body.

Outside of the requirements of paragraph 1, the debate and adoption of proposals for the amendment of the Constitution are subject to the provisions governing the debate and enactment of laws.

II. Preamble and sub-titles of articles :

ARTICLE 156 — The Preamble which sets forth the basic views and principles on which this Constitution rests, is an integral part of the text of the Constitution.

The sub-titles of the articles refer only to the subjects of these articles, and their order and relationship. These sub-titles are not a part of the text of the Constitution.

III. Entry into force of the Constitution :

ARTICLE 157 — Upon its approval by popular vote, this Constitution shall become the Constitution of the Turkish Republic, and shall be promulgated forthwith in the Official Gazette together with the results of the referendum.

The provisions of the Constitution concerning the organization, election and convention of the Turkish Grand National Assembly shall enter into force subsequent to promulgation according to paragraph 1; the other provisions shall take effect after the election of the Turkish Grand National Assembly, in accordance with the principles set forth in the temporary articles.



Excerpt from the decision number 106 of the Supreme Board of Election concerning the results of the constitutional referendum :

«It was established that on July 9, 1961, the day of the referendum, the total number of eligible voters in Turkey was 12.735.009, and a total number of 10.322.169 voters cast their ballots. Of these 10.282.561 ballots were valid and 39.608 were invalid. The number of those voting for the Constitution totaled 6.348.191 and those against it 3.934.370.»

