

# FOUNDATION FOR IRANIAN STUDIES.

## IRAN'S 1906 CONSTITUTION

### CONSTITUTION AND ITS SUPPLEMENT

The fundamental Law of Persia promulgated in the reign of the late Muzaffaru'd-Din Shah and ratified by him on Dhu'l-Qa'da 14, A.H. 1324 (December 30, 1906).

#### **In the name of God, the Merciful, the Forgiving**

Whereas in accordance with the Imperial Farman dated the fourteenth of Jumada the Second, A.H. 1324 (August 5, 1906), a command was issued for the establishment of a National Council, to promote the progress and happiness of our Kingdom and people, strengthen the foundations of our Government, and give effect to the enactments of the Sacred Law of His Holiness the Prophet,

AND WHEREAS, by virtue of the fundamental principle [therein laid down], we have conferred on each individual of the people of our realm, for the amending and superintending of the affairs of the commonwealth, according to their degrees, the right to participate in choosing and appointing the Members of this Assembly by popular election,

THEREFORE the National Consultative Assembly is now opened, in accordance with our Sacred Command; and we do define as follows the principles and articles of the Fundamental Law regulating the aforesaid National Council, which Law comprises the duties and functions of the above-mentioned Assembly, its limitations, and its relations with the various departments of the Government.

#### **On the Constitution of the Assembly**

Art. 1. The National Consultative Assembly is founded and established in conformity with the Farman, founded on justice, dated the fourteenth of the Second Jumada, A.H. 1324 (Aug. 5, 1906).

Art. 2. The National Consultative Assembly represents the whole of the people of Persia, who [thus] participate in the economic and political affairs of the country.

Art. 3. The National Consultative Assembly shall consist of the Members elected in Tihran and the Provinces, shall be held in Tihran.

Art. 4. The number of elected Members has been fixed in accordance with the Electoral Law separately promulgated, at one hundred and sixty-two, but in case of necessity the number above mentioned may be increased to two hundred.

Art. 5. The Members shall be elected for two whole years. This period shall begin on the day when all the representatives from the provinces shall have arrived in Tihran. On the conclusion of this period of two years, fresh representatives shall be elected, but the people shall have the option of re-electing any of their former representatives whom they wish and with whom they are satisfied.

Art. 6. The Members elected to represent Tihran shall, so soon as they meet, have the right to constitute the Assembly, and to begin their discussions and deliberations. During the period preceding the arrival of the provincial delegates, their decisions shall depend for their validity and due execution on the majority [by which they carried].

Art. 7. On the opening of the debate, at least two thirds of the Members of the Assembly shall be present, and, when the vote is taken, at least three quarters. A majority shall be obtained only when more than half of those present in the Assembly record their votes.

Art. 8. The periods of session and recess of the National Consultative Assembly shall be determined by the Assembly itself, in accordance with such internal regulations as itself shall formulate. After the

summer recess, the Assembly must continue and in session from the fourteenth day of the Balance, which corresponds with the festival of the opening of the First Assembly.

Art 9. The National Consultative Assembly can sit on occasions of extraordinary public holidays.

Art 10. On the opening of the Assembly, and Address shall be presented by it to His Imperial Majesty, and it shall afterwards have the honour of receiving an answer from that Royal and August quarter.

Art. 11. Members of the Assembly, on taking their seats, shall take and subscribe to the following form of oath:

*(Form of the Oath)*

"We the undersigned take God to witness, and swear on the Qur'an, that, so long as the rights of the Assembly and its Members are observed and respected, in conformity with these Regulations, we will, so far as possible, discharge, with the utmost truth, uprightness, diligence and endeavour, the duties confided to us; that we will act loyally and truthfully towards our just and honoured Sovereign, commit no treason in respect of ether the foundations of the Throne or the Rights of the People, and will consider only the advantage and well-being of Persia."

Art 12. No one, on any pretext or excuse, shall have any right, without the knowledge and approval of the National Consultative Assembly, to molest its Members. Even in case of the Members committing some crime or misdemeanour, and being arrested *flagrante delicto*, any punishment inflicted upon him must be with the cognizance of the Assembly.

Art 13. The deliberations of the National Consultative Assembly, in order that effect may be given to their results, must be public. According to the Internal Regulations of the Assembly, journalists and spectators have the right to be present and listen, but not to speak. Newspapers may print and publish all the debates of the Assembly, provided they do not change or pervert their meaning, so that the public may be informed of the subjects of discussion and the detail of what takes place. Everyone, subject to his paying due regard to the public good, may discuss them in the Public Press, so that no matter may be veiled or hidden from any person. Therefore all the newspapers, provided that their contents be not injurious to any one of the fundamental principles of the Government or the Nation, are authorized and allowed to print and publish all the matters advantageous to the public interest, such as the debates of the Assembly, and the opinions of the people on these debates. But if anyone, actuated by interested motives, shall print in the newspapers or in other publications anything contrary to what has been mentioned, or inspired by slander or calumny, he will render himself liable, to cross-examination, judgment and punishment, according to law.

Art. 14. The National Consultative Assembly shall organize and arrange, in accordance with separate and distinct Regulations call 'he Internal Code of Rules,' its own affairs, such as the election of a President, Vice-presidents, Secretaries, and other officers, the arrangements of the debates and divisions, etc.

### **On the Duties of the Assembly and its Limitations and Rights**

Art. 15. The National Consultative Assembly has the right in all questions to propose any measure which it regards as conducive to well-being of the Government and the People, after due discussion and deliberation thereof in all sincerity and truth; and, having due regard to the majority of votes, to submit such measure, in complete confidence and security, after it has received the approval of the Senate, by means of the First Minister of the State, so that may receive the Royal Approval and be duly carried out.

Art. 16. All laws necessary to strengthen the foundations of the State and Throne and set in order the affairs of the Realm and the establishment of the Ministries, must be submitted for approval to the National Consultative Assembly.

Art. 17. The National Consultative Assembly shall, when occasion arises, bring forward such measures

as shall be necessary for the creation, modification, completion or abrogation of any Law, and, subject to the approval of the Senate, shall submit it for the Royal Sanction, so that due effect may thereafter be given to it.

Art. 18. The regulation of all financial matters, the construction and regulation of the Budget, all changes in fiscal arrangements, the acceptance or rejection of all incidental and subordinate expenditure, as also the new Inspectorships [of Finance] which will be founded by the Government, shall be subject to the approval of the Assembly.

Art. 19. The Assembly has the right, after the Senate has given its approval, to demand from the Ministers of State that effect shall be given to the measures thus approved for the reform of the finances and facilitation of co-operation between the different departments of the Government by division of the departments and provinces of Persia and their governments.

Art. 20. The Budget of each Ministry shall be concluded during the latter half of each year for the following year, and shall be ready fifteen days before the Festival of Naw-ruz.

Art. 21. Should it be any time be necessary to introduce, modify or abrogate any Fundamental Law regulating the [function of the] Ministries, such change shall be made only with the approval of the Assembly, irrespective of whether the necessity for such action has been declared by the Assembly or enunciated by the responsible Ministers.

Art. 22. Any proposal to transfer or sell any portion of the [National] resources, or of the control exercised by the Government or the Throne, or to effect any change in the boundaries and frontiers of the Kingdom, shall be subject to the approval of the National Consultative Assembly.

Art. 23. Without the approval of the National Council, no concession for the formation of any public Company of any sort shall, under any plea soever, be granted by the State.

Art. 24. The conclusion of treaties and covenants, the granting of commercial, industrial, agricultural and other concessions, irrespective of whether they be to Persian or foreign subjects, shall be subject to the approval of the National Consultative Assembly, with the exception of treaties which, for reasons of State and the public advantage, must be kept secret.

Art. 25. State loans, under whatever title, whether internal or external, must be contracted only with the cognizance and approval of the National Consultative Assembly.

Art. 26. The construction of railroads or chaussees, whether at the expense of the Government, or of any Company, whether Persian or foreign, depends on the approval of the National Consultative Assembly.

Art. 27. Wherever the Assembly observes any defect in the laws or any neglect in giving effect to them, it shall notify the same to the Minister responsible for that department, who shall furnish all necessary explanations.

Art. 28. Should any Minister, acting under misapprehension, issue on the Royal Authority, whether in writing or by word of mouth, orders conflicting with one of the laws which have been enacted and have received the Royal Sanction, and shall admit his negligence and lack of attention, he shall, according to the Law, be personally responsible to His Imperial and Most Sacred Majesty.

Art 29. Should a Minister fail to give satisfactory account of any affair conformably to the laws which have received the Royal Sanction, and should it appear in his case that a violation of such law has been committed, or that he has transgressed the limits imposed [on him], the Assembly shall demand his dismissal from the Royal Presence, and should his treason be clearly established in the Court of Cassation, he shall not again be employed in the service of the State.

Art. 30. The Assembly shall, at any time when it considers it necessary, have the right to make direct representations to the Royal Presence by means of a Committee consisting of the President and six of

its Members chosen by the Six Classes. This committee must ask permission for, and the appointment of a time for approaching the Royal Presence through the Master of the Ceremonies (Wazir-i-Darbar).

Art. 31. Ministers have the right to be present at the Sessions of the National Consultative Assembly, to sit in the places appointed for them, and to listen to the debates of the Assembly. If they consider it necessary, they may ask the President of the Assembly for permission to speak, and may give such explanations as may be necessary for purposes of discussion and investigation.

### **On the representation of affairs to the National Consultative Assembly**

Art. 32. Any individual may submit in writing to the Petition Department of the Archives of the Assembly a statement of his own case, or of any criticisms or complaints. If the matter concerns the Assembly itself, it will give him a satisfactory answer; but if it concerns the Assembly itself, it will give him a satisfactory answer; but if it concerns one of the Ministries, it will refer to that Ministry, which will enquire into the matter and return a sufficient answer.

Art. 33. New laws which are needed shall be drafted and revised in the Ministries which are respectively responsible, and shall then be laid before the Assembly by the responsible Ministers, or by the Prime Minister. After being approved by the Assembly, and ratified by the Royal Signature; they shall be duly put into force.

Art 34. The President of the Assembly can, in case of necessity, either personally, or on the demand of ten Members of the Assembly, hold a private conference, comprised of a selected number of Members of the Assembly, with any Minister, from which private meeting newspaper correspondents and spectators shall be excluded, and at which other Members of the Assembly shall not have the right to be present. The result of the deliberations of such secret conference shall, however, only be confirmed when it has been deliberated in the said conference in presence of three quarters of those selected [to serve on it], and carried by a majority of votes. Should the proposition [in question] not be accepted in the private conference, it shall not be brought forward in the Assembly, but shall be passed over in silence.

Art. 35. If such private conference shall have been held at the demand of the President of the Assembly, he has the right to inform the public of so much of the deliberations as he shall deem expedient; but if the private conference has been held at the demand of a Minister, the disclosure of the deliberations depends on the permission of that Minister.

Art. 36. Any Minister can withdraw any matter which he has proposed to the Assembly at any point in the discussion, unless his statement he has been made at the instance of the Assembly, in which case the withdrawal of the matter depends on the consent of the Assembly.

Art. 37. If a measure introduced by any Minister is not accepted by the Assembly, it shall be returned supplemented by the observations of the Assembly; and the responsible Minister, after rejecting or accepting the criticism of the Assembly, can proposed the aforesaid measure a second time to the Assembly.

Art. 38. The Members of the National Consultative Assembly must clearly and plainly signify their rejection or acceptance of measures, and no one has the right to persuade or threaten them in recording their votes. The signification by the Members of the Assembly of such rejection or acceptance must be effected in such manner that newspaper correspondents and spectators also may perceive it, that is to say their intention must be signified by some outward sign, such as [the employment of] blue and white voting-papers, or the like.

### **The proposal of measures on the part of the Assembly**

Art. 39. Whenever any measure is proposed on the part of one of the Members of the Assembly, it can only be discussed when at least fifteen Members of the Assembly shall approve the discussion of that measure. In such case the proposal in question shall be forwarded in writing to the President of the Assembly, who has the right to arrange that it shall be subjected to a preliminary investigation in a

## Committee of Enquiry.

Art. 40. On the occasion of the discussion and investigation of the measure mentioned in Art. 39, whether in the Assembly or in the Committee of Enquiry, notice shall be given by the Assembly to the responsible Minister, if any, concerned in the measure, that if possible he himself, or, if not, his Assistant Minister, shall be present in the Assembly, so that the debate may take place in the presence of one or other of them.

The draft of the [proposed] measure, with its additions, must be sent from ten days to a month before the time (with the exception of matters added at the last moment) to the responsible Minister; and so likewise the day of its discussion must be determined beforehand. After the measure has been discussed in the presence of the responsible Minister, and in case it should, by a majority of votes, receive the approval of the Assembly, it shall be officially transmitted in writing to the responsible Minister, so that he may take the necessary steps [to put it in force].

Art. 41. If the responsible Minister cannot, for any reason, agree with the Assembly without a measure proposed by it, he must offer his excuses to it and give it satisfaction.

Art.42. Should the National Consultative Assembly demand explanations on any matter from the responsible Minister, the Minister in question must give an answer, which answer must not be postponed unnecessarily or without plausible reason, save in the case of secret measures, the secrecy of which for some definite period is to the advantage of the State and the People. In such cases, on the lapse of the definite period the responsible Minister is bound to disclose this measure in the Assembly.

## **On the Conditions regulating the formation of the Senate**

Art. 43. There shall be constituted another Assembly, entitled the Senate, consisting of sixty Members, the sessions of which, after its constitution, shall be complementary to the sessions of the National Consultative Assembly.

Art. 44. The Regulations of the Senate must be approved by the National Consultative Assembly.

Art. 45. The Members of this Assembly shall be chosen from amongst the well-informed, discerning, pious and respected persons of the Realm. Thirty of them shall be nominated on the part of His Imperial Majesty (fifteen of the people of Tihran, and fifteen of the people of the Provinces), and thirty by the Nation (fifteen elected by the people of Tihran, and fifteen by the people of Provinces).

Art. 46. After the constitution of the Senate, all proposals must be approved by both Assemblies. If those proposals shall have been originated in the Senate, or by the Cabinet of Ministers, they must first be amended and corrected in the Senate and accepted by a majority of votes, and must then be approved by the National Consultative Assembly. But proposals brought forward by the National Consultative Assembly must, on the contrary, go from this Assembly to the Senate, except in the case of financial matters, which the Senate, except in the case of financial matters, which belong exclusively to the National Consultative Assembly. The decision of the Assembly, in respect to the above-mentioned proposals, shall be made known to the Senate, so that it in turn may communicate its observations to the National Assembly, but the latter, after discussion, is free to accept or reject these observations of the Senate.

Art. 47. So long as the Senate has not been convoked, proposals shall, after being approved by the National Consultative Assembly, receive the Royal assent, and shall then have the force of law.

Art. 48. If any proposal, after undergoing criticism and revision in the Senate, be referred by a Minister to the National Consultative Assembly, and be not accepted, such disputed proposal shall, in case of its being of importance, be reconsidered by a third Assembly composed of Members of Senate and Members of the National Consultative Assembly elected in equal moieties by Members of the two Assemblies. The decision of this [third] Assembly shall be read out in the National Council. If it be then accepted, well and good. If not, a full account of the matter shall be submitted to the Royal Presence,

and should the Royal judgment support the view of the National Consultative Assembly, it shall become effective; but if not, orders will be issued for a fresh discussion and investigation. If again no agreement of opinion results, and the Senate, by a majority of two thirds, approves the dissolution of the National Consultative Assembly, this approval being separately affirmed by the Cabinet of Ministers, then the Imperial Command will be issued for the dissolution of the National Consultative Assembly, and at the same time orders shall be given for the holding of fresh elections, the people, however, having the right to reelect their former representatives.

Art. 49. The new representatives of Tihran must present themselves within the space of one month, and the representatives of the provinces within the space of three months. When the representatives of the Capital are present, the Assembly shall be opened, and shall begin its labours, but they shall not discuss disputed proposals until the provincial representatives shall arrive. If, after the arrival of all its Members, the new Assembly shall by a clear majority confirm the first decision, His Most Sacred and Imperial Majesty shall approve that decision of the national Consultative Assembly, and shall order it be carried into effect.

Art. 50. In each electoral period, which consists of two years, orders for the renewal of representatives shall not be given more than once.

Art. 51. It is agreed that the kings of our successors and posterity shall regard as a duty of their sovereign state and an obligation incumbent upon them the maintenance of these laws and principles, which we have established and put into force for the strengthening of the edifice of the State, the consolidation of the foundations of the Throne, the superintendence of the machinery of Justice, and the tranquility of the Nation.

"Dhu'l-Qu'ada, A.H. 1324" (December 30, 1906)

"These Fundamental Laws of the National Consultative Assembly and the Senate, containing fifty-one Articles, are correct."

"Dhu'l-Qu'ada 14, A.H. 1324" (December 30, 1906)

[Underneath the concluding words is the signature of the late Shah, Muzaffaru'd-Din, and on the back of the page are the seals of the Crown Prince or Wali-'ahd (the present Shah, Muhammad 'Ali) and of the late Mushiru'd-Dawla.]

## THE SUPPLEMENTALARY FUNDAMENTAL LAWS OF OCTOBER 7, 1907

The original Fundamental Law, containing 51 Articles, was promulgated on Dhu'l-Qu'ada 14, A.H. 1324 (December 30, 1906) by the late Muzaffaru'd-Din Shah. The following supplementary laws were ratified by the present Shah, Muhammad 'Ali on Sha'ban 29, A.H. 1325 (October 7, 1907).

### **In the Name of God the Merciful the Forgiving**

The Articles added to complete the Fundamental Laws of the Persian Constitution ratified by the late Shahinshah of blessed memory, Muzaffaru'd-Din Shah Qajar (may God illuminate his resting-place!) are as follows.

#### **General Dispositions**

Art. 1. The official religion of Persia is Islam, according to the orthodox Ja'fari doctrine of the Ithna 'Ashariyya (Twelve Imams), which faith the Shah of Persia must profess and promote.

Art. 2. At no time must any legal enactment of the Sacred National Consultative Assembly, established by the favour and assistance of His Holiness the Imama of the Age (may God Hasten his glad Advent!),

the favour of His Majesty the Shahinshah, of Islam (may God multiply the like them!), and the whole people of the Persian Nation, be at variance with the sacred rules of Islam or the laws established by His Holiness the Best of Mankind (on whom and on whose household be the Blessings of God and His Peace).

It is hereby declared that, it is for the learned doctors of theology (the 'ulama) – may God prolong the blessing of their existence! – to determine whether such laws as may be proposed are or are not conformable to the rules of Islam; and it is therefore officially enacted that there shall at all times exist a committee composed of not less than five jubahids or other devout theologians, cognizant also of the requirements of the age, [which committee shall be elected] in this manner. The 'ulama and Proofs of Islam shall present to the National Consultative Assembly the names of Twenty of the 'ulama possessing the attributes mentioned above; and the Members of the National Consultative Assembly shall, either by unanimous acclamation, or by vote, designate five or more of these, according to the exigencies of the time, and recognize these as Members, so that they may carefully discuss and consider all matters proposed in the Assembly, and reject and repudiate, wholly or in part, any such proposal which is at variance with the Sacred Laws of Islam, so that it shall not obtain the title of legality. In such matters the decision of this ecclesiastical committee shall be followed and obeyed and this article shall continue unchanged until the appearance of His Holiness the Proof of the Age (may God hasten his glad Advent!).

Art. 3. The frontiers, provinces, departments and districts of the Persian Empire cannot be altered save in accordance with the Law.

Art. 4. The capital of Persia Tihran.

Art. 5. The official colours of the Persian flag are green, white and red, with the emblem of the Lion and the Sun.

Art. 6. The lives and property of foreign subjects residing on Persian soil are guaranteed and protected, save in such contingences as the laws of the land except.

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

### **Rights of the Persian Nation**

Art. 8. The people of the Persian Empire are to enjoy equal rights before the Law.

Art. 9. All individuals are protected and safeguarded in respect to their lives, property, homes, and honour, from every kind of interferences, and none shall molest them save in such case and in such way as the laws of the land shall determine.

Art. 10. No one can be summarily arrested, save flagrante delicto in the commission of some crime or misdemeanour, except on the written authority of the President of the Tribunal of Justice, given in conformity with the Law. Even in such case the accused must immediately, or at latest in the course of the next twenty-four hours, be informed and notified of the nature of his offence.

Art. 11. No one can be forcibly removed from the tribunal which is entitled to give judgment on his case to another tribunal.

Art. 12. No punishment can be decreed or executed save in conformity with the Law.

Art. 13. Every person's house and dwelling is protected and safeguarded, and no dwelling-place may be entered save in such case and in such way as the Law has decreed.

Art. 14. No Persian can be exiled from the country, or prevented from residing in any part thereof, or compelled to reside in any specified part thereof, save in such cases as the Law may explicitly determine.

Art. 15. No property shall be removed from the control of its owner save by legal sanction, and then only after its fair value has been determined and paid.

Art. 16. The confiscation of the property or possessions of any person under the title of punishment or retribution is forbidden, save in conformity with the Law.

Art. 17. To deprive owners or possessors of the properties or possessions controlled by them on any pretext whatever is forbidden, save in conformity with the Law.

Art. 18. The acquisition and study of all sciences, arts and crafts is free, save in the case of such as may be forbidden by the ecclesiastical law.

Art. 19. The foundation of schools at the expense of the government and the nation, and compulsory instruction, must be regulated by the Ministry of Sciences and Arts, and all schools and colleges must be under the supreme control and supervision of that Ministry.

Art. 20. All publications, except heretical books and matters hurtful to the perspicuous religion [of Islam] are free, and are exempt from the censorship. If, however, anything should be discovered in them contrary to the Press law, the publisher or writer be known, and be resident in Persia, then the publisher, printer and distributor shall not be liable to persecution.

Art. 21. Societies (anjumans) and association (ijtimad'at) which are not productive of mischief to Religion or the State, and are not injurious to good order, are free throughout the whole Empire, but members of such associations must not carry arms, and must obey the regulations laid down by the Law on this matter. Assemblies in the public thoroughfares and open spaces must likewise obey the police regulations.

Art. 22. Correspondence passing through the post is safeguarded and exempt from seizure or examination, save in such exceptional cases as the Law lays down.

Art. 23. It is forbidden to disclose or detain telegraphic correspondence without the express permission of the owner, save such cases as the Law Lays down.

Art. 24. Foreign subjects may become naturalized as Persian subjects, but their acceptance or continuance as such, or their deprivation of this status, is in accordance with a separate law.

Art. 25. No special authorization is required to proceed against government officials in respect of shortcomings connected with the discharge of their public functions, save in the case of Ministers, in whose case the special laws on this subject must be observed.

### **Powers of the Realm**

Art. 26. The powers of the realm are all derived from the people; and the Fundamental Law regulates the employment of those powers.

Art. 27. The powers of the realm are divided into three categories.

First, the legislative power which is specially concerned with the making or amelioration of laws. This power is derived from His Imperial Majesty, the National Consultative Assembly, and the Senate, of which three sources each has the right to introduce laws, provided that the continuance thereof be dependent on their not being at variance with the standards of the ecclesiastical law, and on its approval by the Members of the two Assemblies, and the Royal ratification. The enacting and approval of laws connected with the revenue and expenditure of the kingdom are, however, specially assigned to the National Consultative Assembly. The explanation and interpretation of the laws are, moreover, amongst the special functions of the above-mentioned assembly.

Second, the judicial power, by which is meant the determining of rights. This power belongs exclusively

to the ecclesiastical tribunals in matters connected with the ecclesiastical law, and to the civil tribunals in matters connected with ordinary law.

Third, the executive power, which appertains to the King, that is to say, the laws and ordinances are carried out by the Ministers and State officials in the august name of His Imperial Majesty in such manner as the Law Defines.

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

Art. 29. The special interests of each province, department and district shall be arranged and regulated, in accordance with special laws on this subject, by provincial and departmental councils (anjumans).

### **Rights of Members of the Assembly**

Art. 30. The deputies of the National Consultative Assembly and the Senate represent the whole nation, and not only the particular classes, provinces, departments or districts which have elected them.

Art. 31. One person cannot at one and the same time enjoy membership of both Assemblies.

Art. 32. As soon as any deputy accepts any lucrative employment in the service of one of the departments of the government, he ceases to be a member of the Assembly, and his re-acceptance as a member of the Assembly depends on his resigning such government appointment, and being re-elected by the people.

Art. 33. Each of the two assemblies has the right to investigate and examine every affair state.

Art. 34. The deliberations of the Senate are ineffective when the National Consultative Assembly is not in session.

Art. 35. The sovereignty is a trust confided (as a Divine gift) by the people to the person of the King.

Art. 36. The constitutional monarchy of Persia is vested in the person of His Imperial Majesty Sultan Muhammad 'Ali Shah Qajar (may God prolong his sovereignty!) and in his heirs, generation after generation.

Art. 37. The succession to the Throne, in case there being more than one son, passes to the eldest son of the King whose mother is a Princess and of Persian race. In case the King should have no male issue, the eldest male of the Royal Family who is next of kin shall rank next in succession to the Throne. If, however, in the case supposed above, male heirs should subsequently to be born to the King, the succession will de jure revert to such heir.

Art. 38. In case of the decease of the Sovereign, the Crown Prince can only undertake in person the functions of the Throne provided that he has attained the age of eighteen years. If he has not reached this age, a Regent shall be chosen with the sanction and approval of the National Consultative Assembly and the Senate, until such time as the Crown Prince shall attain this age.

Art. 39. No king can ascend the Throne unless, before his coronation, he appear before the National Consultative Assembly, in presence of the Members of this Assembly and of the Senate, and of the Cabinet of Ministers, and repeat the following oath:

"I take to witness the Almighty and Most High God, on the glorious Word of God, and by all that is most honoured in God's sight, and do hereby swear that I will exert all my efforts to preserve the independence of Persia, safeguard and protect the frontiers of my Kingdom and the rights of my People, observe the Fundamental Laws of the Persian Constitution, rule in accordance with the established laws of Sovereignty, endeavour to promote the Ja'fari doctrine of the Church of the Twelve Imams, and will in all my deeds and actions consider God Most Glorious as present and watching me. I further ask aid

from God, from Whom alone aid is derived, and seek help from the holy spirits of the Saints of Islam to render service to the advancement of Persia."

Art. 40. So in like manner no one who is chosen as Regent can enter upon his functions unless and until he repeats the above oath.

Art. 41. In the event of the King's decease, the National Consultative Assembly and the Senate must of necessity meet, and such meeting must not be postponed later than ten days after the date of the King's decease.

Art. 42. If the mandate of the deputies of either or both of the Assemblies shall have expired during the period of the late King's life, and the new deputies shall not yet have been elected at the time of this decease, the deputies of the late Parliament shall reassemble, and the two Assemblies shall be reconstituted.

Art. 43. The King cannot, without the consent and approval of the National Consultative Assembly and the Senate, undertake the government of any other kingdom.

Art. 44. The person of the King is exempted from responsibility. The Ministers of State are responsible to both Chambers in all matters.

Art. 45. The decrees and rescripts of the King relating to the affairs of State can only be carried out when they are countersigned by the responsible Minister, who is also responsible for the authenticity of such decree or rescript.

Art. 46. The appointment and dismissal of Ministers is effected by virtue of the Royal Decree of the King.

Art. 47. The granting of military rank, decoration and other honorary distinctions shall be effected with due regard to the special law referring to the person of the King.

Art. 48. The choice of officials as heads of the various government departments, whether internal or foreign, subject to the approval of the responsible Minister, is the King's right, save in such cases as are specifically excepted by the Law; but the appointment of other officials does not lie with the King, save in such cases as are explicitly provided for by the Law.

Art. 49. The issue of decrees and orders for giving effect to the laws is the King's right, provided that under no circumstances shall he postpone or suspend the carrying out of such laws.

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

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

Art. 52. The treaties which, conformably to article 24 of the Fundamental Law promulgated on Dhu'l-Qa'da 14, A.H. 1324 (=December 30, 1906), must remain secret, shall be communicated by the King, with the necessary explanations, to the National Consultative Assembly and the Senate after the disappearance of the reasons which necessitated such secrecy, as soon as the public interests and security shall require it.

Art. 53. The secret clauses of a treaty cannot in any case annul the public clauses of the same.

Art. 54. The King can convoke in extraordinary session the National Consultative Assembly and the Senate.

Art. 55. The minting of coin, subject to conformity with the Law, is the name of the King.

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

Art. 57. The Royal prerogatives and powers are only those explicitly mentioned in the present Constitutional Law.

### **Concerning the Ministers**

Art. 58. No one can attain the rank of Minister unless he be a Muslim by religion, a Persian by birth, and a Persian subject.

Art. 59. Princes in the first degree, that is to say the sons, brothers, and paternal uncles of the reigning King, cannot be chosen as Ministers.

Art. 60. Ministers are responsible to the two Chambers, and must, in case of their presence being required by either Chamber, appear before it, and must observe the limitations of their responsibility in all such matters as are committed to their charge.

Art. 61. Ministers, besides being individually responsible for the affairs specially appertaining to their own Ministry, are also collectively responsible to the two Chambers for one another's actions in affairs of a more general character.

Art. 62. The number of Ministers shall be defined by law, according to the requirements of the time.

Art. 63. The honorary title of Minister is entirely abolished.

Art. 64. Ministers cannot divest themselves their responsibility by pleading verbal or written orders from the King.

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

Art. 66. The Law shall determine the responsibility of Ministers and the punishments to which they are liable.

Art. 67. If the National Consultative Assembly or the Senate shall, by an absolute majority, declare itself dissatisfied with the Cabinet, or with one particular Minister, that Cabinet or Minister shall resign their or his ministerial functions.

Art. 68. Ministers may not accept a salaried office other than their own.

Art. 69. The National Consultative Assembly or the Senate shall declare the delinquencies of Ministers in the presence of the Court of Cassation, and the said Court, all the members of the tribunals comprised in it being present, will pronounce judgement, save in cases when the accusation and prosecution refer to the Minister in his private capacity, and are outside the scope of the functions of government entrusted to him in his ministerial capacity.

(N.B. So long as the Court of Cassation is not established, a Commission chosen from the Members of the two Chambers in equal moieties shall discharge the function of that Court.)

Art. 70. The determination of the delinquencies of Ministers, and of the punishments to which they are liable, in case they incur the suspicion of the National Consultative Assembly or of the Senate, or expose themselves to personal accusations on the part of their opponents in the affairs of their department, will be regulated by a special law.

### **Powers of the Tribunal of Justice**

Art. 71. The Supreme Ministry of Justice and the judicial tribunals are the places officially destined for the redress of public grievances, while judgement in all matters falling within the scope of the Ecclesiastical Law is vested in just mujtahids possessing the necessary qualifications.

Art. 72. Disputes connected with political rights belong to the judicial tribunals, save in such cases as the Law shall except.

Art. 73. The establishment of civil tribunals depends on the authority of the Law, and no one, on any title or pretext, may establish any tribunal contrary to its provisions.

Art. 74. No tribunal can be constituted save by the authority of the Law.

Art. 75. In the whole kingdom there shall be only one Court of Cassation for civil cases, and that in the capital and this Court shall not deal with any case of first instance, except in cases in which Ministers are concerned.

Art. 76. All proceedings of tribunals shall be public, save in cases where such publicity would be injurious to public order or contrary to public morality. In such cases, tribunal must declare the necessity of sitting *clausis foribus*.

Art. 77. In cases of political or press offenses, a jury must be present in the tribunals.

Art. 78. The decisions and sentences emanating from the tribunals must be reasoned and supported by proof, and must contain the articles of the Law in accordance with which judgement has been given, and they must be ready publicly.

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

Art. 80. The presidents and members of the judicial tribunals shall be chosen in such manner as the laws of justice determine, and shall be appointed by Royal Decree.

Art. 81. No judge of a judicial tribunal can be temporarily or permanently transferred from his office unless he be brought to judgment and his offence be proved, save in the case of his voluntary resignation.

Art. 82. The functions of a judge of a judicial tribunal cannot be changed save by his own consent.

Art. 83. The appointment of the Public Prosecutor is within the competence of the King, supported by the approval of the ecclesiastical judge.

Art. 84. The appointment of the members of the judicial tribunals shall be determined in accordance with the Law.

Art. 85. The presidents of the judicial tribunals cannot accept salaried posts under government, unless they undertake such service without recompense, always provided that [in this case also] there be no contravention of the Law.

Art. 86. In every provincial capital there shall be established a Court of Appeal for dealing with the judicial matters in such wise as is explicitly set forth in the laws concerning the administration of justice.

Art. 87. Military tribunals shall be established throughout the whole Kingdom according the special laws.

Art. 88. Arbitration in cases of dispute as to the limitations of the functions and duties of the different departments of government shall, agreeably to the provisions of the Law, be referred to the Court of Cassation.

Art. 89. The Court of Cassation and other tribunals will only give effect to public, provincial, departmental and municipal orders and bye-laws when these are in conformity with the Law.

### **Provincial and Departmental Councils (anjumans)**

Art. 90. Throughout the whole empire provincial and departmental councils (anjumans) shall be established in the accordance with special regulations. The fundamental laws regulating such assemblies are as follows.

Art. 91. The members of the provincial and departmental councils shall be elected immediately by the people, according to the regulations governing provincial and departmental councils.

Art. 92. The provincial and departmental councils are free to exercise complete supervision over all reforms connected with the public advantage, always provided that they observe the limitations prescribed by Law.

Art. 93. An account of the expenditure and income of every kind of the provinces and departments shall be printed and published by the instrumentality of the provincial and departmental councils.

### **Concerning the Finances**

Art. 94. No tax shall be established save in accordance with the Law.

Art. 95. The Law will specify the cases in which exemption from the payment of taxes can be claimed.

Art. 96. The National Consultative Assembly shall each year by a majority of votes fix and approve the Budget.

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

Art. 98. Reduction of or exemption from taxes is regulated by a special law.

Art. 99. Save in such cases as are explicitly expected by Law, nothing can on any pretext be demanded from people save under the categories of state, provincial, departmental and municipal taxes.

Art. 100. No order for the payment of any allowance or gratuity can be made on the Treasury save in accordance with the Law.

Art. 101. The National Consultative Assembly shall appoint the members of the Financial Commission for such period as may be determined by the Law.

Art. 102. The Financial Commission is appointed to inspect and analyse the accounts of the Department of Finance and to liquidate the accounts of all debtors and creditors of the Treasury. It is especially deputed to see that no item of expenditure fixed in the Budget exceeds the amount specified, or is charged or altered and that each item is expended in the proper manner. It shall likewise inspect and analyse the different accounts of all the departments of State collect the documentary proof of the expenditure indicated in such accounts, and submit to the National Consultative Assembly a complete statement of the accounts of the Kingdom, accompanied by its own observations.

Art. 103. The institution and organization of this commission shall be in accordance with the Law.

### **The Army**

Art. 104. The Law determines the manner of recruiting the troops, and the duties and rights of the military, as well as their promotion, are regulated by the Law.

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

Art. 106. No foreign troops may be employed in the service of the State, no may they remain in or pass through any part of the Kingdom save in accordance with the Law.

Art. 107. The military cannot be deprived of their rights, ranks or functions save in accordance with the Law.

(Copy of the august Imperial Rescript.)

"In the Name of God, blessed and exalted is He."

"The complementary provisions of the Fundamental Code of Laws have been perused and are correct. Please God, our Royal Person will observe and regard all of them. Our sons and successors also will, please God, confirm these sacred laws and principles.

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