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In the handwriting of Muzaffer-ed-Din Shah :

It is correct.

(L.S.) VALIAHD (MOHAMMED ALI SHAH).

(L.S.) MUSHIR-ED-DOWLEH (the Grand Vizier).

PERSIAN CONSTITUTIONAL LAW, as passed by the National Assembly and signed by the Shah.—Teheran, October 8, 1907.

(Translation.)

Preamble.

In the name of God the Merciful, the Compassionate.

THE following are the Articles which, in order to complete the fundamental laws of the Constitution of Persia, have been added to the Constitutional Law signed by His Imperial Majesty the late Muzaffer-ed-Din Shah Kajar on the 14th of Zilkade-ul-Haram, 1324 (30th December, 1906):—*

General.

ART. 1. The official religion of Persia is the branch of the Twelve Imams of the Shia Sect of Islam. The Sovereign of Persia must be of, and contribute to the spread of, this religion.

2. The National Assembly has been founded by the help of the Twelfth Imam, the bounty of His Islamic Majesty, the watchfulness of the Mujtehed and the common people. The laws passed by it must never to all ages be contrary to the sacred precepts of Islam and the laws laid down by the Prophet. It is obvious that the decision as to whether the laws passed by the Assembly are in opposition to the precepts of Islam rests with the Ulema. It is therefore officially decreed that for all ages a Committee composed of five persons, who shall be Mujtehed and religious doctors, and who also must be acquainted with the requirements of the times, shall be elected in the following manner: The Ulema and doctors of Islam who are recognized by the Shias as the centre of imitation shall make known to the National Assembly the names of twenty of the Ulema possessing the above-mentioned qualities. The National Assembly shall, by agreement on casting of lots, elect five of them or more, according to the requirements of the age, and admit them as members: This Committee shall discuss and thoroughly investigate the Bills brought in by the National Assembly, and reject every one of these Bills which is contrary to the sacred precepts

* See page 527.

of Islam, in order that it may not become law. The decision of this Committee is final.

This Article will not be liable to change until the advent of the Twelfth Imam.

3. The boundaries of the Kingdom of Persia, of its provinces, departments, and communes, cannot be modified except by law.

4. The capital of Persia is Tehran.

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

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

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

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

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

10. Except when found *in flagrante delicto* committing crimes, misdemeanours, or important offences, no one can be immediately arrested except by a written order of the President of the Tribunal of Justice in accordance with law. Even then the offence of the accused must be made known to him at once, or at the latest within twenty-four hours.

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

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

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

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

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

16. The sequestration of the estates or property of any one as a penal measure is forbidden except by order of law.

17. It is forbidden to deprive land-owners or possessors of the estates or property in their possession, on no matter what ground, except by order of law.

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

19. The foundation of schools at the expense of the State and the people, and compulsory education, must be in accordance with the Law of the Ministry of Education. All primary and

secondary schools must be under the direction and surveillance of the Ministry of Education.

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

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

22. Postal communications are inviolable, and secured against seizure or opening, except in cases in which the law makes exception.

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

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

25. Permission is not required to bring actions against Government officials for offences connected with their duties, except in the case of Ministers, in which the special laws enacted in this respect must be observed.

The Powers of the Realm.

26. The powers of the realm spring from the people. The Constitutional Law defines the method of using those powers.

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

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

The interpretation and commentary of laws is the peculiar duty of the National Assembly.

Secondly, the judicial power, which consists in the distinguishing of rights. This power belongs to the Sheri Tribunals in matters appertaining to the Sheri, and to the Courts of Justice in matters appertaining to the civil law ("urf").

Thirdly, the executive power, which rests with the Sovereign.

That is to say, the Laws and Decrees will be executed by the Ministers and Government officials in the name of His Imperial Majesty in the manner defined by law.

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

29. The particular revenues of each province, department, and commune shall be regulated by the Provincial and Departmental Assemblies in accordance with its own particular laws.

The Rights of the Members of the National Assembly.

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

31. One person cannot at the same time be a member of both Assemblies.

32. As soon as a member becomes a salaried Government servant he ceases to be a member. He can only become a member again after resignation of his Government post and his re-election by the people.

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

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

The Rights of the Crown.

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

36. The limited Monarchy of Persia is vested in the person of His Imperial Majesty Muhammed Ali Shah Kajar and his descendants from generation to generation.

37. The Crown Prince, in the event of there being more than one child, shall be the eldest son of the Sovereign, whose mother is a Persian by birth and a Princess. If the Sovereign has no male children, the eldest of his family in nearest relationship to himself shall become Valiahd. If in this case a male child is afterwards born to the Sovereign, the succession shall devolve on him by right.

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

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

“ I take the Lord Most High to witness, and I swear by the Holy

Word of God and by all that is sacred before God, that I will devote all my energy to preserving the independence of Persia, guarding and protecting the limits of the realm and the rights of the people. I will be the guardian of the fundamental law of the Constitution of Persia, and will rule in accordance with it and the laws which have been decreed. I will strive zealously to propagate the sect of the Twelve Imams of the Shia religion. Deeming God Almighty a witness to my every act and deed, I will have no other object in view save the greatness and happiness of the State and people of Persia. I pray for the grace of God to serve the progress of Persia, and I ask help in my task of the pure souls of the saints of Islam."

40. In like manner the person who has been elected to the Regency cannot take charge of affairs unless he has sworn the above oath.

41. On the occasion of the death of the Sovereign the National Assembly and the Senate must be convened. The summoning of the two Assemblies cannot be delayed for more than ten days after the death of the Sovereign.

42. If the period of membership of the members of both or one of the Assemblies has come to an end in the life of the Sovereign, and at the moment of his death the new members have not yet been elected, the former members must meet and hold session.

43. The Sovereign cannot, without the approval and sanction of the National Assembly and the Senate, interfere in the affairs of another country.

44. The Sovereign is absolved from all responsibility. The Ministers of State are responsible in all matters.

45. All the Decrees and Rescripts of the Sovereign shall only be put into execution when they have been signed by the responsible Minister, who is responsible for the accuracy of the contents of the Firman or Rescript.

46. The dismissal and appointment of Ministers are by order of the Sovereign.

47. The conferring of commissions in the army and orders and honorary distinctions, with due observance of law, is vested in the person of the Sovereign.

48. The Sovereign has the right, with the approval of the responsible Minister, to choose the important officials of the Government Departments, either at home or abroad, except in cases excepted by law. But the appointment of the other officials does not concern the Sovereign, except in cases defined by law.

49. The issuing of Firmans for the execution of laws is one of the rights of the Sovereign, but he may not delay or suspend the execution of those laws.

50. The supreme command of the military and naval forces is vested in the person of the Sovereign.

51. The declaration of war and the conclusion of peace rests with the Sovereign.

52. Treaties which, in accordance with Article 24 of the Constitutional Law of the 14th Zilkade, 1324 (30th December, 1906),* must be kept secret, must on the removal of this necessity, and provided that the interests and security of the country demand it, be communicated by the Sovereign to the National Assembly and the Senate, with the necessary explanations.

53. The secret clauses of any Treaty cannot annul the public clauses of that Treaty.

54. The Sovereign can summon the National Assembly and the Senate to an extraordinary session.

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

56. The expenses of the Imperial household must be defined by law.

57. The powers and prerogatives of the Sovereign are only such as have been defined by the existing constitutional laws.

Concerning the Ministers.

58. No one can become a Minister unless he is a Mussulman, a Persian by birth, and a Persian subject.

59. Princes of the first rank, that is to say, the son, brother, or uncle of the reigning Sovereign, are not eligible as Ministers.

60. The Ministers are responsible to both Assemblies. They must appear whenever they are summoned by either of the two Assemblies. In the affairs intrusted to them they must observe the limits of their responsibility.

61. The Ministers, besides being severally responsible for the particular affairs of their own Ministry, are in matters of general policy conjointly responsible to the two Assemblies, and are guarantors of each other's actions.

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

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

64. Ministers cannot make the verbal or written commands of the Sovereign a pretext for divesting themselves of their responsibility.

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

66. The responsibility of Ministers and the functions assigned to them will be defined by law.

67. If the National Assembly or the Senate express dissatisfaction with the Cabinet of Ministers or with a single Minister, that Cabinet or that Minister must be dismissed.

68. Ministers cannot undertake any salaried employment other than their own duties.

69. The National Assembly or the Senate shall prosecute Ministers for their offences before the High Court of Appeal. The above-mentioned Court shall try the case in plenary session of all members of its ordinary Tribunal, except when the

* Page 527.

accusations or claims are not legally connected with the Government Departments intrusted to the Minister, but concern him personally.

Note.—Until the Court of Appeal has been constituted, a Committee, chosen in equal numbers from the members of the two Assemblies, shall act instead of the Court of Appeal.

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

The Powers of the Tribunals.

71. The Supreme Court of Justice and the subsidiary Courts are the official centres to which all suits must be referred, and judgment in matters appertaining to the Sheri rests with the fully qualified Mujtehed.

72. Suits relating to political rights concern the Courts of Justice, excepting those which are excepted by law.

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

74. No Court of Law can possibly be instituted except by law.

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

76. The sittings of all Tribunals shall be public, excepting in cases where such public trial would be prejudicial to order or decency, in which case the necessity will be announced by the Tribunal.

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

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

79. In cases of political and press offences the whole body of the Judges shall be present.

80. The Presidents and the members of the Courts of Justice will be chosen in the manner decreed by the law of the Ministry of Justice, and will be appointed by virtue of a Royal Firman.

81. No Judge of the Courts of Justice may be suspended, either temporarily or permanently, without a trial or proof of offence, unless he himself resigns.

82. No Judge of the Courts of Justice can be transferred from his post except by his own consent.

83. The choice of the Public Prosecutor, with the approval of the Chief Sheri Judge, rests with the Crown.

84. The salaries of the staff of the Courts of Justice will be fixed by law.

85. The Presidents of the Courts of Justice may not accept salaried Government posts, but may only render such services gratis should they not be contrary to law.

86. In every provincial capital a Court of Appeal for judicial cases will be instituted in the manner defined by the Regulations of the Ministry of Justice.

87. Military Tribunals will be instituted in the whole country according to a special law.

88. The judgment of disputes relating to the limitations of Government Departments and offices will, in accordance with the decrees of law, be referred to the High Court of Appeal.

89. The Supreme Court of Justice and the subsidiary Courts will only put into execution Decrees, general Regulations, the Regulations of Provincial and Municipal Councils when they are in accordance with the law.

Regarding the Provincial Assemblies.

90. Provincial Assemblies shall be established in all the provinces of the kingdom in accordance with special regulations, and the fundamental laws of these Assemblies will be as follows:—

91. The members of the Provincial Assemblies shall be elected directly by the people in accordance with the law of the Provincial Assemblies.

92. The Provincial Assemblies have the power of complete supervision in matters concerning the public weal, with due observance of the laws which have been decreed.

93. A statement of every kind of revenue and expenditure of the provinces and Departments will be printed and published by the Provincial Assemblies.

Regarding the Finances.

94. No taxes may be levied except by law.

95. All exemptions from taxation will be decreed by law.

96. The incidence of taxation will be approved and defined every year by a vote of the majority of the members of the National Assembly.

97. There will be no differentiation or favour among individuals regarding taxation.

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

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

100. No salaries or gratuities will be paid out of the Government Treasury excepting those which are decreed by law.

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

102. The State Accounts Department is charged to inspect and separate the accounts of the Finance Department and to elucidate the accounts of the Treasury Accountants in general, and especially to see that none of the two items of expenditure allowed for the Budget should exceed the estimate and that there be no alteration or change, and that every sum has been expended in the manner designated. It is also charged with the verification and separation of the different accounts of the Government Departments in general, and will collect the vouchers of expenditure. A statement of the general accounts of the kingdom must be supplied by it to the National Assembly, accompanied by observations.

103. The composition and Regulations for this State Department will be in accordance with law.

Army.

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

105. The army vote must pass the National Assembly every year.

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

107. The pay, or rank, or decoration of the soldiers or officers may not be withdrawn excepting in accordance with law.

The Shah's Rescript:

In the name of God the Most High.

The completion of the Constitution has been seen. It is all correct, and we, our Royal self, will, by the grace of God, be the protector and supervisor of the whole of it. Our children and descendants will, by the grace of God, support these sacred principles and institutions.

At the Imperial Palace, Tehran.

29th Shaaban, Goui-il 1325.