

CONSTITUTIONS,  
ELECTORAL LAWS, TREATIES  
OF STATES IN THE  
NEAR AND MIDDLE EAST

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# THE SUPPLEMENTARY FUNDAMENTAL LAWS<sup>1</sup>

OF

OCTOBER 7, 1907

(AS AMENDED DECEMBER 12, 1925)

## GENERAL DISPOSITIONS

Art. 1. The official religion of Persia is Islám, according to the orthodox Ja'farí doctrine of the *Ithna 'Ashariyya* (Church of the Twelve Imáms), which faith<sup>2</sup> the Sháh 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 Imám of the Age (may God hasten his glad Advent!),<sup>3</sup> the favour of His Majesty the Sháhinsháh of Islám (may God immortalize his reign!), the care of the Proofs of Islám<sup>4</sup> (may God multiply the like of them!), and the whole people of the Persian nation, be at variance with the sacred rules of Islám or the laws established by His Holiness the Best of Mankind<sup>5</sup> (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 *'ulamá*)—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 Islám; and it is therefore officially enacted that there shall at all times exist a committee composed of

not less than five *mujtahids* or other devout theologians, cognizant also of the requirements of the age, [which committee shall be elected] in this manner. The *'ulamá* and Proofs of Islám shall present to the National Consultative Assembly the names of Twenty of the *'ulamá* 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 Islám, 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!).<sup>1</sup>

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 is Tihrán.

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 contingencies as the laws of the land shall 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 interference, 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*

<sup>1</sup> I.e., until the *Imám Mahdí* shall return and establish the reign of perfect Justice.

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 judgement 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 Islám] 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 is liable to punishment according to that law. If the writer be known, and be

resident in Persia, then the publisher, printer and distributor shall not be liable to prosecution.

Art. 21. Societies (*anjumans*) and associations (*ijtimá'át*) 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 in 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 of 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 of state.

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

#### RIGHTS OF THE PERSIAN THRONE

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

Art. 36 (*as amended December 12, 1925*). The Constitutional Monarchy of Persia is vested by the Constituent Assembly in His Imperial Majesty Reza Shah Pahlavi and his male descendants in succession.

Art. 37 (*as amended December 12, 1925*). The eldest son, if born of a Persian mother, shall be the Heir Apparent to the Throne. In the event of the Shah having no son, the Heir to the Throne shall be designated by His Imperial Majesty, subject to the approval of the Majlis. No member of the Kajar family can, however, be so designated.

Art. 38 (*as amended December 12, 1925*). In the event of the Throne becoming vacant, the Crown Prince cannot govern in person until he has reached the age of 20. If he has not reached that age, a Regent, who shall in no circumstances be a member of the Kajar family, shall be appointed by the Majlis.

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'farí doctrine of the Church of the Twelve Imáms, 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 Islám 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 his decease, the deputies of the late Parliament shall re-assemble, 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 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, decorations 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 Con-

sultative 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 in 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 Musulmán 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 of 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 TRIBUNALS 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 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, the tribunal must declare the necessity of sitting *clausis foribus*.

Art. 77. In cases of political or press offences, where it is desirable that the proceedings should be private, this must be agreed to by all the members of the tribunal.

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 read 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 judgement 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 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 to 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 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 the 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 excepted by Law, nothing can on any pretext be demanded from the 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 changed 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 proofs 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, nor 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.