

Constitution of the Islamic Republic of Iran

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Preamble

The Constitution of the Islamic Republic of Iran advances the cultural, social, political, and economic institutions of Iranian society based on Islamic principles and norms, which represent an honest aspiration of the Islamic *Ummah* [community]. This aspiration was exemplified by the nature of the great Islamic Revolution of Iran, and by the course of the Muslim people's struggle, from its beginning until victory, as reflected in the decisive and forceful calls raised by all segments of the populations. Now, at the threshold of this great victory, our nation, with all its beings, seeks its fulfillment.

The basic characteristic of this revolution, which distinguishes it from other movements that have taken place in Iran during the past hundred years, is its ideological and Islamic nature. After experiencing the anti-despotic constitutional movement and the anti-colonialist movement centered on the nationalization of the oil industry, the Muslim people of Iran learned from this costly experience that the obvious and fundamental reason for the failure of those movements was their lack of an ideological basis. Although the Islamic line of thought and the direction provided by militant religious leaders played an essential role in the recent movements, nonetheless, the struggles waged in the course of those movements quickly fell into stagnation due to departure from genuine Islamic positions. Thus it was that the awakened conscience of the nation, under the leadership of Imam Khumayni [Khomeini], came to perceive the necessity of pursuing a genuinely Islamic and ideological line in its struggles. And this time, the militant 'ulama' of the country, who had always been in the forefront of popular movements, together with the committed writers and intellectuals, found new impetus by following his leadership.

The Dawn of the Movement

The devastating protest of Imam Khumayni against the American conspiracy known as the "*White Revolution*," which was a step intended to stabilize the foundations of despotic rule and to reinforce the political, cultural, and economic dependence of Iran on world imperialism, brought into being a united movement of the people and, immediately afterwards, a momentous revolution of the Muslim nation in June 1963. Although this revolution was drowned in blood, in reality it heralded the beginning of the blossoming of a glorious and massive uprising, which confirmed the central role of Imam Khumayni as an Islamic leader. Despite his exile from Iran after his protest against the humiliating law of capitulation (which provided legal immunity for American advisers), the firm bond between the Imam and the people endured, and the Muslim nation, particularly committed intellectuals and militant 'ulama', continued their struggle in the face of banishment and imprisonment, torture and execution.

Throughout this time, the conscious and responsible segment of society was bringing enlightenment to the people from the strongholds of the mosques, centers of religious teaching,

and universities. Drawing inspiration from the revolutionary and fertile teachings of Islam, they began the unrelenting yet fruitful struggle of raising the level of ideological awareness and revolutionary consciousness of the Muslim people. The despotic regime which had begun the suppression of the Islamic movement with barbaric attacks on the Faydiyyah Madrasah, Tehran University, and all other active centers of revolution, in an effort to evade the revolutionary anger of the people, resorted to the most savage and brutal measures. And in these circumstances, execution by firing squads, endurance of medieval tortures, and long terms of imprisonment were the price our Muslim nation had to pay to prove its firm resolve to continue the struggle. The Islamic Revolution of Iran was nurtured by the blood of hundreds of young men and women, infused with faith, who raised their cries of "*Allahu Akbar*" at daybreak in execution yards, or were gunned down by the enemy in streets and marketplaces. Meanwhile, the continuing declarations and messages of the Imam that were issued on various occasions, extended and deepened the consciousness and determination of the Muslim nation to the utmost.

Islamic Government

The plan of the Islamic government as proposed by Imam Khumayni at the height of the period of repression and strangulation practiced by the despotic regime, produced a new specific, and streamline motive for the Muslim people, opening up before them the true path of Islamic ideological struggle, and giving greater intensity to the struggle of militant and committed Muslims both within the country and abroad.

The movement continued on this course until finally popular dissatisfaction and intense rage of the public caused by the constantly increasing repression at home, and the projection of the struggle at the international level after exposure of the regime by the 'ulama' and militant students, shook the foundations of the regime violently. The regime and its sponsors were compelled to decrease the intensity of repression and to "*liberalize*" the political atmosphere of the country. This, they imagined, would serve as a safety valve, which would prevent their eventual downfall. But the people, aroused, conscious, and resolute under the decisive and unfaltering leadership of the Imam, embarked on a triumphant, unified, comprehensive, and countrywide uprising.

The Wrath of the People

The publication of an outrageous article meant to malign the revered 'ulama' and in particular Imam Khumayni on 7 January 1978 by the ruling regime accelerated the revolutionary movement and caused an outburst of popular outrage across the country. The regime attempted to quiet the heat of the people's anger by drowning the protest and uprising in blood, but the bloodshed only quickened the pulse rate of the Revolution. The seventh-day and fortieth-day commemorations of the martyrs of the Revolution, like a series of steady heartbeats, gave greater vitality, intensity, vigor, and solidarity to this movement all over the country. In the course of this popular movement, the employees of all government establishments took an active part in the effort to overthrow the tyrannical regime by calling a general strike and participating in street demonstrations. The widespread solidarity of men and women of all segments of society and of all political and religious factions, played a clearly determining role in the struggle. Especially the women were actively and massively present in a most conspicuous manner at all stages of

this great struggle. The common sight of mothers with infants in their arms rushing towards the scene of battle and in front of the barrels of machine-guns indicated the essential and decisive role played by this major segment of society in the struggle.

The Price the Nation Paid

After slightly more than a year of continuous and unrelenting struggle, the sapling of the evolution, watered by the blood of more than 60,000 martyrs and 100,000 wounded and disabled, not to mention property damage, came to bear fruit amidst the cries of "*Independence! Freedom! Islamic government!*" This great movement, which attained victory through reliance upon faith, unity, and the decisiveness of its leadership at every critical and sensitive juncture, as well as the self-sacrificing spirit of the people, succeeded in upsetting all the calculations of imperialism and destroying all its connections and institutions, thereby opening a new chapter in the history of all-embracing popular revolutions of the world.

On 12 and 13 February 1979, the world witnessed the collapse of the monarchical regime. Domestic tyranny and foreign domination, both of which were based upon it, were shattered. This great success proved to be the vanguard of Islamic government – a long-cherished desire of the Muslim people – and brought with it the glad tidings of final victory.

Unanimously, the Iranian people declared their final and firm decision, in the referendum on the Islamic Republic, to bring about a new political system, that of the Islamic Republic. A majority of 98.2% of the people voted for this system. The Constitution of the Islamic Republic of Iran, setting forth as it does the political, social, cultural, and economic institutions and their relations that are to exist in society, must now provide for the consolidation of the foundations of Islamic government, and propose the plan of a new system of government to be erected on the ruins of the previous order.

The Form of Government in Islam

In the view of Islam, government does not derive from the interests of a class, nor does it serve the domination of an individual or a group. Rather, it represents the fulfillment of the political ideal of a people who bear a common faith and common outlook, taking an organized form in order to initiate the process of intellectual and ideological evolution towards the final goal, i.e., movement towards Allah. Our nation, in the course of its revolutionary developments, has cleansed itself of the dust and impurities that accumulated during the past and purged itself of foreign ideological influences, returning to authentic intellectual standpoints and world-view of Islam. It now intends to establish an ideal and model society on the basis of Islamic norms. The mission of the Constitution is to realize the ideological objectives of the movement and to create conditions conducive to the development of man in accordance with the noble and universal values of Islam.

With due attention to the Islamic content of the Iranian Revolution, the Constitution provides the necessary basis for ensuring the continuation of the Revolution at home and abroad. In particular, in the development of international relations, the Constitution will strive with other Islamic and popular movements to prepare the way for the formation of a single world community (in

accordance with the Koranic verse "*This your community is a single community, and I am your Lord, so worship Me*" [21:92]), and to assure the continuation of the struggle for the liberation of all deprived and oppressed peoples in the world...

Woman in the Constitution

Through the creation of Islamic social infrastructures, all the elements of humanity that served the multifaceted foreign exploitation shall regain their true identity and human rights. As a part of this process, it is only natural that women should benefit from a particularly large augmentation of their rights, because of the greater oppression that they suffered under the old regime.

The family is the fundamental unit of society and the main center for the growth and edification of human being. Compatibility with respect to belief and ideal, which provides the primary basis for man's development and growth, is the main consideration in the establishment of a family. It is the duty of the Islamic government to provide the necessary facilities for the attainment of this goal. This view of the family unit delivers woman from being regarded as an object or instrument in the service of promoting consumerism and exploitation. Not only does woman recover thereby her momentous and precious function of motherhood, rearing of ideologically committed human beings, she also assumes a pioneering social role and becomes the fellow struggler of man in all vital areas of life. Given the weighty responsibilities that woman thus assumes, she is accorded in Islam great value and nobility.

An Ideological Army

In the formation and equipping of the country's defence forces, due attention must be paid to faith and ideology as the basic criteria. Accordingly, the Army of the Islamic Republic of Iran and the Islamic Revolutionary Guards Corps are to be organized in conformity with this goal, and they will be responsible not only for guarding and preserving the frontiers of the country, but also for fulfilling the ideological mission of jihad in God's way; that is, extending the sovereignty of God's law throughout the world (this is in accordance with the Koranic verse "*Prepare against them whatever force you are able to muster, and strings of horses, striking fear into the enemy of God and your enemy, and others besides them*" [8:60]).

The Judiciary in the Constitution

The judiciary is of vital importance in the context of safeguarding the rights of the people in accordance with the line followed by the Islamic movement, and the prevention of deviations within the Islamic nation. Provision has therefore been made for the creation of a judicial system based on Islamic justice and operated by just judges with meticulous knowledge of the Islamic laws. This system, because of its essentially sensitive nature and the need for full ideological conformity, must be free from every kind of unhealthy relation and connection (this is in accordance with the Koranic verse "*When you judge among the people, judge with justice*" [4:58]).

Executive Power

Considering the particular importance of the executive power in implementing the laws and ordinances of Islam for the sake of establishing the rule of just relations over society, and considering, too, its vital role in paving the way for the attainment of the ultimate goal of life, the executive power must work toward the creation of an Islamic society. Consequently, the confinement of the executive power within any kind of complex and inhibiting system that delays or impedes the attainment of this goal is rejected by Islam. Therefore, the system of bureaucracy, the result and product of old forms of government, will be firmly cast away, so that an executive system that functions efficiently and swiftly in the fulfillment of its administrative commitments comes into existence.

Mass-Communication Media

The mass-communication media, radio and television, must serve the diffusion of Islamic culture in pursuit of the evolutionary course of the Islamic Revolution. To this end, the media should be used as a forum for healthy encounter of different ideas, but they must strictly refrain from diffusion and propagation of destructive and anti-Islamic practices....

Representatives

The Assembly of Experts, composed of representatives of the people, completed its task of framing the Constitution, on the basis of the draft proposed by the government as well as all the proposals received from different groups of the people, in one hundred and seventy-five articles arranged in twelve chapters, in 1979, and in accordance with the aims and aspirations set out above, with the hope that this century will witness the establishment of a universal holy government and the downfall of all others.

Chapter I General Principles

Article 1 [Form of Government]

The form of government of Iran is that of an Islamic Republic, endorsed by the people of Iran on the basis of their longstanding belief in the sovereignty of truth and Koranic justice, in the referendum of 29 and 30 March 1979, through the affirmative vote of a majority of 98.2% of eligible voters, held after the victorious Islamic Revolution led by Imam Khomeini.

Article 2 [Foundational Principles]

The Islamic Republic is a system based on belief in:

- 1) the One God (as stated in the phrase "*There is no god except Allah*"), His exclusive sovereignty and right to legislate, and the necessity of submission to His commands;
- 2) Divine revelation and its fundamental role in setting forth the laws;
- 3) the return to God in the Hereafter, and the constructive role of this belief in the course of man's ascent towards God;
- 4) the justice of God in creation and legislation;

- 5) continuous leadership and perpetual guidance, and its fundamental role in ensuring the uninterrupted process of the revolution of Islam;
- 6) the exalted dignity and value of man, and his freedom coupled with responsibility before God...

Article 3 [State Goals]

In order to attain the objectives specified in Article 2, the government of the Islamic Republic of Iran has the duty of directing all its resources to the following goals:

- 1) the creation of a favorable environment for the growth of moral virtues based on faith and piety and the struggle against all forms of vice and corruption;
- 2) raising the level of public awareness in all areas, through the proper use of the press, mass media, and other means;
- 3) free education and physical training for everyone at all levels, and the facilitation and expansion of higher education;
- 4) strengthening the spirit of inquiry, investigation, and innovation in all areas of science, technology, and culture, as well as Islamic studies, by establishing research centers and encouraging researchers;
- 5) the complete elimination of imperialism and the prevention of foreign influence;
- 6) the elimination of all forms of despotism and autocracy and all attempts to monopolize power;
- 7) ensuring political and social freedoms within the framework of the law;
- 8) the participation of the entire people in determining their political, economic, social, and cultural destiny;
- 9) the abolition of all forms of undesirable discrimination and the provision of equitable opportunities for all, in both the material and the intellectual spheres;
- 10) the creation of a correct administrative system and elimination of superfluous government organizations;
- 11) all round strengthening of the foundations of national defence to the utmost degree by means of universal military training for the sake of safeguarding the independence, territorial integrity, and the Islamic order of the country;
- 12) the planning of a correct and just economic system, in accordance with Islamic criteria, in order to create welfare, eliminate poverty, and abolish all forms of deprivation with respect to food, housing, work, health care, and the provision of social insurance for all;
- 13) the attainment of self-sufficiency in scientific, technological, industrial, agricultural, and military domains, and other similar spheres;
- 14) securing the multifarious rights of all citizens, both women and men, and providing legal protection for all, as well as the equality of all before the law;
- 15) the expansion and strengthening of Islamic brotherhood and public cooperation among all the people;
- 16) framing the foreign policy of the country on the basis of Islamic criteria, fraternal commitment to all Muslims, and unsparing support to the freedom fighters of the world.

Article 4 [Islamic Principle]

All civil, penal financial, economic, administrative, cultural, military, political, and other laws and regulations must be based on Islamic criteria. This principle applies absolutely and generally to all articles of the Constitution as well as to all other laws and regulations, and the wise persons of the Guardian Council are judges in this matter.

Article 5 [Office of Religious Leader]

During the occultation of the Wali al-'Asr (may God hasten his reappearance), the leadership of the Ummah [Muslim community] devolve upon the just and pious person, who is fully aware of the circumstances of his age, courageous, resourceful, and possessed of administrative ability, will assume the responsibilities of this office in accordance with Article 107.

Article 6 [Administration of Affairs]

In the Islamic Republic of Iran, the affairs of the country must be administered on the basis of public opinion expressed by the means of elections, including the election of the President, the representatives of the Islamic Consultative Assembly, and the members of councils, or by means of referenda in matters specified in other articles of this Constitution.

Article 11 [Unity of Islam Principle]

In accordance with the sacred verse of the Koran *"This your community is a single community, and I am your Lord, so worship Me"* [21:92], all Muslims form a single nation, and the government of the Islamic Republic of Iran have the duty of formulating its general policies with a view to cultivating the friendship and unity of all Muslim peoples, and it must constantly strive to bring about the political, economic, and cultural unity of the Islamic world.

Article 12 [Official Religion]

The official religion of Iran is Islam and the Twelver Ja'fari school, and this principle will remain eternally immutable. Other Islamic schools are to be accorded full respect, and their followers are free to act in accordance with their own jurisprudence in performing their religious rites....

Article 13 [Recognized Religious Minorities]

Zoroastrian, Jewish, and Christian Iranians are the only recognized religious minorities, who, within the limits of the law, are free to perform their religious rites and ceremonies, and to act according to their own canon in matters of personal affairs and religious education.

Chapter II

The Official Language, Script, Calendar, and Flag of the Country

Article 15 [Official Language]

The Official Language and script of Iran, the lingua franca of its people, is Persian. Official documents, correspondence, and texts, as well as text-books, must be in this language and script. However, the use of regional and tribal languages in the press and mass media, as well as for teaching of their literature in schools, is allowed in addition to Persian.

Article 16 [Arabic Language]

Since the language of the Koran and Islamic texts and teachings is Arabic, and since Persian literature is thoroughly permeated by this language, it must be taught after elementary level, in all classes of secondary school and in all areas of study.

Article 17 [Official Calendar]

The Official Calendar of the country takes as its point of departure the migration of the Prophet of Islam – God's peace and blessings upon him and his Family.... The official weekly holiday is Friday.

Article 18 [Official Flag]

The Official Flag of Iran is composed of green, white, and red colors, with the special emblem of the Islamic Republic, together with the State Motto.

Chapter V The Right of National Sovereignty

Article 56 [Divine Right of Sovereignty]

Absolute sovereignty over the world and man belongs to God, and it is He Who has made man master of his own social destiny. No one can deprive man of this divine right, nor subordinate it to the vested interests of a particular individual or group. The people are to exercise this divine right in the manner specified in the following articles.

Article 57 [Separation of Powers]

The powers of government in the Islamic Republic are vested in the legislature, the judiciary, and the executive powers, functioning under the supervision of the absolute religious Leader and the Leadership of the Ummah, in accordance with the forthcoming articles of this Constitution. These powers are independent of each other.

Chapter VI The Legislative Powers

Article 62 [Election of the Islamic Consultative Assembly]

- (1) The Islamic Consultative Assembly is constituted by the representatives of the people elected directly and by secret ballot.
- (2) The qualifications of voters and candidates, as well as the nature of election, will be specified by law.

Article 72 [Limits]

The Islamic Consultative Assembly cannot enact laws contrary to the official religion of the country or to the Constitution. It is the duty of the Guardian Council to determine whether a violation has occurred, in accordance with Article 96.

Article 91 [Guardian Council]

With a view to safeguard the Islamic ordinances and the Constitution, in order to examine the compatibility of the legislation passed by the Islamic Consultative Assembly with Islam, a council to be known as the Guardian Council is to be constituted with the following composition:

- (1) six religious men, conscious of the present needs and the issues of the day, to be selected by the Leader, and

- (2) six jurists, specializing in different areas of law, to be elected by the Islamic Consultative Assembly from among the Muslim jurists nominated by the Head of the Judicial Power.

Article 94 [Review of Legislation]

All legislation passed by the Islamic Consultative Assembly must be sent to the Guardian Council. The Guardian Council must review it within a maximum of ten days from its receipt with a view to ensuring its compatibility with the criteria of Islam and the Constitution. If it finds the legislation incompatible, it will return it to the Assembly for review. Otherwise the legislation will be deemed enforceable.

Article 98 [Authoritative Interpretation]

The authority of the interpretation of the Constitution is vested with the Guardian Council, which is to be done with the consent of three-fourths of its members.

Chapter VIII The Leader or Leadership Council

Article 107 [Religious Leader]

- (1) After the demise of Imam Khumayni, the task of appointing the Leader shall be vested with the experts elected by the people. The experts will review and consult among themselves concerning all the religious men possessing the qualifications specified in Articles 5 and 109....
- (2) The Leader is equal with the rest of the people of the country in the eyes of law.

Article 109 [Leadership Qualifications]

- (1) Following are the essential qualifications and conditions for the Leader:
- a. Scholarship, as required for performing the functions of religious leader in different fields.
 - b. Justice and piety, as required for the leadership of the Islamic Ummah.
 - c. Right political and social perspicacity, prudence, courage, administrative facilities, and adequate capability for leadership.
- (2) In case of multiplicity of persons fulfilling the above qualifications and conditions, the person possessing the better jurisprudential and political perspicacity will be given preference.

Chapter IX The Executive Power

Article 113 [President]

After the office of Leadership, the President is the highest official in the country. His is the responsibility for implementing the Constitution and acting as the head of the executive, except in matters directly concerned with the office of the Leadership.

Article 122 [Responsibility]

The President, within the limits of his powers and duties, which he has by virtue of this Constitution or other laws, is responsible to the people, the Leader and the Islamic Consultative Assembly.

Article 150 [Islamic Revolution Guards Corps]

The Islamic Revolution Guards Corps, organized in the early days of the triumph of the Revolution, is to be maintained so that it may continue in its role of guarding the Revolution and its achievements. The scope of the duties of this Corps, and its areas of responsibility, in relation to the duties and areas of responsibility of the other Armed Forces, are to be determined by law with emphasis on brotherly cooperation and harmony among them.

Source:

International Constitutional Law Project

http://www.oefre.unibe.ch/law/icl/ir00000_.html