

Chapter VI The Legislative Powers Chapter VI The Legislative Powers

Section 1 The Islamic Consultative Assembly

Article 62 [Election]

(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 63 [Term]

The term of membership in the Islamic Consultative Assembly is four years. Elections for each term must take place before the end of the preceding term, so that the country is never without an Assembly.

Article 64 [270 Members, Religious Representatives]

(1) There are to be two hundred seventy members of the Islamic Consultative Assembly which, keeping in view the human, political, geographic, and other similar factors, may increase by not more than twenty for each ten-year period from the date of the national referendum of the year 1368 of the solar Islamic calendar.

(2) The Zoroastrians and Jews will each elect one representative; Assyrian and Chaldean Christians will jointly elect one representative; and Armenian Christians in the north and those in the south of the country will each elect one representative.

(3) The delimitation of the election constituencies and the number of representatives will be determined by law.

Article 65 [Quorum, Code of Procedure]

(1) After the holding of elections, sessions of the Islamic Consultative Assembly are considered legally

valid when two-thirds of the total number of members are present. Drafts and bills will be approved in accordance with the code of procedure approved by it, except in cases where the Constitution has specified a certain quorum.

(2) The consent of two-thirds of all members present is necessary for the approval of the code of procedure of the Assembly.

Article 66 [Rules of Procedure]

The manner of election of the Speaker and the Presiding Board of the Assembly, the number of committees and their term of office, and matters related to conducting the discussions and maintaining the discipline of the assembly will be determined by the code of procedure of the Assembly.

Article 67 [Oath]

(1) Members of the Assembly must take the following oath at the first session of the Assembly and affix their signatures to its text:

"In the Name of God, the Compassionate, the Merciful. In the presence of the Glorious Koran, I swear by God, the Exalted and Almighty, and undertake, swearing by my own honor as a human being, to protect the sanctity of Islam and guard the accomplishments of the Islamic Revolution of the Iranian people and the foundations of the Islamic Republic; to protect, as a just trustee, the honor bestowed upon me by the people, to observe piety in fulfilling my duties as people's representative; to remain always committed to the independence and honor of the country; to fulfil my duties towards the nation and the service of the people; to defend the Constitution; and to bear in mind, both in speech and writing and in the expression of my views, the independence of the country, the freedom of the people, and the security of their interests."

(2) Members belonging to the religious minorities will swear by their own sacred books while taking this oath.

(3) Members not attending the first session will perform the ceremony of taking the oath at the first session they attend.

Article 68 [Suspended Elections During Wartime]

In time of war and the military occupation of the country, elections due to be held in occupied areas or countrywide may be suspended for a specified period if proposed by the President of the Republic, and approved by three-fourths of the total members of the Islamic Consultative Assembly, with the endorsement of the Guardian Council. If a new Assembly is not formed, the previous one will continue to function.

Article 69 [Publicity, Closed Sessions]

The deliberations of the Islamic Consultative Assembly must be open and full minutes of them made available to the public by the radio and the official gazette. A closed session may be held in emergency conditions, if it is required for national security, upon the requisition of the President, one of the

Ministers, or ten members of the Assembly. Legislation passed at a closed session is valid only when approved by three-fourths of the members in the presence of the Guardian Council. After emergency conditions have ceased to exist, the minutes of such closed sessions, together with any legislation approved in them, must be made available to the public.

Article 70 [Government Attendance]

The President, his deputies and the Ministers have the right to participate in the open sessions of the Assembly either collectively or individually. They may also have their advisers accompany them. If the members of the Assembly deem it necessary, the Ministers are obliged to attend. Whenever they request it, their statements are to be heard.

Section 2 Powers and Authority of the Islamic Consultative Assembly

Article 71 [Legislation]

The Islamic Consultative Assembly can establish laws on all matters, within the limits of its competence as laid down in the Constitution.

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 73 [Interpretation of Laws]

The interpretation of ordinary laws falls within the competence of the Islamic Consultative Assembly. The intent of this article does not prevent the interpretations that judges may make in the course of cassation.

Article 74 [Bills]

Government bills are presented to the Islamic Consultative Assembly after receiving the approval of the Council of Ministers. Members' bills may be introduced in the Islamic Consultative Assembly if sponsored by at least fifteen members.

Article 75 [Spending Bills]

Members' bills and proposals and amendments to government bills proposed by members that entail the reduction of the public income or the increase of public expenditure may be introduced in the Assembly only if means for compensating for the decrease in income or for meeting the new expenditure are also specified.

Article 76 [Investigation]

The Islamic Consultative Assembly has the right to investigate and examine all the affairs of the country.

Article 77 [Treaties]

International treaties, protocols, contracts, and agreements must be approved by the Islamic Consultative Assembly.

Article 78 [Boundary Laws]

All changes in the boundaries of the country are forbidden, with the exception of minor amendments in keeping with the interests of the country, on condition that they are not unilateral, do not encroach on the independence and territorial integrity of the country, and receive the approval of four-fifths of the total members of the Islamic Consultative Assembly.

Article 79 [Martial Law, Temporary Restrictions]

The proclamation of martial law is forbidden. In case of war or emergency conditions comparable to war, the government has the right to impose temporarily certain necessary restrictions, with the agreement of the Islamic Consultative Assembly. In no case can such restrictions last for more than thirty days; if the need for them persists beyond this limit, the government must obtain new authorization for them from the Assembly.

Article 80 [Aid]

The taking and giving of governmental loans or grants-in-aid, domestic and foreign, must be approved by the Islamic Consultative Assembly.

Article 81 [Foreign Business]

The granting of concessions to foreigners or the formation of companies or institutions dealing with commerce, industry, agriculture, service, or mineral extraction, is absolutely forbidden.

Article 82 [Foreign Experts]

The employment of foreign experts is forbidden, except in cases of necessity and with the approval of the Islamic Consultative Assembly.

Article 83 [Property of National Heritage]

Government buildings and properties forming part of the national heritage cannot be transferred except with the approval of the Islamic Consultative Assembly; that, too, is not applicable in the case of irreplaceable treasures.

Article 84 [Responsibility]

Every representative is responsible to the entire nation and has the right to express his views on all internal and external affairs of the country.

Article 85 [Delegated Legislation]

(1) The right of membership is vested with the individual, and is not transferable to others. The Assembly cannot delegate the power of legislation to an individual or committee. But whenever necessary, it can delegate the power of legislating certain laws to its own committees, in accordance with Article 72. In such a case, the laws will be implemented on a tentative basis for a period specified by the Assembly, and their final approval will rest with the Assembly.

(2) Likewise, the Assembly may, in accordance with Article 72, delegate to the relevant committees the responsibility for permanent approval of articles of association of organizations, companies, government institutions, or organizations affiliated to the government and or invest the authority in the government. In such a case, the government approvals must not be inconsistent with the principles and commandments of the official religion in the country or with the Constitution, which question shall be determined by the Guardian Council in accordance with what is stated in Article 96. In addition to this, the Government approvals shall not be against the laws and other general rules of the country and, while calling for implementation, the same shall be brought to the knowledge of the Speaker of the Islamic Consultative Assembly for his study and indication that the approvals in question are not inconsistent with the aforesaid rules.

Article 86 [Independence, Indemnity]

Members of the Assembly are completely free in expressing their views and casting their votes in the course of performing their duties as representatives, and they cannot be prosecuted or arrested for opinions expressed in the Assembly or votes cast in the course of performing their duties as representatives.

Article 87 [Vote of Confidence]

The President must obtain, for the Council of Ministers, after being formed and before all other business, a vote of confidence from the Assembly. During his incumbency, he can also seek a vote of confidence for the Council of Ministers from the Assembly on important and controversial issues.

Article 88 [Questioning Government]

Whenever at least one-fourth of the total members of the Islamic Consultative Assembly pose a question to the President, or any one member of the Assembly poses a question to a Minister on a subject relating to their duties, the President or the Minister is obliged to attend the Assembly and answer the question. This answer must not be delayed more than one month in the case of the President and ten days in the case of the Minister, except with an excuse deemed reasonable by the Islamic Consultative Assembly.

Article 89 [Interpellation]

(1) Members of the Islamic Consultative Assembly can interpellate the Council of Ministers or an individual Minister in instances they deem necessary. Interpellations can be tabled if they bear the signatures of at least ten members.

The Council of Ministers or interpellated Minister must be present in the Assembly within ten days after the tabling of the interpellation in order to answer it and seek a vote of confidence. If the Council of Ministers or the Minister concerned fails to attend the Assembly, the members who tabled the interpellation will explain their reasons, and the Assembly will declare a vote of no confidence if it deems it necessary.

If the Assembly does not pronounce a vote of confidence, the Council of Ministers or the Minister subject to interpellation is dismissed. In both cases, the Ministers subject to interpellation cannot become members of the next Council of Ministers formed immediately afterwards.

(2) In the event at least one-third of the members of the Islamic Consultative Assembly interpellate the President concerning his executive responsibilities in relation with the Executive Power and the executive affairs of the country the President must be present in the Assembly within one month after the tabling of the interpellation in order to give adequate explanations in regard to the matters raised. In the event, after hearing the statements of the opposing and favoring members and the reply of the President, two-thirds of the members of the Assembly declare a vote of no confidence, the same will be communicated to the Leadership for information and implementation of Article 110 (10).

Article 90 [Complaints, Petitions]

Whoever has a complaint concerning the work of the Assembly or the executive power or the judicial power can forward his complaint in writing to the Assembly. The Assembly must investigate his complaint and give a satisfactory reply. In cases where the complaint relates to the executive or the judiciary, the Assembly must demand proper investigation in the matter and an adequate explanation from them, and announce the results within a reasonable time. In cases where the subject of the complaint is of public interest, the reply must be made public.

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 92 [Term]

Members of the Guardian Council are elected to serve for a period of six years, but during the first term, after three years have passed, half of the members of each group will be changed by lot and new members will be elected in their place.

Article 93 [Mandatory Formation]

The Islamic Consultative Assembly does not hold any legal status if there is no Guardian Council in existence, except for the purpose of approving the credentials of its members and the election of the six jurists on the Guardian Council.

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 95 [Extended Review]

In cases where the Guardian Council deems ten days inadequate for completing the process of review and delivering a definite opinion, it can request the Islamic Consultative Assembly to grant an extension of the time limit not exceeding ten days.

Article 96 [Majority]

The determination of compatibility of the legislation passed by the Islamic Consultative Assembly with the laws of Islam rests with the majority vote of the religious men on the Guardian Council; and the determination of its compatibility with the Constitution rests with the majority of all the members of the Guardian Council.

Article 97 [Attendance in Parliament]

In order to expedite the work, the members of the Guardian Council may attend the Assembly and listen to its debates when a government bill or a members' bill is under discussion. When an urgent government or members' bill is placed on the agenda of the Assembly, the members of the Guardian Council must attend the Assembly and make their views known.

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.

Article 99 [Supervision of Elections]

The Guardian Council has the responsibility of supervising the elections of the Assembly of Experts for Leadership, the President of the Republic, the Islamic Consultative Assembly, and the direct recourse to popular opinion and referenda.