Leadership in the Constitution of the Islamic Republic of Iran - 6 /Feb/ 2010

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Article 2

The Islamic Republic is a system based on belief in:
1. The Unique God (as stated in the phrase "There is no god except Allah"), His exclusive sovereignty and the 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 Allah in the Hereafter, and the constructive role of this belief in the course of man's ascent towards Allah.
4. The justice of Allah in creation and legislation.
5. Continuous leadership (Imāmah), 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 Allah. This system secures equity, justice, political, economic, social, and cultural independence, and national solidarity by recourse to:
a. Continuous ijtihād of the faqīhs possessing necessary qualifications, exercised on the basis of the Qur'an and the Sunnah of the Infallibles, upon all of whom be peace.
b. Sciences and arts and the most advanced results of human experience, together with the effort to advance them further.
c. Negation of all forms of oppression, both the infliction of and the submission to it, and of dominance, both its imposition and its acceptance.

Article 5

During the Occultation of the Imam of the time (may Allah bring forward his reappearance), the Imāmah and leadership of the Ummah devolve upon the just, pious courageous, and resourceful faqīh who is fully aware of the

circumstances of his age and possessed of administrative ability. He assumes the responsibilities of this office in accordance with Article 107.

Article 57

The branches of government in the Islamic Republic are the legislature, the judiciary, and the executive. They function under the supervision of the absolute wilāyat-e-'amr and the leadership of the Ummah in accordance with the forthcoming articles of this Constitution. These branches are independent of each other.

Article 60

The functions of the executive, except in the matters that are directly placed under the jurisdiction of the Leader by the Constitution, are to be exercised by the president and the ministers.

Article 91

With a view to safeguard the Islamic ordinances and the Constitution concerning 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 just faqīhs aware 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 Judiciary.

Article 107

After the demise of the eminent marji‘ of taqlīd, great Leader of the universal Islamic revolution, and the founder of the Islamic Republic of Iran, Ayatollah al-'Uẓmā Imam Khomeini (quddisa sirruh al-sharif) who was recognized and accepted as marji‘ and Leader by a decisive majority of the people, 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 faqīhs possessing the qualifications specified in Articles 5 and 109. In the event they find one of them better versed in Islamic regulations and the subjects of the fiqh, or political and social issues, or possessing general popularity, or special prominence for any of the qualifications mentioned in Article 109, they shall elect him as the Leader. Otherwise, in the absence of such superiority, they shall elect and declare one of them as the Leader. The Leader thus elected by the Assembly of Experts shall assume the wilāyat-e-'amr and all the responsibilities arising therefrom. The Leader is equal to the rest of the people of the country before the law.

Article 109

Following are the essential qualifications and conditions for the Leader:
1. Scholarship, as required for issuing fatwā in different fields of fiqh.
2. Justice and piety, as required for the leadership of the Islamic Ummah.
3. Right political and social perspicacity, prudence, courage, administrative facility and adequate capability for leadership. In case of multiplicity of persons fulfilling the above qualifications and conditions, the person possessing better jurisprudential and political perspicacity will be given preference.

Article 110

Following are the duties and powers of the Leadership:
1. Making the general policies of the Islamic Republic of Iran after consultation with the Expediency Council.
2. Supervising over the proper execution of the general policies of the system.

3. Issuing a decree for a national referendum.
4. Assuming supreme command of the armed forces.
5. Declaring war and peace, and mobilizing the armed forces.
6. Appointment, dismissal, and acceptance of resignation of:
a. The faqīhs of the Guardian Council.
b. The supreme judicial authority of the country.
c. The head of the Islamic Republic of Iran Broadcasting.
d. The Chairman of the Joint Chiefs of Staff.
e. The chief commander of the Islamic Revolution Guards Corps.
f. The supreme commanders of the Armed Forces and the Police.
7. Resolving differences between the three branches and regulating their relations.
8. Resolving the system's problems, that cannot be solved by conventional methods, through the Expediency Council.
9. Signing the decree formalizing the election of the President of the Republic by the people. The suitability of candidates for the Presidency of the Republic, with respect to the qualifications specified in the Constitution, must be confirmed by the Guardian Council before elections take place; and, in case of the first term [of the Presidency], by the Leadership.
10. Dismissal of the President of the Republic, with due regard for the interests of the country, after the Supreme Court holds him guilty of the violation of his constitutional duties, or after a vote of the Islamic Consultative Assembly testifying to his incompetence on the basis of Article 89 of the Constitution.
11. Pardoning or reducing the sentences of convicts, within the framework of Islamic criteria, recommended by the Head of the Judiciary.
The Leader may delegate part of his duties and powers to another person.

Article 111

Whenever the Leader becomes incapable of fulfilling his constitutional duties, lacks one of the qualifications mentioned in Articles 5 and 109, or it becomes known that he did not possess some of the qualifications initially, he will be dismissed. The authority to determine this matter is vested with the experts specified in Article 108. In the event of the death, resignation, or dismissal of the Leader, the experts shall take steps within the shortest possible time for the appointment of the new Leader. Till the appointment of the new Leader, a council consisting of the President, head of the Judiciary, and a faqīh from the Guardian Council chosen by the Expediency Council shall temporarily take over all the duties of the Leader. In the event, during this period, any one of them is unable to fulfill his duties for whatsoever reason, he will be replaced by another person chosen by the Expediency Council provided that the majority remains faqīh. This council shall take action in respect of items 1, 3, 5, and 10, and sections d, e, and f of item 6 of Article 110 upon the decision of three-fourths of the members of the Expediency Council. Whenever the Leader becomes temporarily unable to perform the duties of leadership owing to his illness or any other incident, then during this period, the council mentioned in this Article shall assume his duties.

Article 112

Upon the order of the Leader, the Expediency Council shall meet when the Guardian Council judges a bill passed by the Islamic Consultative Assembly to be against the principles of sharī'ah or the Constitution, and the Assembly, considering the system's interest, is unable to meet the expectations of the Guardian Council. Also, the Council shall meet for consideration on any issue forwarded to it by the Leader or in order to carry out any other responsibility mentioned in this Constitution.
The permanent and changeable members of the Council shall be appointed by the Leader.
The rules for the Council shall be formulated and approved by the Council members subject to the confirmation of the Leader.

Article 113

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 131

In case of the President's death, dismissal, resignation, absence, or illness lasting longer than two months, or when his term in office has ended and a new president has not been elected due to some impediments, or similar other circumstances, his first deputy shall assume, with the approval of the Leader, the powers and functions of the President. The Council, consisting of the Speaker of the Islamic Consultative Assembly, head of the judiciary, and the first deputy of the President, is obliged to arrange for a new President to be elected within a maximum period of fifty days. In case of the first deputy's death, or other matters which prevent him from performing his duties, or when the President does not have a first deputy, the Leader shall appoint another person in his place.

Article 142

The assets of the Leader, the President, the deputies to the President, and ministers, as well as those of their spouses and offspring, are to be examined before and after their term of office by the head of the judicial power in order to ensure they have not increased in a fashion contrary to law.

Article 157

In order to fulfill the responsibilities of the judiciary in all judicial, administrative and executive affairs, the Leader shall appoint a just Mujtahid well versed in judiciary affairs and possessing prudence and administrative abilities as the head of the judiciary for a period of five years who shall be the highest judicial authority.

Article 175

The freedom of expression and dissemination of thoughts in the Radio and Television of the Islamic Republic of Iran must be guaranteed in keeping with the Islamic criteria and the best interests of the country. The appointment and dismissal of the head of the Radio and Television of the Islamic Republic of Iran rests with the Leader. A council consisting of representatives of the President, the head of the judiciary and the Islamic Consultative Assembly — each two representative —shall supervise the functioning of this organization. The policies, the manner of managing the organization, and its supervision will be determined by law.

Article 177

The revision of the Constitution of the Islamic Republic of Iran, whenever needed by the circumstances, will be done in the following manner:
After consulting the Expediency Council, the Leader issues an edict to the President stipulating the amendments or additions to be made by the Council for Revision of the Constitution which consists of:
1. Members of the Guardian Council.
2. Heads of the three branches of the government.
3. Permanent members of the Expediency Council.
4. Five members of the Assembly of Experts.
5. Ten persons selected by the Leader.
6. Three members of the Council of Ministers.
7. Three people from the judiciary.

8. Ten representatives of the Islamic Consultative Assembly.
9. Three university professors.

The method of working, manner of selection and the terms and conditions of the Council shall be determined by law. The decisions of the Council, having been confirmed and signed by the Leader, shall be valid if approved by an absolute majority vote in a national referendum.