

NOTE.—Hussein Bey Effendi, Professor of the Turkish Language and Literature at Robert College, Constantinople, graciously provided the author of this article with a French translation of the Constitution of 1924. This translation, carefully checked against the Turkish version and an English translation thereof, forms the basis of the appended copy of the Constitution. Professor Hussein Bey, however, has not read the foregoing article and assumes no responsibility for the sentiments expressed therein.—E. M. E.

CONSTITUTION OF THE REPUBLIC OF TURKEY

SECTION I

Fundamental Provisions

Article 1: The Turkish State is a Republic.

Article 2: The religion of the Turkish State is Islam; the official language is Turkish; the seat of government is Angora.

Article 3: Sovereignty belongs without restriction to the nation.

Article 4: The Grand National Assembly of Turkey is the sole lawful representative of the nation, and exercises sovereignty in the name of the nation.

Article 5: The legislative and executive powers are vested and centered in the Grand National Assembly which concentrates these two powers in itself.

Article 6: The Grand National Assembly of Turkey exercises the legislative power directly.

Article 7: The Assembly exercises the executive power through the intermediary of the President of the Republic, whom it elects, and through a Cabinet chosen by him. The Assembly controls the acts of the government and may at any time withdraw power from it.

Article 8: The judicial power is exercised in the name of the Assembly by independent tribunals constituted in accordance with the law.

SECTION II

The Legislative Power

Article 9: The Grand National Assembly is composed of members elected by the nation in conformity with the electoral law.

Article 10: Every Turkish citizen over the age of eighteen possesses the right to vote at legislative elections.

Article 11 : Every citizen over the age of thirty is eligible to election to the Grand National Assembly.

Article 12 : The following are ineligible to be deputies : those in the service of a foreign power, persons condemned to penal servitude, persons acknowledging foreign nationality, persons condemned for fraudulent bankruptcy, persons who have been deprived of their civil rights, and citizens who cannot read and write the Turkish language.

Article 13 : Legislative elections take place every four years. Members whose terms have expired are eligible for re-election. The Assembly which has reached the end of its term continues to sit until the meeting of the new Assembly.

In case it is impossible to proceed to legislative elections, the session of the legislature may be prolonged one year.

Each deputy represents not only the constituency which has elected him, but the whole nation.

Article 14 : The Grand National Assembly shall meet every year on the first day of November, without the necessity of convocation. The Assembly may not be in recess more than six months a year ; such recesses are considered necessary for the purpose of permitting the deputies to visit and inspect their constituencies, of re-uniting the elements of control [of the executive power], and of rest and recreation.

Article 15 : Initiation of legislation rests with the members of the Assembly and the Cabinet.

Article 16 : On the day of their admission to the Assembly, the deputies take the following oath :

“ I swear before God that I will have no other aim but the happiness and safety of the fatherland and the absolutely unrestricted sovereignty of the nation and that I will never forsake republican principles.”

Article 17 : The immunities of a member of the Grand National Assembly in the Chamber or elsewhere may not be challenged. A deputy who is accused of an infraction of the law, whether committed before or after his election to the Assembly, and whose interrogation or arrest is demanded by the responsible authorities, may be surrendered only by vote of the Assembly in case of flagrant crime. The execution of any judgment pronounced against a deputy before or after his election shall be suspended until the expiration of his legislative term. The statute of limitations, however, shall not be considered to operate during this term.

Article 18 : The annual salaries of deputies shall be fixed by special law.

Article 19: If the Assembly is in recess, the President of the Republic or the President of the Council may convoke the Assembly in special session.

Likewise, if one-fifth of the number of deputies should demand the convocation of the Chamber in special session, the Chamber must reconvene.

Article 20: The debates of the Grand National Assembly are held publicly and the reports of its debates are published without any modification of the text.

However, in conformity with its own rules of procedure, the Assembly may also meet in secret session. In such cases, it is for the Chamber to decide whether it is proper to publish the text of the discussions.

Article 21: The debates of the Chamber are governed by its own rules of procedure, adopted in the same manner as ordinary legislation.

Article 22: The Grand National Assembly includes among its powers the right of interpellation and of conducting investigations and parliamentary inquiries.

The method of transaction of such proceedings is governed by the regulations of the Assembly.

Article 23: No person may hold simultaneously the office of deputy and any other public office.

Article 24: The Grand National Assembly at the beginning of November in each year shall elect its president and three vice-presidents for the duration of one year.

Article 25: When the Assembly by absolute majority votes to dissolve before the expiration of its term, the session of the new Assembly must begin the first of November following. A session held before that date is considered as an extraordinary session.

Article 26: The Grand National Assembly itself executes the holy law; makes, amends, interprets and abrogates laws; concludes conventions and treaties of peace with other states; declares war; examines and ratifies laws drafted by the Commission on the Budget; coins money; accepts or rejects all contracts or concessions involving financial responsibility; decrees partial or general amnesty; mitigates sentences and grants pardons; expedites judicial investigations and penalties; executes definitive sentences of capital punishment handed down by the courts.

Article 27: Only by a vote of two-thirds of the deputies may the Assembly impeach one of its members for high treason or for other crimes committed in the course of his legislative term.

If a deputy is liable to one of the penalties mentioned in Article 12 and if he is condemned by a court, he loses his seat as deputy.

Article 28 : Every deputy loses his office if he resigns, if as a result of unavoidable circumstances he is unable to attend the sessions, or if for two months he absents himself from the sessions without valid excuse or without permission, or if he accepts public office.

Article 29 : A deputy shall be elected to replace one who has lost his seat for the reasons enumerated in the preceding Articles or who is deceased.

Article 30 : The Assembly assures discipline and regulates its administration by its own rules of procedure, which are enforced by the President of the Assembly.

SECTION III

The Executive Power

Article 31 : The President of the Republic is elected by the Assembly from among its members for a period equivalent to that of the parliamentary term. The President exercises his functions until the election of a new President of the Republic. He is eligible for re-election.

Article 32 : The President of the Republic is the head of the State ; in this capacity he presides over the Assembly on ceremonial occasions and in case of necessity over the Council of Commissioners.

During his entire term of office the President of the Republic may not take part in the discussions or in the deliberations of the Assembly and may not vote.

Article 33 : If the President of the Republic, by reason of illness, or travel outside the country, or for any other cause, cannot perform his duties, or if as a result of his death, his resignation, or any other cause, the presidency of the republic is vacant, the President of the Assembly takes up his duties in the interim.

Article 34 : If, while the Assembly is in session the presidency of the Republic becomes vacant, a new President is elected immediately.

If the Assembly is not in session, it must be convoked at once by its President to elect the new President of the Republic.

If the vacancy occurs at the end of the legislative term or if a new election has been ordered, the new Assembly shall elect the new President of the Republic.

Article 35 : The President of the Republic shall promulgate in ten days of its enactment any law voted by the Assembly.

The President of the Republic must return within ten days any law which he does not consider worthy of promulgation, together with a statement of his reasons, for consideration by the Assembly; amendments to the constitution and legislation concerning the Budget are not subject to the President's suspensive veto.

The President is obliged to promulgate any law which is enacted by majority vote of the Assembly after reconsideration.

Article 36: In November of each year, the President of the Republic delivers, or causes to be read by the President of the Council, an address concerning the activities of the government during the past year and the recommendations of the government for the year to come.

Article 37: The President of the Republic designates the diplomatic representatives of the Republic of Turkey in foreign countries and receives those from foreign states.

Article 38: After his election and in presence of the Assembly, the President of the Republic shall take the following oath:

“As President of the Republic, I swear to dedicate myself exclusively to the respect, defense and execution of the laws of the Republic and of the principles of national sovereignty, to devote all my efforts loyally to assure the happiness of the Turkish nation, to contend with all my strength against every danger which may menace the Turkish state, to cherish and defend the glory and honor of Turkey, and in general to conduct myself so that I may never fail in the performance of the duties with which I am entrusted.”

Article 39: All decrees promulgated by the President of the Republic shall be signed by the President of the Council and by the Commissioner within whose jurisdiction the measure lies.

Article 40: Supreme command of the army is vested in the Grand National Assembly, which is represented by the President of the Republic.

The command of the military forces in time of peace shall be entrusted, according to special law, to the Chief of Staff, and in time of war to the person designated by the President of the Republic, with the advice of the Cabinet and the approval of the Grand National Assembly.

Article 41: The President of the Republic is responsible to the Grand National Assembly of Turkey only in case of high treason. The responsibility for all decrees promulgated by the President of the Republic, according to Article 39, devolves upon the head of the Cabinet and the responsible ministers whose signatures are affixed to the decrees. In case charges other than high treason are preferred against

the President of the Republic, Article 17 of the Constitution, concerning legislative immunities, shall be applied.

Article 42: The President of the Republic, on the recommendation of the Government, may annul or commute the sentences of persons on account of long-continued illness or of old age. Nevertheless, the President is not authorized to use this right in the case of members of the Council of Commissioners who may have been convicted by the Grand National Assembly.

Article 43: The salary of the President of the Republic shall be fixed by special law.

Article 44: The President of the Council [of Commissioners] is designated by the President of the Republic from among the deputies. The other commissioners [members of the Cabinet] are likewise chosen from among the deputies by the President of the Council, who, after obtaining the approval of the President of the Republic, presents the list of the members of the Council to the Grand National Assembly. The Government must within a week present its program to the Assembly and request a vote of confidence. If the Assembly is not in session, this is postponed until the new session.

Article 45: The commissioners, headed by their president, constitute the "Council of Executive Commissioners".

Article 46: The members of the Council of Executive Commissioners are collectively responsible for the general policies of the government. Each member, individually, is likewise responsible within the scope of his authority for the general character of his policy and for the actions of his subordinates.

Article 47: The functions and responsibilities of the commissioners shall be defined by special law.

Article 48: The number of the commissioners shall be fixed by law.

Article 49: In case of leave of absence or for any other valid reason necessitating the absence of a commissioner, another member of the Council may be named to replace him temporarily, but no commissioner may be charged with the duties of more than two departments at any one time.

Article 50: A motion of the Grand National Assembly summoning a commissioner before the High Court entails the commissioner's removal from office.

Article 51: There shall be established a Council of State which shall be called upon to decide administrative controversies and to give its advice on contracts, concessions and proposed laws drafted and presented by the Government, and to perform specific duties which may be determined by law.

The Council of State shall be composed of persons chosen by the Grand National Assembly, from among those who have held important posts, who possess great experience, who are specialists, or who are otherwise qualified.

Article 52: With the advice of the Council of State, the Council of Commissioners shall promulgate regulations for the administration and execution of the law, provided that such regulations shall not contain new clauses. When the regulations are alleged to be contradictory to the law, the Grand National Assembly of Turkey is empowered to adjudicate the matter.

SECTION IV

The Judicial Power

Article 53: The organization, the jurisdiction, and the functions of the courts shall be determined by law.

Article 54: Judges are independent in the conduct of trials and in the rendering of their judgments. They shall be protected from any sort of intervention and are subject only to the law. Neither the legislative nor executive power may modify, alter, or delay execution of decisions of the courts.

Article 55: Judges may be recalled only in conformity with the procedure determined by law.

Article 56: The qualifications of magistrates, their rights and duties, as well as their salaries and the manner of their nomination and of their dismissal, shall be determined by special law.

Article 57: Judges may not assume any public or private office outside of that entrusted to them by law.

Article 58: Court trials are public. Nevertheless, a court may order a secret trial, in cases specified by the code of procedure.

Article 59: Every person is free to use all the legal means which he deems necessary to the defense of his rights before the courts of justice.

Article 60: No court may refuse to examine and pass judgment upon cases which are submitted to it and which fall within its jurisdiction. Cases which are outside its competency may be rejected only by a decision of the court itself.

Article 61: A High Court shall be constituted, the jurisdiction of which shall include the trial of members of the Cabinet, members of the Council of State, the Attorney General, and members of the Court of Appeals in all questions pertaining to the performance of their duties.

Article 62: The High Court shall be composed of twenty-one members, eleven of whom are chosen from among the members of the Court of Appeals and ten from among the members of the Council of State. The said members are elected by secret ballot by the plenary assemblies of each of these bodies. The members of the High Court elect by the same procedure a president and a vice-president.

Article 63: Trials shall be conducted by fourteen members and the president of the High Court, which shall reach its decision by majority vote. The remaining six members shall be considered as alternates, to be chosen by ballot, three from the Court of Appeals and three from the Council of State. The president and vice-president may not be chosen as alternates.

Article 64: The office of prosecutor-general of the High Court is filled by the Attorney General of the Republic.

Article 65: The decisions of the High Court are subject neither to appeal nor to annulment.

Article 66: The High Court shall apply only the provisions of existing laws in the examination of cases which are pleaded before it and in the judgments which it pronounces.

Article 67: The High Court is constituted when necessary by the Grand National Assembly of Turkey.

SECTION V

Public Law of the Turks

Article 68: All citizens of Turkey are endowed at birth with liberty and full right to the enjoyment thereof. Liberty consists in the right to live and enjoy life without offense or injury to others. The only limitations on liberty—which is one of the natural rights of all—are those imposed in the interest of the rights and liberties of others. Such limitations on personal liberty shall be defined only in strict accordance with the law.

Article 69: All Turks are equal before the law and are obliged to respect the law. All privileges of whatever description claimed by groups, classes, families and individuals are abolished and forbidden.

Article 70: Inviolability of person; freedom of conscience, of thought, of speech, of press; freedom of travel and of contract; freedom of labor; freedom of private property, of assembly, of association; freedom of incorporation, are among the natural rights of Turks.

Article 71: The life, the property, the honor, and the home of each and all are inviolable.

Article 72: Personal liberty shall not be restricted or interfered with except as provided by law.

Article 73: Torture, corporal punishment, confiscation and extortion are prohibited.

Article 74: No one may be dispossessed of his property or deprived of the possession of his property except in the public interest. In such cases the actual value of the expropriated property must previously have been paid. No one shall be constrained to make any sort of sacrifice, other than such as may be imposed in extraordinary circumstances and in conformity with the law.

Article 75: No one may be molested on account of his religion, his sect, his ritual, or his philosophic convictions. All religious observances shall be free on condition that they do not disturb the public peace, or shock public decency or exist in violation of social conventions or the law.

Article 76: Except in specified cases and according to the form of procedure prescribed by law, the persons and the property of citizens shall be immune from search and molestation.

Article 77: The press is free within the limits of the law and shall not be submitted to any censorship previous to publication.

Article 78: The government shall not restrain the freedom of travel except during general mobilization or a state of siege, or following the declaration of an epidemic in the country.

Article 79: Limitations upon freedom of contract, labor, property, assembly, association and incorporation shall be determined by law.

Article 80: Subject to the supervision and control of the State, education in all its forms is free on condition that it conforms to the law.

Article 81: Letters, documents and packages transmitted through the mails may not be opened without an order from the Attorney General of the Republic and a decision of the competent court.

The secrecy of telephone and telegraphic communications likewise is inviolable.

Article 82: Any Turk, acting on his own behalf or on behalf of others, may address petitions and make complaints either to the competent authority or to the Grand National Assembly of Turkey concerning acts and circumstances which he considers contradictory to the law. Complaints or petitions may be offered by separate individuals or by several persons at the same time. The reply to an individual complaint must be given in writing to the person concerned.

Article 83: No one may be forced to appear before a court other than that to which he is subject by law.

Article 84: Taxes are the contribution of the people toward the general expenses of the State. Any levy which does not contribute to the general expenses of the State, or any tax, tithe or contribution of any other nature imposed by individuals or by corporations other than the government or in the name of the government, is illegal.

Article 85: Taxes are levied in conformity with the law. Taxes and contributions received in conformity with usage, either by the State or by the local administration of the vilayets or municipalities, may continue to be collected until they have been regulated by law.

Article 86: When the Council of Commissioners takes cognizance of the danger or imminence of war, or of internal sedition or conspiracy or intrigues directed against the nation or against the Republic, it may decree martial law, which shall not exceed the duration of one month, in all or part of the Turkish territory. This measure shall then be submitted to the Assembly for its approval as soon as possible. The Assembly may prolong or diminish the duration of martial law. In case the Assembly be not in session, it shall be convened immediately in special session. Martial law consists of the suspension or temporary restriction of the inviolability of the person, the home, freedom of the press, correspondence, association and incorporation. The zone placed under martial law, as well as the provisions to be applied and the procedure to be followed in this zone, shall be determined by special law. The suspension or restriction of personal liberty and personal inviolability in time of war likewise shall be regulated by law.

Article 87: Primary education is obligatory for all Turks and shall be gratuitous in the government schools.

Article 88: The name Turk, as a political term, shall be understood to include all citizens of the Turkish Republic, without distinction of, or reference to, race or religion. Every child born in Turkey, or in a foreign land of a Turkish father; any person whose father is a foreigner established in Turkey, who resides in Turkey, and who chooses upon attaining the age of twenty to become a Turkish subject; and any individual who acquires Turkish nationality by naturalization in conformity with the law, is a Turk. Turkish citizenship may be forfeited or lost in certain circumstances specified by law.

SECTION VI

Miscellaneous Provisions

Article 89: Turkey is divided into vilayets, based upon geographic situation and economic relationship. The vilayets [provinces or administrative districts] are subdivided into kazas [counties], the kazas into nahiyes [townships], the nahiyes into kassabas and villages.

Article 90: Each vilayet, together with its subdivisions, enjoys a separate entity.

Article 91: The affairs of the vilayets are administered and governed by law, in accordance with the principles of local autonomy and the separation of functions.

Government Officials and Employees

Article 92: Any duly qualified citizen of Turkey, in full possession of his rights of citizenship, is eligible to appointment as an official or employee of the government.

Article 93: The duties and privileges of government officials, including the procedure in their nomination and dismissal, shall be determined by special law.

Article 94: In cases of violation of the law, the obedience of a subordinate to the orders of his superiors does not diminish the responsibility of the subordinate.

Finance

Article 95: The proposed Budget (budgetary balance law) shall be placed before the Assembly at the opening of the session, that is, no later than the first of November.

Article 96: No expenditure of public funds may be made except as provided for in the Budget or authorized by special law.

Article 97: The Budget shall be adopted for one year only.

Article 98: The statement of final accounting shall give in detail the amounts of the receipts and expenditures during the fiscal year.

Article 99: The statement of final accounting must be placed before the Assembly without fail not later than the first of November of the second year following the end of the fiscal year which the report covers.

Article 100: A Special Court of Accounts shall be established to control the revenues and expenditures of the State on behalf of the National Assembly and in accordance with the law.

Article 101: The Court of Accounts shall present a statement of audit and verification within six months after the Commissioner of Fi-

nance shall have submitted to the Assembly his statement of final accounting.

Amendments to the Constitution

Article 102: Amendments to or modifications of this Constitution may be made only upon the following conditions: The proposal to amend must be signed by at least one-third of the total number of deputies. The proposed amendment must be thereafter discussed by the Assembly and adopted by vote of two-thirds of the total number of deputies.

No proposal to alter or amend Article 1 of this Constitution, specifying that the form of government is a Republic, shall be entertained.

Article 103: None of the provisions of this Constitution may be arbitrarily modified on any pretext; neither may the enforcement of any provision be suspended.

No law shall be in contradiction to the Constitution.

Article 104: The Constitutional Law of 1878 (1293) together with its amendments and the Organic Law of January 30, 1921 (1337), and the amendments thereto are hereby annulled.

Article 105: The present Constitution shall be considered in force immediately upon publication.

Provisional Article

The sections of the law of December 19, 1923, regulating the status of military officials who have been elected or are eligible to election to the Grand National Assembly of Turkey, shall remain temporarily in force.

Voted and published April 20, 1924 (1340).