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Citations:

Bluebook 20th ed.
English translation of the Constitution of 1945 451 (1945) Chapter II: Legislative Powers

ALWD 6th ed.

Chicago 7th ed.
, "Chapter II: Legislative Powers," Constitution of the Turkish Republic : 451-454

McGill Guide 9th ed.
, "Chapter II: Legislative Powers" 451.

MLA 8th ed.
"Chapter II: Legislative Powers." Constitution of the Turkish Republic, , , p. 451-454. HeinOnline.

OSCOLA 4th ed.
, 'Chapter II: Legislative Powers' 451

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CONSTITUTION OF THE TURKISH REPUBLIC¹

OF JANUARY 10, 1945

CHAPTER I

FUNDAMENTAL PROVISIONS

Art. 1. The Turkish State is a Republic.

Art. 2. The Turkish State is republican, nationalist, populist, etatist, secular and reformist. Its official language is Turkish and its capital is the city of Ankara.

Art. 3. Sovereignty belongs unconditionally to the nation.

Art. 4. The Grand National Assembly of Turkey is the sole representative of the nation, on whose behalf it exercises the rights of sovereignty.

Art. 5. Legislative authority and executive powers are concentrated and manifested in the Grand National Assembly.

Art. 6. The Grand National Assembly exercises direct legislative authority.

Art. 7. The Grand National Assembly exercises its executive authority through the person of the President of the Republic elected by it, and a Council of Ministers chosen by the President.

The Assembly may at any time control the activities of the Government (Council of Ministers) and dismiss it.

Art. 8. Judicial authority is exercised by independent tribunals in the name of the nation in accordance with the laws and regulations in force.

CHAPTER II

LEGISLATIVE POWERS

Art. 9. The Grand National Assembly is composed of deputies elected by the nation in accordance with a special law.

¹ English translation in *The Turkish Constitution*, published as no. 11 of the series "Turkey Today" by the Turkish Information Office, New York. The Constitution as promulgated January 10, 1945, is identical with the Constitutional Law of April 20, 1924, as amended April 10, 1928, December 12, 1931, December 3, 1934, and February 5, 1937, with the exception of art. 104 which states that this law takes the place of the old one "in simplified Turkish and without instituting any change in meaning and understanding." The former art. 104 provided for the repeal of the Constitution of 1876 and of the Organic Law of 1921.—ED.

Art. 10. Every Turk, man or woman, who has completed his twenty-second year, has the right to vote in the election of Turkish deputies.

Art. 11. Every Turk, man or woman, who has completed his thirtieth year, may be elected deputy.

Art. 12. The following persons are not eligible for election to the post of deputy: Persons in the service of a foreign state; persons who have received a sentence of a defamatory nature or a sentence for theft, fraud, swindling, abuse of confidence, or fraudulent bankruptcy; persons over whom a guardianship has been established; those claiming foreign citizenship; persons deprived of their civil rights and, lastly, those who are unable to read and write Turkish.

Art. 13. Elections of representatives to the Grand National Assembly are to be held once every four years.

Deputies whose terms have expired are eligible for re-election.

The outgoing Assembly exercises its functions until the meeting of the newly constituted Assembly.

Should the holding of new elections prove impossible, the legislative term may be extended for another year.

A deputy is the representative not only of his constituency but of the entire nation.

Art. 14. The Grand National Assembly shall convene on the first day of November each year, without being summoned.

The period for which the Assembly may adjourn to enable the deputies to visit the country and to collect material for their supervisory functions, as well as to provide for their personal rest, shall not exceed six months.

Art. 15. The right to introduce laws belongs to the members of the Assembly and to the Council of Ministers.

Art. 16. Deputies shall take the following oath of office when joining the Assembly:

“I swear on my honor that I shall not pursue any course contrary to the prosperity and safety of the country and nation, or contrary to complete national sovereignty, and that I will be loyal and faithful to the principles of the Republic.”

Art. 17. Deputies are not responsible for their votes, opinions

and statements in the Assembly, nor are they responsible for making known these statements, opinions or votes outside the Assembly. The examination, arrest, or trial of a deputy who is charged with an offense previous or subsequent to his election, can only take place following a decision by the Grand National Assembly. Cases of a criminal nature *in flagrante delicto* are excepted from this provision; however, in such instances, the competent authorities are expected immediately to inform the Assembly of the charges. The application of a penal sentence pronounced against a deputy prior to or after his election shall be postponed until the expiration of his membership. The statute of limitations is not operative during the term of deputyship.

Art. 18. The annual compensation of deputies is determined by special law.

Art. 19. If the Grand National Assembly is in recess, it may be convoked in special session by the President of the Republic or the President of the Assembly whenever deemed necessary; it may likewise be convened by the President of the Assembly upon the request of one-fifth of the members of the Assembly.

Art. 20. The debates in the Assembly shall be open to the public and shall be published word for word.

However, the Assembly may also hold closed sessions in accordance with the rules of procedure. The publication of the minutes of closed sessions is subject to a decision of the Assembly.

Art. 21. The Assembly conducts its debates in accordance with the provisions of its rules of procedure.

Art. 22. Questions, interpellations, and parliamentary inquiries lie within the province of the Assembly and are governed by the provisions of the rules of procedure.

Art. 23. A person is not permitted to be a Deputy and hold another Government post at the same time.

Art. 24. The Grand National Assembly of Turkey elects in a plenary session at the beginning of each November a president and three vice-presidents of the Assembly for one year.

Art. 25. In case of new elections before the expiration of the term by a decision of a majority of the Assembly, the term of the incoming Assembly begins the following November.

The session preceding November shall be considered as an extraordinary session.

Art. 26. The Grand National Assembly directly exercises such functions as enacting, modifying, interpreting and abrogating laws; concluding conventions and treaties of peace with foreign states; declaring war; examining and approving laws relative to the General Budget and the Final Accounts of the State, coining money, approving or annulling contracts and concessions involving financial obligations; proclaiming partial or general amnesty; reducing or modifying sentences, postponing legal investigations and penalties and executing definitive death sentences pronounced by the courts.

Art. 27. A deputy who is found guilty of treason or other crimes committed during his term of deputyship by a decision of two-thirds of the members of the Grand National Assembly, or who is convicted for any crime mentioned in Art. 12 of the present law, and whose sentence becomes final, loses his deputyship.

Art. 28. A member of the Grand National Assembly shall forfeit his deputyship by resignation, by being placed under guardianship, by absence from the Assembly without permission or admissible excuse for a period of two months, or by acceptance of government office.

Art. 29. Whenever a deputy loses his deputyship for any of the reasons stated in the preceding Articles, or in case of his death, another deputy will be elected in his place.

Art. 30. The Grand National Assembly organizes and directs its policy through its President.

CHAPTER III

EXECUTIVE POWERS

Art. 31. The President of the Turkish Republic shall be elected for one Assembly term by the Grand National Assembly in a plenary session from among its members. The outgoing President shall remain in office until the election of the new President of the Republic. A President is eligible for re-election.

Art. 32. The President of the Republic is the chief of the State. In this capacity he may, during special ceremonies, preside over the Assembly and whenever he should deem it necessary may also pre-

side over the Council of Ministers. The President of the Republic may not participate in the debates and discussions of the Assembly nor cast his vote as long as he occupies the position of President.

Art. 33. If the President of the Republic is prevented from exercising his functions due to a reason such as illness or a journey abroad, or if the Presidency becomes vacant through death or resignation or for some other reason, the President of the Grand National Assembly shall provisionally exercise the duties of the President of the Republic.

Art. 34. Should the Assembly be in session when a vacancy occurs in the Presidency of the Republic, it shall immediately proceed to the election of a new President. If the Assembly is not in session a special session thereof shall be immediately convoked by its President for the purpose of electing a President of the Republic. If the term of the Assembly has expired, or if new elections have been decided on, the succeeding Assembly shall elect a President of the Republic.

Art. 35. The President of the Republic shall promulgate the laws voted by the Grand National Assembly within a period of ten days.

With the exception of the Organic and Budget Laws the President may return to the Assembly for reconsideration—likewise within ten days and accompanied by an explanation of reasons—such laws whose promulgation he does not approve.

Should such a law be voted by the Assembly for a second time, the President of the Republic is obliged to proceed to its promulgation.

Art. 36. The President of the Republic shall, in November of each year, deliver personally or have read by the Prime Minister an address to the Assembly regarding the activities of the Government during the past year, and the measures recommended for the coming year.

Art. 37. The President of the Republic shall appoint the diplomatic representatives of the Turkish Republic to foreign states, and shall receive like representatives of other powers.

Art. 38. The President of the Republic shall, immediately after

his election, take the following oath before the Grand National Assembly:

“As President of the Republic I swear upon my honor that I shall always respect and defend the laws of the Republic and the principles of national sovereignty, faithfully strive with all my strength for the welfare of the Turkish nation, ward off with vigor any threat or danger to the Turkish State, protect and magnify the honor and glory of Turkey and devote myself to the duty which I am assuming.”

Art. 39. All decrees promulgated by the President of the Republic shall be signed by the Prime Minister and the competent Minister.

Art. 40. The Supreme Command of the Army is vested in the Grand National Assembly and is represented by the President of the Republic. In time of peace the command of all armed forces is entrusted by special law to the Chief of the General Staff, and in time of war is given to the person appointed by the President of the Republic upon the proposal of the Council of Ministers.

Art. 41. The President of the Republic is responsible to the Grand National Assembly in case of high treason. All responsibility for decrees promulgated by the President of the Republic is incumbent on the Prime Minister and on the Ministers who, according to the stipulations of Art. 39, placed their signature on the decree in question. Should the President be held responsible for matters of a personal nature the provisions of Art. 17 of the present law pertaining to parliamentary immunity will be applied.

Art. 42. The President of the Republic may, on the proposal of the Council of Ministers, suspend or reduce sentences of convicts for personal reasons such as incurable illness or infirmity. However, the President of the Republic cannot exercise this right on behalf of Ministers who have been convicted by the Grand National Assembly.

Art. 43. The compensation of the President of the Republic is determined by a special law.

Art. 44. The Prime Minister is designated by the President of

the Republic from among the members of the Assembly. The other Ministers are chosen by the Prime Minister from the members of the Assembly and presented collectively to the Assembly following the approval of the President of the Republic.

In the event that the Grand National Assembly is not in session, the presentation (of the Council of Ministers) is postponed until the meeting of the Assembly.

The Government must submit its program and policy to the Assembly within one week at the latest and request a vote of confidence.

Art. 45. The Ministers form, under the presidency of the Prime Minister, the Council of Ministers (Executive Council).

Art. 46. The Council of Ministers is collectively responsible for the general policy of the Government.

Each Minister shall be individually responsible for the affairs falling within his jurisdiction and for the acts and functions of his subordinates as well as for his general policy.

Art. 47. The duties and responsibilities of the Ministers shall be defined by special law.

Art. 48. The number of Ministries is likewise defined by law.

Art. 49. If because of leave of absence or for another reason a Minister is not in attendance, another member of the Council of Ministers shall temporarily act on behalf of the said minister. However, a Minister may not act temporarily on behalf of more than one Minister simultaneously.

Art. 50. If the Grand National Assembly of Turkey decides to summon for trial before the High Tribunal a member of the Council of Ministers, this decision shall likewise involve his relinquishment of office as Minister.

Art. 51. A Council of State shall be formed, the duties of which will be to examine and decide administrative suits and conflicts; to express its opinion in regard to draft laws and terms of contracts and concessions to be granted by the government, and to discharge any duties which may be incumbent on it in accordance with the law providing for the constitution of the Council, or by virtue of subsequent laws. The President and members of the Council of State are chosen by the Grand National Assembly from such persons of distinction

as have filled high administrative posts and who possess special knowledge and experience.

Art. 52. The Council of Ministers shall draw up regulations determining the mode of application of existing laws or particular sections in the law, provided the said regulations do not contain new legal provisions and are approved by the Council of State.

These regulations become effective after signature and promulgation by the President of the Republic. In case of an alleged conflict between the regulations and the laws, the Grand National Assembly shall have jurisdiction in the matter.

CHAPTER IV

JUDICIAL POWERS

Art. 53. The organization of courts, their functions, and their jurisdiction is determined by law.

Art. 54. The magistrates of courts are independent in the trial of all cases and in the rendering of their verdicts; they are free from all kinds of interference and are dependent only upon the law.

The decisions of courts may not be modified in any manner whatsoever by the Grand National Assembly or by the Council of Ministers nor be postponed or their application be obstructed.

Art. 55. Magistrates of courts may not be dismissed under any circumstances or manner other than specified by law.

Art. 56. The qualifications of magistrates, their rights, duties, compensations, and the manner of their appointment and dismissal are determined by special law.

Art. 57. Magistrates may assume no private or public functions other than those provided for by law.

Art. 58. Court hearings are public; however, the court may decide to hold closed sessions in accordance with the law on Court procedure.

Art. 59. Every individual has free recourse to all legal means which may be deemed necessary for the defense of his rights before a court.

Art. 60. No tribunal may refuse to examine cases which lie within its competence and jurisdiction. Cases not coming within the court's jurisdiction can be rejected only following the rendering of a decision (by the Court itself).

HIGH TRIBUNAL

Art. 61. A High Tribunal is constituted and the jurisdiction thereof shall extend to the trial of members of the Council of Ministers, the President and members of the Council of State and of the Court of Cassation as well as the Chief Public Prosecutor in all matters arising from the performance of their duties.

Art. 62. The High Tribunal shall be composed of twenty-one members, eleven from the Court of Cassation and the remaining ten from the President and members of the Council of State. The said members shall be elected by the above bodies from among their members and presidents, in case of necessity by secret ballot.

The said members of the High Tribunal shall in their turn elect from among themselves by secret ballot and majority vote a president and a vice-president.

Art. 63. High Tribunal trials shall be held before the President and fourteen members, and the Court's decisions shall be determined by majority vote.

The six remaining members shall constitute alternates intended to complete the court in case of vacancies. The said members will be chosen by lot, three from among those elected from the Council of State and three from those elected from the Court of Cassation. The members elected to the Presidency and Vice-Presidency shall not be included in the said drawing of lots.

Art. 64. The functions of Prosecutor General of the High Tribunal will be fulfilled by the Prosecutor General of the Republic.

Art. 65. Decisions of the High Tribunal are final.

Art. 66. The High Tribunal shall conduct trials and render verdicts in accordance with the laws currently in force.

Art. 67. The High Tribunal shall be constituted by decision of the Grand National Assembly of Turkey whenever it is deemed necessary.

CHAPTER V

GENERAL RIGHTS OF TURKISH CITIZENS

Art. 68. Every Turk is born free, and free he lives.

Liberty consists of any action which is not detrimental to others. The limits of an individual's liberty, which is his natural right,

extend only to the point where they infringe on the liberties enjoyed by his fellow-citizens. The said limits are defined solely by law.

Art. 69. All Turks are equal before the law and are expected conscientiously to abide by it.

Every type of group, class, family, and individual special privilege is abolished and prohibited.

Art. 70. Personal immunity, freedom of conscience, of thought, of speech and press, the right to travel, to make contracts, to work, to own and dispose of property, to meet and associate and to incorporate, form part of the rights and liberties of Turkish citizens.

Art. 71. The life, property, honor, and residence of each individual are inviolable.

Art. 72. No individual shall be seized or arrested under any circumstance or in any manner other than provided by law.

Art. 73. Torture, bodily mistreatment, confiscation and forced labor are prohibited.

Art. 74. No person may be deprived of his possessions and property or have them expropriated unless it be formally established that it is required for public benefit and unless he has first been indemnified in cash for the value of the property in accordance with the pertinent laws.

The expropriation indemnity and the manner of payment of such indemnity for land and forests to be expropriated in order to make the farmer proprietor of land and to place administration of forests under the State, shall be determined by special laws. No person shall be constrained to make any sort of sacrifice except such as may be imposed in kind, or money, or in the form of labor in extraordinary circumstances and in conformity with the law.

Art. 75. No one may be censured for the philosophical creed, religion or doctrine to which he may adhere. All religious services not in contravention to public order and morals and the laws are authorized.

Art. 76. No one's domicile may be entered or his person searched except in the manner and under the conditions stipulated by law.

Art. 77. The press shall enjoy freedom within the framework of the law and shall not be subject to any censorship or control prior to publication.

Art. 78. Travel is subject to no restriction whatsoever except in cases of general mobilization, martial law, or legislative restrictions of a hygienic nature necessitated by epidemics.

Art. 79. The limits imposed on the freedom of making contracts, of labor, of ownership, of meeting and associating, and of incorporating shall be determined by law.

Art. 80. Instruction of any kind is free within the limits laid down by law under the supervision and control of the State.

Art. 81. Documents, letters and all kinds of parcels delivered to the postal authorities may not be opened without a decision by a competent examining magistrate and tribunal. Likewise the secrecy of telegraphic and telephonic communication may not be violated.

Art. 82. Turkish citizens shall have the right, should they notice any instances which are in contravention to the laws and regulations in force, to report such cases or complain, individually or collectively, either in their own interest or in the interest of the community, to the competent authorities or to the Grand National Assembly. The reply to a personal application must be communicated to the petitioner in written form.

Art. 83. No one may be summoned before or taken to a court other than to that court having jurisdiction in the question in accordance with the law.

Art. 84. Taxes shall be understood to be the participation of the people in the general expenditures of the State. The collection of tolls, tithes, or any other kind of taxes in a manner incompatible with the aforestated principle by individuals or corporations or in their behalf is prohibited.

Art. 85. Taxes may be levied and collected only by virtue of a law.

However, the collecting of such taxes as have been customarily levied by the State or by provincial and municipal administrations may be continued pending the enactment of new laws.

Art. 86. In the event of war or rebellion, or in the case of convincing evidence of a positive and serious conspiracy against the country and the Republic, the Council of Ministers may proclaim partial or general martial law on condition that this does not exceed one month and that this measure is submitted without delay to the

Grand National Assembly for approval. The Assembly may, if deemed necessary, extend or reduce the duration of martial law. Should the Assembly not be in session, it shall be convened immediately.

The prolongation of martial law is subject to the decision of the Grand National Assembly. Martial law implies the temporary restriction or suspension of personal and residential immunity, of inviolability of correspondence, of the freedom of the press and of the right of assembling and associating.

The area over which martial law may be proclaimed, the application of the provisions of this regulation over the said area, as well as the mode of the restriction or suspension of immunity and freedom in time of war is determined by law.

Art. 87. Primary education is compulsory for all Turks, male or female, and is free in public schools.

Art. 88. The people of Turkey, regardless of religion and race, are Turks as regards citizenship.

Any person born of a Turkish father, in Turkey or elsewhere, as well as any person born of an alien father domiciled in Turkey and who, residing in Turkey, formally assumes Turkish citizenship upon attaining his majority, as well as any person granted Turkish citizenship by law, is a Turk. Turkish citizenship may be lost under circumstances defined by law.

CHAPTER VI

MISCELLANEOUS

PROVINCES

Art. 89. Turkey is divided on the basis of geographic conditions and economic relations into Vilayets, the Vilayets into Kazas, the Kazas into Nahiyes which are made up Kasabas and villages.

Art. 90. Vilayets, towns, Kasabas and villages are considered to be corporate persons.

Art. 91. The Vilayets are administered according to the principle of decentralization and division of functions.

GOVERNMENT OFFICIALS

Art. 92. Any Turk in full possession of his political rights may be employed in the service of the Government with due consideration as to his qualifications and capacities.

Art. 93. The qualifications of Government officials, their rights and duties, their salaries, the mode of their appointment, dismissal, and promotion are determined by law.

Art. 94. In case of an infraction of the law, an official or employee of the Government may not escape responsibility on the ground of compliance with instructions from superiors.

FINANCIAL AFFAIRS

Art. 95. The bill relating to the Annual Budget, as well as all draft budgets, tables, and annexed budgets connected therewith, shall be submitted to the Grand National Assembly at least three months before the beginning of the fiscal year.

Art. 96. Public funds may not be spent in excess of the provisions of the Budget Law.

Art. 97. The provisions of the Budget Law are valid for the duration of one year.

Art. 98. The Final Accounts shall show the actual figures of revenues collected in the course of the fiscal year of the pertinent budget, as well as disbursements effected during the said fiscal year. The form and rules relative to the drawing up of the Final Accounts must be analogous to those provided for in the Budget Law.

Art. 99. The draft of the Final Accounts shall be submitted to the Grand National Assembly not later than the beginning of November of the second year following the end of the fiscal year which it covers.

Art. 100. A Bureau of Accounts attached to the Grand National Assembly is charged with the control, in accordance with the law *ad hoc*, of all revenues and disbursements of the State.

Art. 101. The Bureau of Accounts shall submit to the Grand National Assembly, at the latest within six months following the submittal of the Final Accounts, a general statement of verification.

PROVISIONS RELATING TO THE CONSTITUTION

Art. 102. Amendments of any of the provisions of the present Constitution can be made only under the following conditions:

The motion for amendment must be signed by at least one-third of all the members of the Assembly. The amendment must be

supported by the vote of a majority numbering two-thirds of the total members of the Assembly.

An amendment or a modification of Art. 1 of the present law, stating that the form of Government of the country is a Republic, cannot be proposed under any circumstances or in any form whatsoever.

Art. 103. No provision of the Organic Law shall be disregarded nor its application suspended for any reason or under any pretext whatsoever.

No law may contain provisions contrary to the Organic Law.

Art. 104. This law takes the place of, in simplified Turkish and without instituting any change in meaning and understanding, Organic Law No. 491, dated April 20, 1924.

Art. 105. The present law enters into force on the date of its publication.