

Date Printed: 12/30/2008

JTS Box Number: IFES_19
Tab Number: 31
Document Title: CHAPTERS OF CONSTITUTION ON PRESIDENT AND
NATIONAL ASSEMBLY
Document Date: 1982
Document Country: TUR
Document Language: ENG
IFES ID: EL00043



Turkey
From Constitution of 11/2/82

The way of exercising this right shall be determined by law.

PART THREE

FUNDAMENTAL ORGANS OF THE REPUBLIC

CHAPTER ONE

LEGISLATIVE POWER

I. Grand National Assembly of Turkey

A. Composition

ARTICLE 75. The Grand National Assembly of Turkey shall be composed of four hundred deputies elected by universal suffrage by the nation.

B. Eligibility to be a Deputy

ARTICLE 76. Every Turk over the age of 30 is eligible to be a deputy.

Persons who have not completed their primary education, who have been deprived of legal capacity, who have failed to perform compulsory military service, who are banned from public service, who have been sentenced to a prison term totalling one year or more excluding involuntary offences, or to a heavy imprisonment; those who have been convicted for dishonourable offences such as embezzlement, corruption, bribery, theft, fraud, forgery, breach of trust, fraudulent bankruptcy; and persons convicted of smuggling, conspiracy in official bidding tender, or purchases, of offences related to the disclosure of State secrets, of involvement in ideological and anar-

chistic activities, and incitement and encouragement of such activities, shall not be elected deputies, even if they have been pardoned.

Judges and prosecutors, members of the higher judicial organs, members of the teaching staff at institutions of higher education, members of the Higher Education Council, employees of public institutions and agencies who have the status of civil servants, other public employees not regarded as labourers on account of the duties they perform, and members of the Armed Forces, shall not stand for election or be eligible to be a deputy unless they resign from office.

C. Election Term of the Grand National Assembly of Turkey

ARTICLE 77. Elections for the Grand National Assembly of Turkey shall be held every five years.

The Assembly may decide to hold new elections before the termination of this period, and new elections may also be decided upon according to a decision, taken in accordance with the conditions set forth in the Constitution, by the President of the Republic. A deputy whose term of office expires may be eligible for re-election.

In the event of a decision to hold new elections, the powers of the Assembly shall continue until the election of a new Assembly.

D. Deferment of Elections to the Grand National Assembly of Turkey, and By-elections

ARTICLE 78. If the holding of new elections is found impossible because of war, the Grand National Assembly of Turkey may decide to defer elections for a year.

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If the grounds for deferment do not disappear this measure may be repeated under the procedure for deferment.

By-elections shall be held when vacancies arise in the membership of the Grand National Assembly of Turkey. By-elections shall be held once in every election term and cannot be held until 30 months have elapsed from the date of the previous general elections. However, in cases where the number of vacant seats reaches five percent of the total number of seats, by-elections shall be held within three months.

By-elections shall not be held within one year before general elections.

E. General Administration and Supervision of the Elections

ARTICLE 79. Elections shall be held under the general administration and supervision of the judicial organs.

The Supreme Election Council shall execute all the functions to ensure the fair and orderly conduct of the elections from the beginning to the end of polling, carry out investigations and take final decisions on all irregularities, complaints and objections concerning the elections during and after the polling, and verify the election returns of the members of the Grand National Assembly of Turkey. No appeal shall be made to any authority against the decisions of the Supreme Election Council.

The functions and powers of the Supreme Election Council and other election councils shall be determined by law.

The Supreme Election Council shall be composed of seven regular members and four substitutes. Six of the members shall be elected by the Plenary Assembly of the High Court of Appeals, and five members shall be elected by the Plenary Assembly of the Council of State from amongst its own members, by secret ballot and by an absolute majority of the total number of members. These members shall elect a Chairman and a Vice-Chairman from amongst themselves, by absolute majority and secret ballot.

Amongst the members elected to the Supreme Election Council by the High Court of Appeals and by the Council of State, two members from each group shall be designated, by lot, as substitute members. The Chairman and Vice-Chairman of the Supreme Election Council shall not take part in this procedure.

The general conduct and supervision of a referendum on legislation amending the Constitution shall be subject to the same provisions as those relating to the election of deputies.

F. Provisions Relating to Membership

ARTICLE 80. Members of the Grand National Assembly of Turkey represent, not merely their own constituencies or constituents, but the Nation as a whole.

2. Oath-Taking

ARTICLE 81. Members of the Grand National Assembly of Turkey, on assuming office, shall take the following oath :

"I swear upon my honor and integrity, before the great Turkish Nation, to safeguard the existence and in-

dependence of the State, the indivisible integrity of the country and the Nation, and the absolute sovereignty of the Nation; to remain loyal to the supremacy of law, to the democratic and secular Republic, and to Atatürk's principles and reforms; not to deviate from the ideal according to which everyone is entitled to enjoy human rights and fundamental freedoms under peace and prosperity in society, national solidarity and justice, and loyalty to the Constitution."

3. Activities Incompatible with Membership

ARTICLE 82. Members of the Grand National Assembly of Turkey shall not hold office in State departments and other public corporate bodies and their subsidiaries; in corporations and enterprises affiliated with the State and other public corporate bodies; in the executive or supervisory organs of enterprises and corporations where there is direct or indirect participation of the State and public corporate bodies; in the executive and supervisory organs of public benefit associations, whose special resources of revenue and privileges are provided by law; in the executive and supervisory organs of foundations which enjoy tax exemption and receive financial subsidies from the State; and in the executive and supervisory organs of labour unions and public professional organisations, and in the enterprises and corporations in which the above-mentioned unions and associations or their higher bodies have a share; nor can they be appointed as representatives of the above-mentioned bodies or be party to a business contract, directly or indirectly, and be arbitrators of representatives in their business transactions.

Members of the Grand National Assembly of Turkey shall not be entrusted with any official or private duties involving recommendation, appointment, or approval by

the Executive organ. Acceptance by a deputy of a temporary assignment given by the Council of Ministers on a specific matter, and not exceeding a period of six months, is subject to the approval of the Assembly.

Other functions and activities incompatible with membership in the Grand National Assembly of Turkey shall be regulated by law.

4. Parliamentary Immunity

ARTICLE 83. Members of the Grand National Assembly of Turkey shall not be liable for their votes and statements concerning parliamentary functions, for the views they express before the Assembly, or unless the Assembly decides otherwise on the proposal of the Bureau for that sitting, for repeating or revealing these outside the Assembly.

A deputy who is alleged to have committed an offence before or after election, shall not be arrested, interrogated, detained or tried unless the Assembly decides otherwise. This provision shall not apply in cases where a member is caught in the act of committing a crime punishable by a heavy penalty and in cases subject to Article 14 of the Constitution if an investigation has been initiated before the election. However, in such situations the competent authority shall notify the Grand National Assembly of Turkey immediately and directly.

The execution of a criminal sentence imposed on a member of the Grand National Assembly of Turkey either before or after his election shall be suspended until he ceases to be a member; the statute of limitations does not apply during the term of membership.

Investigation and prosecution of a re-elected deputy

shall be subject to the renewed waiver of immunity by the Assembly.

Political party groups in the Grand National Assembly of Turkey shall not hold discussions or take decisions regarding parliamentary immunity.

5. Loss of Membership

ARTICLE 84. The loss of membership by deputies shall be decided by an absolute majority of the total number of members in respect of deputies who resign, who are convicted of an offence precluding election to the Grand National Assembly of Turkey, who are deprived of their legal capacity, who resign from their party in order to join another party, or take up a ministerial post in the Council of Ministers other than a provisional ministerial post during the election period, who assume a function incompatible with membership, or who failed to attend without excuse, five meetings in a period of one month.

A deputy who resigns from his party shall not be nominated as a candidate in the following elections by the central organs of any party existing at the time of his resignation.

The membership of a deputy, whose acts and statements are cited in a judgement of the Constitutional Court as having caused the dissolution of a political party and that of other deputies who belonged to the party on the date when the action for dissolution was brought, shall end on the date when the Presidency of the Grand National Assembly of Turkey is notified of the dissolution order.

6. Application for Annulment

ARTICLE 85. If the Grand National Assembly of Turkey decides to waive the parliamentary immunity of a member or disqualify him from membership, the member concerned or any member of the Grand National Assembly of Turkey, may, within a week of the decision, appeal to the Constitutional Court for the decision to be annulled on the grounds that it is contrary to the Constitution or to the Rules of Procedure of the Assembly. The Constitutional Court shall decide on the appeal within fifteen days.

7. Salaries and Allowances

ARTICLE 86. The salaries and allowances of the members of the Grand National Assembly of Turkey shall be regulated by law. The monthly amount of the salary shall not exceed the salary of the most senior civil servant; the travel allowance shall not exceed half of that salary.

The salaries and allowances paid to the members of the Grand National Assembly of Turkey shall not necessitate the suspension of payments of pensions and similar benefits by social security agencies.

A maximum of three months' salaries and allowances may be paid in advance.

II. Functions and Powers of the Grand National Assembly of Turkey

A. General Provisions

ARTICLE 87. The functions and powers of the Grand National Assembly of Turkey comprise the enactment, amendment, and repeal of laws; the supervision of

the Council of Ministers and the Ministers; authorisation of the Council of Ministers to issue governmental decrees having force of law on certain matters; debating and approval of the budget draft and the draft law of the final accounts; making decisions regarding printing of currency and declaration of war; ratifying international agreements, deciding on the proclamation of amnesties and pardons excluding those who have been convicted for activities set out in Article 14 of the Constitution; confirming death sentences passed by the courts; and exercising the powers and executing the functions envisaged in the other articles of the Constitution.

B. Introduction and Debate of the Laws

ARTICLE 88. The Council of Ministers and deputies are empowered to introduce laws.

The procedure and principles relating to the debating of draft bills and proposals of law in the Grand National Assembly of Turkey shall be regulated by the Rules of Procedure.

C. Promulgation of Laws by the President of the Republic

ARTICLE 89. The President of the Republic shall promulgate the laws adopted by the Grand National Assembly of Turkey within fifteen days.

He shall, within the same period, refer to the Grand National Assembly of Turkey for further consideration laws which he deems unsuitable for promulgation, together with a statement of his reasons. Budget laws shall not be subject to this provision.

If the Grand National Assembly of Turkey adopts

in its unchanged form the law referred back, the President of the Republic shall promulgate it; if the Assembly amends the law which was referred back, the President of the Republic may again refer back the amended law to the Assembly.

Provisions relating to Constitutional amendments are reserved.

D. Ratification of International Treaties

ARTICLE 90. The ratification of treaties concluded with foreign states and international organisations on behalf of the Republic of Turkey, shall be subject to adoption by the Grand National Assembly of Turkey by a law approving the ratification.

Agreements regulating economic, commercial and technical relations, and covering a period of no more than one year, may be put into effect through promulgation, provided they do not entail any financial commitment by the State, and provided they do not infringe upon the status of individuals or upon the property rights of Turkish citizens abroad. In such cases, these agreements must be brought to the knowledge of the Grand National Assembly of Turkey within two months of their promulgation.

Agreements in connection with the implementation of an international treaty, and economic, commercial, technical, or administrative agreements which are concluded depending on an authorisation given by law shall not require approval by the Grand National Assembly of Turkey. However, agreements concluded under the provision of this paragraph and affecting the economic, or commercial relations and Private rights of individuals shall not

be put into effect unless promulgated.

Agreements resulting in amendments to Turkish laws shall be subject to the provisions of the first paragraph.

International agreements duly put into effect carry the force of law. No appeal to the Constitutional Court can be made with regard to these agreements, on the ground that they are unconstitutional.

E. Authorisation to Enact Decrees Having Force of Law

ARTICLE 91. The Grand National Assembly of Turkey may empower the Council of Ministers to issue decrees having force of law. However, the fundamental rights, individual rights and duties included in the First and Second Chapter of the Second Part of the Constitution and the political rights and duties listed in the Fourth Chapter, cannot be regulated by decrees having force of law except during periods of martial law and states of emergency.

The empowering law shall define the purpose, scope, principles, and operative period of the decree having force of law, and whether more than one decree will be issued within the same period.

Resignation or fall of the Council of Ministers, or expiration of the legislative term shall not cause the termination of the power conferred for the given period.

When approving a decree having force of law before the end of the prescribed period, the Grand National Assembly of Turkey shall also state whether the power has terminated or will continue until the expiry of the said period.

Provisions relating to the decrees having force of law

issued by the Council of Ministers meeting under the chairmanship of the President of the Republic in time of martial law or states of emergency, are reserved.

Decrees having force of law shall come into force on the day of their publication in the Official Gazette. However, a later date may be indicated in the decree as the date of entry in to force.

Decrees are submitted to the Grand National Assembly of Turkey on the day of their publication in the Official Gazette.

Laws of empowering and decrees having force of law which are based on these, shall be discussed in the committees and in the plenary of the Grand National Assembly of Turkey with priority and urgency.

Decrees not submitted to the Grand National Assembly of Turkey on the day of their publication shall cease to have effect on that day and decrees rejected by the Grand National Assembly shall cease to have effect on the day of the publication of the decision in the Official Gazette. The amended provisions of the decrees which are approved as amended shall go into force on the day of their publication in the Official Gazette.

F. Declaration of State of War and Authorisation to Permit the Use of Armed Forces

ARTICLE 92. The power to authorise the declaration of the state of war in cases deemed legitimate by international law and, except where required by international treaties to which Turkey is a party or by the rules of international courtesy, to send Turkish Armed Forces to foreign countries and to allow foreign armed forces to be

stationed in Turkey, is vested in the Grand National Assembly of Turkey.

If the country is subjected, while the Grand National Assembly of Turkey is adjourned or in recess, to sudden armed aggression and it thus becomes imperative to decide immediately on the use of armed forces, the President of the Republic can decide on the use of the Turkish Armed Forces.

III. Provisions Relating to the Activities of the Grand National Assembly of Turkey

A. Convening and Adjournment

ARTICLE 93. The Grand National Assembly of Turkey shall convene of its own accord on the first day of September each year.

The Assembly may be in recess for a maximum of three months in the course of a legislative year. During an adjournment and recess it may be summoned by the President of the Republic either on his own initiative or at the request of the Council of Ministers.

The President of the Assembly may also summon the Assembly either on his own initiative or at the written request of one-fifth of the members.

If the Grand National Assembly of Turkey is convened during an adjournment or recess, it shall not adjourn or go into recess again before having given priority consideration to the matter requiring the summons.

B. Bureau of the Assembly

ARTICLE 94. The Bureau of the Assembly of the

Grand National Assembly of Turkey shall be composed of the President, the Deputy Presidents, Secretary Members, and Administrative Members elected from among the Assembly members.

The Bureau of the Assembly shall be so composed as to ensure proportionate representation to the number of members of each political party group in the Assembly. Political party groups shall not nominate candidates for the Presidency.

Two elections to the Bureau of the Grand National Assembly of Turkey shall be held in the course of one legislative term. The term of office of those elected in the first round is two years and the term of office of those elected in the second round is three years.

The candidates from among the members of the Assembly for the President of the Grand National Assembly of Turkey shall be announced, within ten days of the convening of the Assembly, to the Bureau of the Assembly. Election of the President shall be held by secret ballot. In the first two ballots, a two thirds majority of the total number of members, and in the third ballot an absolute majority of the total number of members is required. If the absolute majority cannot be obtained in the third ballot a fourth ballot shall be held between the two candidates who have received the greatest number of votes in the third ballot; the member who receives the greatest number of votes in the fourth ballot shall be elected President. The election of the President, shall be completed within ten days of the expiry of the period for the nomination of candidates.

The quorum required for election, the number of ballots and its procedure, the number of Deputy

Presidents, Secretary Members and Administrative Members, shall be stipulated by the Rules of Procedure of the Assembly.

The President and Deputy Presidents of the Grand National Assembly of Turkey cannot participate in the activities of the political party or party group of which they are a member nor in debates, within or outside the Assembly, except in cases required by their functions; the President and the Deputy President who is presiding over the session shall not vote.

C. Rules of Procedure, Political Party Security Affairs

ARTICLE 95. The Grand National Assembly of Turkey shall carry out its activities in accordance with the provisions of the Rules of Procedures drawn up by itself.

The provisions of the Rules of Procedure shall be drawn up in such a way as to ensure the participation of each political party group in all the activities of the Assembly in proportion to its number of members. Political party groups shall only be constituted if they have at least twenty members.

All security and administrative services of the Grand National Assembly of Turkey regarding all buildings, installations, annexes and its grounds shall be organised and directed by the Office of the President of the Assembly.

Sufficient forces to ensure security and other such services shall be allocated to the Office of the President of the Assembly by the relevant authorities.

D. Quorums Required for Sessions and Decisions

ARTICLE 96. Unless otherwise stipulated in the Constitution, the Grand National Assembly of Turkey shall convene with at least one-third of the total number of members and shall take decisions by an absolute majority of those present; however, the quorum for decisions can, under no circumstances, be less than a quarter plus one of the total number of members.

Members of the Council of Ministers may delegate a minister to vote on their behalf in sessions of the Grand National Assembly of Turkey which they are unable to attend. However, a minister shall not cast more than two votes including his own.

E. Publicity and Publication of Debates

ARTICLE 97. Debates held in the Plenary of the Grand National Assembly of Turkey shall be public and shall be published verbatim in the Journal of Records.

The Grand National Assembly of Turkey may hold closed sessions in accordance with the provisions of its Rules of Procedure; the publication of debates of such sessions shall be subject to the decision of the Grand National Assembly of Turkey.

Public proceedings of the Assembly may be freely published through all means, unless a decision to the contrary is adopted by the Assembly upon a proposal of the Bureau of the Assembly.

IV. Ways of Collecting Information and Supervision by the Grand National Assembly of Turkey

A. General Provisions

ARTICLE 98. The Grand National Assembly of Tur-

key shall exercise its supervisory power by means of questions, Parliamentary inquiries, general debates, interpellation and Parliamentary investigations.

A question is a request for information addressed to the Prime Minister or Ministers to be answered orally or in writing on behalf of the Council of Ministers.

A Parliamentary inquiry is an examination conducted to obtain information on a specific subject.

A general debate is the consideration of a specific subject relating to the community and the activities of the State at the Plenary sessions of the Grand National Assembly of Turkey.

The form of presentation, content, and scope of the motions concerning questions, Parliamentary inquiries and general debates, and the procedures for answering, debating and investigating them, shall be regulated by the Rules of Procedure.

B. Interpellation

ARTICLE 99. A motion for interpellation may be tabled either on behalf of a political party group, or by the signature of at least twenty deputies.

The motion for interpellation shall be circulated in printed form to the members within three days of its being tabled; inclusion of a motion of interpellation in the agenda shall be debated within ten days of its circulation. In this debate, only one of the signatories to the motion, one deputy from each political party group, and the Prime Minister or one Minister on behalf of the Council of Ministers, may take the floor.

Together with the decision to include the motion of

interpellation on the agenda, the date for debating it will also be decided; however, the debate shall not take place less than two days after the decision to place it on the agenda and shall not be deferred more than seven days.

In the course of the debate on the motion of interpellation, a motion of no-confidence with a statement of reasons tabled by deputies or party groups, or the request for a vote of confidence by the Council of Ministers, shall be put to vote only after a full day has elapsed.

In order to unseat the Council of Ministers or a Minister, an absolute majority of the total number of members shall be required in the voting, in which only the votes of no-confidence shall be counted.

Other provisions concerning interpellations, provided that they are consistent with the smooth functioning of the Assembly, and with the above-mentioned principles shall be designed by the Rules of Procedure.

C. Parliamentary Investigation

ARTICLE 100. Parliamentary investigation concerning the Prime Minister or other Ministers may be requested with a motion tabled by at least one-tenth of the total number of members of the Grand National Assembly of Turkey. The Assembly shall consider and decide on this request within one month at the latest.

In the event of a decision to initiate an investigation, this investigation shall be conducted by a commission of fifteen members chosen by lot on behalf of each party from among three times the number of members the party is entitled to have on the commission, representation

being proportional to the parliamentary membership of the party. The commission shall submit its report on the result of the investigation to the Assembly within two months. If the investigation is not completed within the time allotted, the commission shall be granted a further and final period of two months.

The Assembly shall debate the report with priority and, if found necessary, may decide to bring the person involved before the Supreme Court. The decision to bring a person before the Supreme Court shall be taken only by an absolute majority of the total number of members.

Political party groups in the Assembly shall not hold discussions or take decisions regarding Parliamentary investigation.

CHAPTER TWO

EXECUTIVE

I. President of the Republic

A. Qualifications and Impartiality

ARTICLE 101. The President of the Republic shall be elected for a term of office of seven years by the Grand National Assembly of Turkey from among its own members who are over forty years of age and who have completed their higher education or from among Turkish citizens who fulfill these requirements and are eligible to be deputies.

The nomination of a candidate for the Presidency of the Republic from outside the Grand National Assembly of Turkey shall require a written proposal by at least one-

fifth of the total number of members of the Assembly,

The President of the Republic cannot be elected for a second time.

The President-elect, if a member of a party, shall sever his relations with his party and his status as a member of the Grand National Assembly of Turkey shall cease.

B. Election

ARTICLE 102. The President of the Republic shall be elected by a two-thirds majority of the total number of members of the Grand National Assembly of Turkey and by secret ballot. If the Grand National Assembly of Turkey is not in session, it shall be summoned immediately to meet.

The election of the President of the Republic shall begin thirty days before the term of office of the incumbent President of the Republic expires or ten days after the Presidency falls vacant, and shall be completed within thirty days of the beginning of the election. Candidates shall be declared to the Bureau of the Assembly within the first ten days of this period, and elections shall be completed within the remaining twenty days.

If a two-thirds majority of the total number of members cannot be obtained in the first two ballots, between which there shall be at least a three-day interval, a third ballot shall be held and the candidate who receives the absolute majority of votes of the total number of members shall be elected President of the Republic. If an absolute majority of votes of the total number of members is not obtained in the third ballot, a fourth ballot will be held between the two candidates who receive the greatest

number of votes in the third ballot; if the President of the Republic cannot be elected by an absolute majority of the total number of members in this ballot, new general elections for the Grand National Assembly of Turkey shall be held immediately.

The term of office of the incumbent President of the Republic shall continue until the President-elect takes office.

C. Oath

ARTICLE 103. On assuming office, the President of the Republic shall take the following oath before the Grand National Assembly of Turkey:

"In my capacity as President of the Republic I swear upon my honour and integrity before the Grand National Assembly of Turkey and before history to safeguard the existence and independence of the State, the indivisible integrity of the country and the nation and the absolute sovereignty of the nation, to abide by the Constitution, the rule of law, democracy, the principles and reforms of Atatürk and the principles of the secular republic, not to deviate from the ideal according to which everyone is entitled to enjoy human rights and fundamental freedoms under conditions of national peace and prosperity and in a spirit of national solidarity and justice, and to do my utmost to preserve and exalt the glory and honour of the Republic of Turkey and perform without bias the functions that I have assumed."

D. Duties and Powers

ARTICLE 104. The President of the Republic is the Head of the State. In this capacity he shall represent the Republic of Turkey and the unity of the Turkish nation;

he shall ensure the implementation of the Constitution, and the regular and harmonious functioning of the organs of State.

To this end, the duties he shall perform, and the powers he shall exercise, in accordance with the conditions stipulated in the relevant articles of the Constitution are as follows:

a) Those relating to legislation:

To deliver, if he deems it necessary, the opening address of the Grand National Assembly of Turkey on the first day of the legislative year,

To summon the Grand National Assembly of Turkey to meet, when necessary,

To promulgate laws,

To return laws to the Grand National Assembly of Turkey to be reconsidered,

To submit to referendum, if he deems it necessary, legislation regarding the amendment of the Constitution,

To appeal to the Constitutional Court for the annulment in part or entirety of certain provision of laws, decrees having force of law, and the Rules of Procedure of the Grand National Assembly of Turkey on the grounds that they are unconstitutional in form or in content,

To call new elections for the Grand National Assembly of Turkey.

b) Those relating to the executive functions:

To appoint the Prime Minister and to accept his resignation,

To appoint and dismiss Ministers on the proposal of the Prime Minister,

To preside over the Council of Ministers or to call the Council of Ministers to meet under his chairmanship whenever he deems it necessary,

To accredit representatives of the Turkish State to foreign States and to receive the representatives of foreign States to the Republic of Turkey,

To ratify and promulgate international treaties,

To represent the office of the Commander-in-Chief of the Turkish Armed Forces on behalf of the Grand National Assembly of Turkey,

To decide to use the Turkish Armed Forces,

To appoint the Chief of the General Staff,

To call the National Security Council to meet,

To preside over the National Security Council,

To proclaim martial law or state of emergency, and to issue decrees having force of law, in accordance with the decisions of the Council of Ministers under his chairmanship.

To sign decrees,

To remit, on grounds of chronic illness, desability, or old age, all or part of the sentences imposed on certain individuals,

To appoint the members and the chairman of the State Supervisory Council,

To instruct the State Supervisory Council to carry out enquiries, investigations and inspections,

To appoint the members of the Higher Education Council,

To appoint rectors of universities

c) Those relating to the judiciary:

To appoint the members of the Constitutional Court, one-fourth of the members of the Council of State, the Chief Public Prosecutor and the Deputy Chief Public Prosecutor of the High Court of Appeals, the members of the Military High Court of Appeals, the members of the Supreme Military Administrative Court and the members of the Supreme Council of Judges and Public Prosecutors.

The President of the Republic shall also exercise powers of election and appointment, and perform the other duties conferred on him by the Constitution and laws.

E. Presidential Accountability and Non-accountability

ARTICLE 105. All presidential decrees except those which the President of the Republic is empowered to enact by himself without the signatures of the Prime Minister and the minister concerned, in accordance with the provisions of the Constitution and other laws, shall be signed by the Prime Minister, and the Ministers concerned. The Prime Minister and the Ministers concerned shall be accountable for these decrees.

No appeal shall be made to any legal authority, including the Constitutional Court, against the decisions and orders signed by the President of the Republic on his own initiative.

The President of the Republic may be impeached for high treason on the proposal of at least one-third of the total number of members of the Grand National Assembly of Turkey, and by the decision of at least three-quarters of the total number of members.

F. Deputation for the President of the Republic

ARTICLE 106. In the event of a temporary absence of the President of the Republic on account of illness, travel abroad or similar circumstances, the President of the Grand National Assembly of Turkey shall serve as Acting President of the Republic and exercise the powers of the President of the Republic until the President of the Republic resumes his functions; and in the event that the Presidency falls vacant as a result of death or resignation or for any other reason, until the election of a new President of the Republic.

G. General Secretariat of the President of the Republic

ARTICLE 107. The establishment, the principles of organisation and functioning, and the appointment of personnel of the General Secretariat of the Presidency of the Republic shall be regulated by Presidential decrees

H. State Supervisory Council

ARTICLE 108. The State Supervisory Council which shall be established attached to the office of the Presidency of the Republic with the purpose of performing and furthering the regular and efficient functioning of the administration and its observance of law, will be empowered to conduct upon the request of the President of the Republic all enquiries, investigations and inspections of all public bodies and organisations, all enterprises in which those public bodies and organisations share more than half of the capital, public professional organisations, employers' associations and labour unions at all levels, and public benefit associations and foundations.

The Armed Forces and all judicial organs are outside the jurisdiction of the State Supervisory Council.

The members and the Chairman to be designated from among the members of the State Supervisory Council shall be appointed by the President of the Republic from among those with the qualifications set forth in the law.

The functioning of the State Supervisory Council, the term of office of its members, and other matters relating to their status shall be regulated by law.

II. Council of Ministers

A. Formation

ARTICLE 109. The Council of Ministers shall consist of the Prime Minister and the Ministers.

The Prime Minister shall be appointed by the President of the Republic from among the members of the Grand National Assembly of Turkey.

The Ministers shall be nominated by the Prime Minister and appointed by the President of the Republic, from among the members of the Grand National Assembly of Turkey, or from among those eligible for election as deputies; and they can be dismissed, by the President of the Republic, upon the proposal of the Prime Minister when deemed necessary.

B. Taking Office and Vote of Confidence

ARTICLE 110. The complete list of members of the Council of Ministers shall be submitted to the Grand National Assembly of Turkey. If the Grand National Assembly of Turkey is in recess, it shall be summoned to meet.

The Government Programme of the Council of

Ministers shall be read by the Prime Minister or by one of the Ministers before the Grand National Assembly of Turkey within a week of the formation of the Council of Ministers, following which a vote of confidence shall be taken. Debate on the vote of confidence shall begin two full days after the reading of the programme and the vote shall be taken one full day after the end of debate.

C. Vote of Confidence While in Office

ARTICLE 111. If the Prime Minister deems it necessary, and after discussing the matter in the Council of Ministers he may ask for a vote of confidence in the Grand National Assembly of Turkey.

The request for a vote of confidence shall not be debated before one full day has elapsed from the time it was submitted to the Grand National Assembly of Turkey and shall not be put to vote until one full day has passed after debate.

A request for a vote of confidence shall be rejected only by an absolute majority of the total number of members.

D. Functions and Political Responsibilities

ARTICLE 112. The Prime Minister, as Chairman of the Council of Ministers, shall ensure co-operation among the ministers, and supervise the implementation of the government's general policy. The members of the Council of Ministers are jointly responsible for the implementation of this policy.

Each minister shall be responsible to the Prime Minister and shall also be responsible for the conduct of affairs under his jurisdiction and for the acts and activities of his subordinates.

The Prime Minister shall ensure that the ministers exercise their functions in accordance with the Constitution and the laws and shall take corrective measures to this end.

The members of the Council of Ministers who are not deputies shall take their oath before the Grand National Assembly of Turkey as written in Article 81, and during their term of office as ministers they shall abide by the rules and conditions to which deputies are subject and shall enjoy parliamentary immunity. They receive the same salaries and allowances as members of the Grand National Assembly of Turkey.

E. Formation of Ministries, and Ministers

ARTICLE 113. The formation, abolition, functions, powers and organisation of the Ministries shall be regulated by law.

A minister may act for another if a ministry is vacant or if the minister is on leave or absent for a valid reason. However, a minister shall not act for more than one other minister.

A minister who is brought before the Supreme Court by decision of the Grand National Assembly of Turkey, shall lose his ministerial status. If the Prime Minister is brought before the Supreme Court, the Government shall be considered to have resigned.

If a ministry falls vacant for any reason, an appointment shall be made to it within fifteen days.

F. Provisional Council of Ministers During Elections

ARTICLE 114. The Ministers of Justice, Internal Affairs and Communications shall resign prior to general

elections to the Grand National Assembly of Turkey.

Three days before the beginning of the elections or, in the event of a decision to hold new elections before the end of the election term, within five days of this decision, the Prime Minister shall appoint independent persons from within or outside of the Grand National Assembly of Turkey to these Ministeries.

In the event of a decision to hold new elections under Article 116, the Council of Ministers shall resign and the President of the Republic shall appoint a Prime Minister to form a Provisional Council of Ministers.

The Provisional Council of Ministers shall be composed of members of the political party groups in proportion to their parliamentary membership with the exception of the Ministers of Justice, Internal Affairs, and Communications, who shall be independent persons appointed from within or outside the Grand National Assembly of Turkey.

The number of members to be taken from political party groups shall be determined by the President of the Grand National Assembly of Turkey, and shall be communicated to the Prime Minister. Party members who do not accept the ministerial posts offered them, or who resign subsequently, shall be replaced by independent persons from within or outside of the Grand National Assembly of Turkey.

The Provisional Council of Ministers shall be formed within five days of the publication in the Official Gazette of the decision to hold new elections.

The Provisional Council of Ministers shall not be subject to a vote of confidence.

The Provisional Council of Ministers shall remain in office for the duration of the elections, and until the new Assembly convenes.

G. Regulations

ARTICLE 115. The Council of Ministers may issue regulations governing the mode of implementation of laws or designating matters ordered by law, provided that they do not conflict with existing laws and are examined by the Council of State.

Regulations shall be signed by the President of the Republic and promulgated in the same manner as laws.

H. Calling Elections for the Grand National Assembly by the President of the Republic

ARTICLE 116. In cases where the Council of Ministers fails to receive a vote of confidence under Article 110 or is compelled to resign by a vote of no-confidence under Articles 99 or 111, and if a new Council of Ministers cannot be formed within forty-five days or the new Council of Ministers fails to receive a vote of confidence, the President of the Republic, in consultation with the President of the Grand National Assembly of Turkey, may call new elections.

If a new Council of Ministers cannot be formed within forty five days of the resignation of the Prime Minister without being defeated by a vote of confidence, or also within forty five days of elections for the Bureau of the President of the Grand National Assembly of Turkey of the newly elected Grand National Assembly of Turkey, the President of the Republic may likewise, in consultation with the President of the Grand National Assembly of Turkey, call new elections.

The decision to call new elections shall be published in the Official Gazette and the election shall be held there after.

II. National Defence

1. Offices of Commander-in-Chief and Chief of the General Staff

ARTICLE 117. The office of Commander-in-Chief is inseparable from the spiritual existence of the Grand National Assembly of Turkey and is represented by the President of the Republic.

The Council of Ministers shall be responsible to the Grand National Assembly of Turkey for national security and for the preparation of the Armed Forces for the defence of the country.

The Chief of the General Staff is the commander of the Armed Forces, and, in time of war exercises the duties of Commander-in-Chief on behalf of the President of the Republic.

The Chief of the General Staff shall be appointed by the President of the Republic on the proposal of the Council of Ministers; his duties and powers shall be regulated by law. The Chief of the General Staff shall be responsible to the Prime Minister in the exercise of his duties and powers.

The functional relations and the scope of jurisdiction of the Ministry of National Defence with regard to the chief of the General Staff and the Commanders of the Armed Forces shall be regulated by law.

2. National Security Council

ARTICLE 118. The National Security Council shall be composed of the Prime Minister the Chief of the General Staff, the Minister of National Defence, Internal Affairs, and Foreign Affairs, the Commanders of the Army, Navy and the Air Force and the General Commander of the Gendarmerie, under the chairmanship of the President of the Republic.

Depending on the particulars of the Agenda, Ministers and other persons concerned may be invited to meetings of the Council and their views be heard.

The National Security Council shall submit to the Council of Ministers its views on taking decisions and ensuring necessary coordination with regard to the formulation, establishment, and implementation of the National Security policy of the State. The Council of Ministers shall give priority consideration to the decisions of the National Security Council concerning the measures that it deems necessary for the preservation of the existence and independence of the State, the integrity and indivisibility of the country, and the peace and security of society.

The Agenda of the National Security Council shall be drawn up by the President of the Republic taking into account the proposals of the Prime Minister and the Chief of the General Staff.

In the absence of the President of the Republic, the National Security Council shall meet under the chairmanship of the Prime Minister.

The organisation and duties of the General Secretariat of the National Security Council shall be regulated by law.

Selected passages of Turkish Constitution RE: elections

VI. Obligation to Pay Taxes

ARTICLE 73. Everyone is under the obligation to pay taxes according to his financial resources, in order to meet public expenditures.

An equitable and balanced distribution of the tax burden is the social objective of fiscal policy.

Taxes, fees, duties, and other such financial impositions shall be imposed, amended, or revoked by law.

The Council of Ministers may be empowered to amend the percentages of exemption, exceptions and reductions in taxes, fees, duties and other such financial impositions, within the minimum and maximum limits prescribed by law.

VII. Right of Petition

ARTICLE 74. Citizens have the right to apply in writing to the competent authorities and to the Turkish Grand National Assembly with regard to requests and complaints concerning themselves or the public.

The result of the application concerning himself shall be made known to the petitioner in writing.

The way of exercising this right shall be determined by law.

PART THREE

FUNDAMENTAL ORGANS OF THE REPUBLIC

CHAPTER ONE

LEGISLATIVE POWER

I. The Turkish Grand National Assembly

A. Composition

ARTICLE 75. *The Turkish Grand National Assembly shall be composed of four-hundred and fifty deputies elected by universal suffrage by the nation. (*)*

B. Eligibility to be a Deputy

ARTICLE 76. Every Turk over the age of 30 is eligible to be a deputy.

Persons who have not completed their primary education, who have been deprived of legal capacity, who have failed to perform compulsory military service, who are banned from public service, who have been sentenced to a prison term

*)As amended

totalling one year or more excluding involuntary offences, or to a heavy imprisonment; those who have been convicted for dishonourable offences such as embezzlement, corruption, bribery, theft, fraud, forgery, breach of trust, fraudulent bankruptcy; and persons convicted of smuggling, conspiracy in official bidding tender, or purchases, of offences related to the disclosure of State secrets, of involvement in ideological and anarchistic activities, and incitement and encouragement of such activities, shall not be elected deputies, even if they have been pardoned.

Judges and prosecutors, members of the higher judicial organs, members of the teaching staff at institutions of higher education, members of the Higher Education Council, employees of public institutions and agencies who have the status of civil servants, other public employees not regarded as labourers on account of the duties they perform, and members of the Armed Forces shall not stand for election or be eligible to be a deputy unless they resign from office.

C. Election Term of the Turkish Grand National Assembly

ARTICLE 77. Elections for the Turkish Grand National Assembly shall be held every five years.

The Assembly may decide to hold new elections before the termination of this period, and new elections may also be decided upon according to a decision, taken in accordance with the conditions set forth in the Constitution, by the President of the Republic. A deputy whose term of office expires may be eligible for re-election.

In the event of a decision to hold new elections, the powers of the Assembly shall continue until the election of a new Assembly.

D. Deferment of Elections to the Turkish Grand National Assembly, and By-elections

ARTICLE 78. If the holding of new elections is found impossible because of war, the Turkish Grand National Assembly may decide to defer elections for a year.

If the grounds for deferment do not disappear this measure may be repeated under the procedure for deferment.

By-elections shall be held when vacancies arise in the

membership of the Turkish Grand National Assembly. By-elections shall be held once in every election term and cannot be held until 30 months have elapsed from the date of the previous general elections. However, in cases where the number of vacant seats reaches five percent of the total number of seats, by-elections shall be held within three months.

By-elections shall not be held within one year before general elections.

E. General Administration and Supervision of the Elections

ARTICLE 79. Elections shall be held under the general administration and supervision of the judicial organs.

The Supreme Election Council shall execute all the functions to ensure the fair and orderly conduct of the elections from the beginning to the end of polling, carry out investigations and take final decisions on all irregularities, complaints and objections concerning the elections during and after the polling, and verify the election returns of the members of the Turkish Grand National Assembly. No appeal shall be made to any authority against the decisions of the Supreme Election Council.

The functions and powers of the Supreme Election Council and other election councils shall be determined by law.

The Supreme Election Council shall be composed of seven regular members and four substitutes. Six of the members shall be elected by the Plenary Assembly of the High Court of Appeals, and five members shall be elected by the Plenary Assembly of the Council of State from amongst its own members, by secret ballot and by an absolute majority of the total number of members. These members shall elect a Chairman and a Vice-Chairman from amongst themselves, by absolute majority and secret ballot.

Amongst the members elected to the Supreme Election Council by the High Court of Appeals and by the Council of State, two members from each group shall be designated, by lot, as substitute members. The Chairman and Vice-Chairman of the Supreme Election Council shall not take part in this procedure.

The general conduct and supervision of a referendum on legislation amending the Constitution shall be subject to the same provisions as those relating to the election of deputies.

F. Provisions Relating to Membership

ARTICLE 80. Members of the Turkish Grand National Assembly represent, not merely their own constituencies or constituents, but the Nation as a whole.

2. Oath-Taking

ARTICLE 81. Members of the Turkish Grand National Assembly, on assuming office, shall take the following oath:

"I swear upon my honour and integrity, before the great Turkish Nation, to safeguard the existence and independence of the State, the indivisible integrity of the country and the Nation, and the absolute sovereignty of the Nation; to remain loyal to the supremacy of law, to the democratic and secular Republic, and to Atatürk's principles and reforms; not to deviate from the ideal according to which everyone is entitled to enjoy human rights and fundamental freedoms under peace and prosperity in society, national solidarity and justice, and loyalty to the Constitution."

3. Activities Incompatible with Membership

ARTICLE 82. Members of the Turkish Grand National Assembly shall not hold office in state departments and other public corporate bodies and their subsidiaries; in corporations and enterprises affiliated with the state and other public corporate bodies; in the executive or supervisory organs of enterprises and corporations where there is direct or indirect participation of the state and public corporate bodies; in the executive and supervisory organs of public benefit associations, whose special resources of revenue and privileges are provided by law; in the executive and supervisory organs of foundations which enjoy tax exemption and receive financial subsidies from the state; and in the executive and supervisory organs of labour unions and public professional organisations, and in the enterprises and corporations in which the above-mentioned unions and associations or their higher bodies have a share; nor can they be appointed as representatives of the above-mentioned bodies or be part to a business contract, directly or indirectly, and be arbitrators of representatives in their

A request for a vote of confidence shall be rejected only by an absolute majority of the total number of members.

D. Functions and Political Responsibilities

ARTICLE 112. The Prime Minister, as Chairman of the Council of Ministers, shall ensure co-operation among the ministers, and supervise the implementation of the government's general policy. The members of the Council of Ministers are jointly responsible for the implementation of this policy.

Each minister shall be responsible to the Prime Minister and shall also be responsible for the conduct of affairs under his jurisdiction and for the acts and activities of his subordinates.

The Prime Minister shall ensure that the ministers exercise their functions in accordance with the Constitution and the laws and shall take corrective measures to this end.

The members of the Council of Ministers who are not deputies shall take their oath before the Turkish Grand National Assembly as written in Article 81, and during their term of office as ministers they shall abide by the rules and conditions to which deputies are subject and shall enjoy Parliamentary immunity. They receive the same salaries and allowances as members of the Turkish Grand National Assembly.

E. Formation of Ministries, and Ministers

ARTICLE 113. The formation, abolition, functions, powers and organisation of the ministries shall be regulated by law.

A minister may act for another if a ministry is vacant or if the minister is on leave or absent for a valid reason. However, a minister shall not act for more than one other minister.

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