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THE TURKISH CONSTITUTION

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THE TURKISH CONSTITUTION

PREAMBLE

The Turkish Nation;

Having lived in freedom and fought for her rights and liberties throughout history;

And realized the Revolutionary Movement of May 27, 1960, exercising her right to resist against a power which had lost its legality because of its attitude against the law and contrary to the Constitution;

And inspired by the Turkish nationalism which unites all the individuals of the nation as an indivisible whole around the national goals sharing in the fate, conscience, evil and happiness of the nation and the aim of which is the perpetual sublimity of our people in a spirit of national unity, as an honourable member on equal rights of the family of nations of the world;

And with full respect to the goal of «Peace at Home, Peace in the World», the spirit of National Independence and the reforms realised by ATATÜRK;

In order to establish a state of law with all its legal and social foundations which will provide and protect the social and individual peace and prosperity, social justice, national solidarity, human rights and freedoms;

Adopts and proclaims this Constitution prepared by the Constitutional Assembly of the Turkish Republic and trusts it to the rising generations who adore freedom, justice and merit, upon the belief that the real assurance is placed in the hearts and free will of our people.

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PART ONE

General Principles

I. The Form of the State

ARTICLE 1 — The Turkish State is a Republic.

II. Qualifications of the State

ARTICLE 2 — The Turkish Republic is a nationalist, democratic, secular and social state based on human rights and law and the fundamental aims indicated in the preamble.

III. The Integrity of the State, the Offical Language and the Capital

ARTICLE 3 — The Turkish State is an indivisable whole with its territory and nation.

Its official language is Turkish.

Its capital is the city of Ankara.

IV. Sovereignty

ARTICLE 4 — Sovereignty belongs unconditionally to the Turkish Nation.

The nation exercises her sovereignty through the authorized organs in accordance with the principles determined by the Constitution.

No certain person, group or class may be authorized to exercise the sovereignty. No person or organ can exercise a state authority which is not derived from the Constitution.

V. Legislative Authority

ARTICLE 5 — Legislative Authority belongs to the Grand National Assembly. This authority may not be subject to transfer.

VI. Executive Function

ARTICLE 6 — Executive Function is exercised by the President of the Republic and the Council of Ministers in accordance with the laws.

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VII. Judicial Authority

ARTICLE 7 — Judicial Authority is exercised by independent courts in the name of the Turkish Nation.

VIII. Supremacy and Restrictiveness of the Constitution

ARTICLE 8 — No law may contain provisions contrary to the Constitution.

The provisions of the Constitution are the fundamental legal principles that restrict the legislative, executive and judicial organs, administrative authorities and individuals.

IX. The Unamendableness of the form of the State

ARTICLE 9 — An amendment of the provision of the Constitution stating that the form of the state is a republic can not be made and proposed.

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PART TWO

FUNDAMENTAL RIGHTS AND DUTIES

General Provisions

I. The Qualification and the Protection of the Fundamental Rights

ARTICLE 10 — Every person has individual, inviolable, untransferrable and unrenouncable fundamental rights and freedoms.

The state removes all political, economic and social obstacles which limit the fundamental rights and freedoms of individuals irreconcilable with the peace of persons, social justice and the principles of the state of law; it provides the conditions required for the development of the material and moral existence of individuals.

II. Substance of the Fundamental Rights

ARTICLE 11 — The fundamental rights and liberties may only be limited by laws in accordance with the text and spirit of the Constitution.

A Law can not violate the substance of a right or freedom even if it is for the benefit of public welfare, public morale, public order, social justice and national security.

III. Equality

ARTICLE 12 — Every person is equal before the law without exception of language, race, sex, political opinions, philosophical thoughts, religion and sect.

No privilege may be granted to any person, family, group or class.

IV. The Status of Foreigners

ARTICLE 13 — The rights and freedoms defined in this part, may be limited for foreigners by law in accordance with the international law.

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CHAPTER TWO

INDIVIDUAL'S RIGHTS AND DUTIES

I. Inviolability

ARTICLE 14 — Every person has the right to live, to develop his material and moral existence and possess his individual liberty.

Inviolability and individual liberty can not be limited unless there is a decision duly pronounced by a judge in the cases clearly defined by the law.

No one can be subject to torture or torment.

No one can be subject to a punishment irreconcilable with personal honour.

II. The Protection of Private Life

ARTICLE 15 — The secrecy of private life may not be violated. Exceptions required by legal investigations are preserved.

a) The Secrecy of Private Life :

A person or his papers or his property may not be searched without a decision duly pronounced by a judge in the cases clearly defined by law and without an order issued by the legally competent authorities in the cases required by public order.

b) Security of Domicile :

ARTICLE 16 — No one's domicile may be violated. No one's domicile may be entered, searched or the property be seized unless there is a decision duly pronounced by a judge in the cases clearly defined by law and without an order of legally competent authorities in the cases where it is inconvenient to delay in respect of the national security and public order.

c) Secrecy of the Postal Service :

ARTICLE 17 — Every person has the right to have secrecy of the postal service.

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The secrecy of correspondence is fundamental. In the cases pointed out by law, unless there is a verdict of a judge pronounced according to law this secrecy may not be violated.

III. Freedom of Travel and Settlement

ARTICLE 18 — Every person has the right to travel; this right can be limited only by law in order to maintain national security and to prevent an epidemic.

Every person has liberty to settle in any place he wishes to; this liberty may be limited by law if only necessary for maintaining the national security, preventing epidemics, protecting public properties and for realising social, economic and agricultural progress.

Turkish citizens have the freedom of entering the country and going abroad. The freedom of going abroad is arranged by law.

IV. The Rights and Freedoms of Opinion and Creed

ARTICLE 19 — Every person has freedom of conscience and religious faith and opinion.

Religious rites and ceremonies which are not against public policy or public moral or the laws put into force with these aims, are free.

a) The freedom of Conscience and Religion :

No person may be forced to join in religious services, rites and ceremonies, to reveal his religious faith and opinions. No person is blamed for his religious falth and opinions.

Religious training and learning depend only on the individual's own wishes and the wishes of the legal representatives of the infants.

No person may exploit or misuse, by whatever means it may be, religion or religious faith or religiously sacred things with an aim to depend, even if partly, the social, economic and political or legal fundamental order of the state on religious rules or with an aim to secure political or personal interest or influence. Those who violate this prohibition or those who provoke others in this way are punished according to law; societies are closed by authorized courts and political parties by the Constitutional Court permanently.

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b) Liberty of Thought :

ARTICLE 20 — Every person has freedom of thought and conviction and can reveal and publish his thoughts and convictions by way of speech, writing, illustration or by other means either singly or jointly.

No one can be forced to reveal his thoughts and convictions.

V. Liberty of Science and art

ARTICLE 21 — Every person has the right to learn and teach science and art and to make disclosures, publications and every kind of research in these fields.

Education and training is free under the supervision and control of the State.

The fundamentals to which private schools are tied, are determined by law according to the required level of the public schools. No educational and training sites which are against the contemporary fundamentals of science and education may be opened.

VI. Provisions relating to Press and Publication

ARTICLE 22 — The Press is free, it cannot be censored. The State takes the measures to secure the freedom of the press and receiving information.

a) Freedom of the Press :

The freedom of the press and receiving information may be limited by law only in order to protect national security or public moral, to prevent committing trespass against individual dignity, honour and rights and to prevent provocation to commit a crime and to ensure that judicial function be exercised in conformity with its aims.

Provided that the decisions which will be given by a judge within the limits of law be secret, a ban on the publication of the events may not be imposed in order to secure the fulfillment of the judicial function in conformity with its aims.

The seizure of the newspapers and magazines published in Turkey may be in the cases where the law clearly points out that these measures should be applied and only by the decision of a judge.

Newspaper and magazines may only be suspended by judiciai decisions in the event of being sentenced with the actions pointed out in Article 57;

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b) The Right of Publishing Newspapers and Magazines :

ARTICLE 23 — The publication of newspaper and magazines may not depend on the conditions of obtaining licence and giving financial guarantees beforehand.

The publication, circulation and financial sources of the newspapers and conditions relating to the profession of journalism are determined by law. The law may not impose political, economic, financial and technical restrictions which are preventive or cause difficulty in the publication of news, thoughts and opinions freely.

Newspapers and magazines may benefit on equal basis from the ways and means of the State and other public law corporations or the institutions linked with them.

c) The Right of Publishing books and brochures :

ARTICLE 24 — The publication of books and brochures is never made dependent on obtaining licence; it is not to be censored.

Books and Brochures published in Turkey can not be seized beyond the provisions of Item 5, Article 22.

d) The protection of printing presses :

ARTICLE 25 — Printing Houses, and their annexes and means of printing cannot be seized or confiscated or detained from operating even if the main reasons were that they were the instruments of offence.

e) Right to use correspondence means outside the press :

ARTICLE 26 — Persons and political parties have the right to use the means of correspondence and publication outside the press, which are in the hands of public law corporations. The conditions and ways of this use are determined by law according to the democratic principles and within the framework of justice. The Law cannot put restrictions preventing the public from getting information, reaching conclusions and ideas and the formation of public vote freely.

f) Rights of Denial and Respondence :

ARTICLE 27 — Rights of denial and respondence are provided and determined by law only in such cases as the violation of persons' dignity and honour; or making untrue publications connected with persons.

If a denial or reply is not published, a judge will decide whether or not it requires to be published.

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VII. Freedoms and rights of Meeting

ARTICLE 28 — Every person has the right of calling meetings or making demonstration marches, without obtaining permission beforehand and without arms and aggression.

a) Right of meeting and demonstration march :

This right can be limited only by law with an aim to protect public order.

b) Right of setting up Society :

ARTICLE 29 — Every person has the right to set up a society, without obtaining permission beforehand. This right can only be limited by law with an aim to protect public order and morale.

VIII. Provisions in relation to the protection of Rights

a) Individual security :

ARTICLE 30 — Those persons against whom there is strong evidence that they are guilty may be detained by the verdict of a judge with a view to prevent an escape, destruction or change of the evidence or in such cases likewise which require detention and other cases pointed out by law. The decision for the continuation of the detention will depend on the same provisions.

Arrests can be made only in cases of in flagrante delicto and in cases where delay is inconvenient, the conditions of this are determined by law.

It is necessary to inform immediately those who are detained or arrested in written form, of the reason of the detention or arrest and of the claims against them.

The detained or arrested person is brought before the judge within 24 hours, except the duration necessary for the conveyance to the court nearest to the spot of detention or arrest; and he cannot be deprived of his freedom without the verdict of a judge after the termination of this period.

As soon as the detainee or the arrested is brought before the judge, his relatives are immediately informed of the situation.

Every kind of damage suffered by those who were proceeded against outside these principles is compensated by the state according to law.

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b) Freedom of demanding justice :

ARTICLE 31 — Every person has the right of making a claim or defence in courts by use of legal ways and means as a suitor or a defendant.

No court may abstain from examining a case which lies within its competence and jurisdiction.

c) Natural way of trial :

ARTICLE 32 — No one may be summoned to a court other than to that which is competent to hear his case.

No unlawful courts may be formed which results in the summoning of an individual to a court other than to the competent court.

d) Penalties lawful and individual; use of force prohibited :

ARTICLE 33 — No one may be punished for a deed disregarded as a crime by the law in force when it was committed.

Punishments and punitive measures can only be put down by law.

No individual may be given a heavier punishment than the one put down in low for that crime, when the crime is committed.

No one can be forced to make o statement or to put forth evidence to this end which will result in the accusation of himself or his relatives.

Liability of punishment is personal.

Punishment of general confiscation may not be set down.

e) Right to Prove Claims :

ARTICLE 34 — In the litigations arising from a case of defamation of a civil servant, in relation to the fulfillment of his duties and services, the defendant has the right to prove his charge. In the cases outside of that, the acceptance of the request of proof is related to the necessity to prove the claim from the point of view of public welfare, or the agreement of the plaintiff.

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CHAPTER THREE

THE SOCIAL AND ECONOMIC RIGHTS AND DUTIES

I. Protection of the Family

ARTICLE 35 — The family is the fundament of the Turkish seciety.

The state and other public law Corporations adopt the necessary precautions and form the organisations for the protection of the family, the mother and the children.

II. Property Right

ARTICLE 36 — Every individual has property and inheritance rights.

These rights may be limited by law only in view of the public welfare.

The exercise of the property right may never be against the public welfare.

b) Land Owning ,

ARTICLE 37 — The state takes necessary steps to realize cultivation of lands productively and to distribute lands to peasants who own insufficient or no lands at all. With these aims the law may define the extent of lands according to their kind and to the different extent of agricultural areas. The state facilitates the ownership of agricultural machinery by the peasants.

The distribution of lands may not cause the reduction of forestries or other land products.

c) Expropriation :

ARTICLE 38 — The State and the public Law Corporations have, in the cases essential for the public welfare, the authority to expropriate real estates under private possession wholly or partly, provided that the funds covering their value were paid in advance, or to form administrative easement over them in accordance with the principles and procedures set down by law.

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The mode of payment for the values of lands expropriated in order to distribute them to peasants, to grow new forests and place them under State-management, and to realize the housing projects is defined by law: it may not exceed ten years where the law admits payment in instalments. In this case, the instalments are paid equally and are bound to the interest limits determined by law.

The value of the part of an expropriated land determined by law on which the farmer works directly and necessary for his own utilization within just limits and of a small farmer s expropriated land is paid in advance, in any circumstances.

d) Putting under State Control:

ARTICLE 39 — The private enterprises which have the qualification of public services may be put under the State control, in case it is necessitated by the public welfare and provided that their real value is paid in accordance with the law. It may not exceed ten years in the case of the law regarding payment in instalments. In this case, the instalments are paid equally and are bound to the interest limits set down by law.

III. The Freedom of Labour and Contract

ARTICLE 40 — Every person has the freedom of work in the field he chooses and the freedom of making contracts, they are free to form private enterprises.

The law may limit these freedoms only when necessary for the public welfare.

The State adopts measures to insure private enterprises be carried out in harmony with the necessities of the national economy and social aims and to insure their operation in security and stability.

VI. The Order of Social and Economic Life

ARTICLE 41 — The economic and social life is regulated in accordance with the aim of providing everybody with a standard of living suitable for justice, the principle of complete work and human dignity.

It is the duty of the State to realize economic, social and cultural developments under democratic methods and to augment national saving, to direct the investments to the priorities necessitated by the public welfare, to make development plans for this purpose.

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V. Provisions of Labour

ARTICLE 42 — Labour is a right and duty which belongs to every person.

a) The Right and The Duty of Labour :

The State protects employees with social, economic and financial measures and supports them for their humane living and for the development of their life of labour in stability; it adopts preventive measures against unemployment

Forced labour is forbidden.

The forms and conditions of corporal and intellectual labour which assume the quality of a citizens' duty in the fields necessitated by the country's needs are determined by law in accordance with democratic principles.

b) Conditions of Labour :

ARTICLE 43 — No person is forced to work in a job irreconcilable to his age, capability and sex.

The children, youngsters and women are specially protected from the point of view of labour conditions.

c) The Right to Rest :

ARTICLE 44 — Every person who works has the right to rest.

Paid weekend, national holidays and paid annual leave rights are determined by law.

d) Equity in Wages :

ARTICLE 45 — The State adopts necessary measures for employees to obtain an equitable wage which is suitable for the work they do, and to obtain a standard of living reconcilable with human dignity.

e) The Right to Form Trade Unions :

ARTICLE 46 — Employees and employers have the right to form trade unions and federations and the right to be registered as a member or quit membership without obtaining any permission beforehand.

The rights, in this field, of public servants who do not have the quality of a worker are determined by law.

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The regulations, administration and operation of the trade unions and federations may not be contrary to democratic principles.

f) The Right of Collective Contract and Strikes :

ARTICLE 47 — Workers have the right to make collective contracts and strikes with a view to protect or improve their economic and social status in their relations with the employers

The use of the right to strike and exceptions and the rights of the employers are determined by law.

VI. Social Security

ARTICLE 48 — Every person has the right of social security. It is among the duties of the State to form and have social insurances and social aid organizations formed with a view to provide this right.

VII. Right of Health

ARTICLE 49 — It is the duty of the State to provide medical care for everybody and to enable every person to live in bodily and spiritual health.

The State adopts measures to meet the housing needs, in accordance with the sanitary conditions, of the poor and of those with narrow incomes.

VIII. Provision of Education

ARTICLE 50 — It is one of the principal duties of the State to meet people's needs for training and education.

Primary education is compulsory for all citizens male or female and free in public schools.

The State, by scholarships and other means, provides the necessary aid to enable successful but materially needy students to attain the highest educational degrees.

The State adopts measures to render useful to the society those who need special education because of their situation.

The State provides protection for the works and monuments which are of historic and cultural value.

IX. To Develop System of Co-operative Business

ARTICLE 51 — The State adopts measures for the development of the co-operative business system.

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X. The Protection of Agriculture and Farmers

ARTICLE 52 — The State adopts the necessary measures for the nourishment of the people, for the increase of agricultural production in accordance with the public welfare, to prevent loss of soil and to increase the value of agricultural products and the labour of the farmers.

XI. The Boundary of the Economic and Social Duties of the State

ARTICLE 53 — The State fulfills the duties of reaching the economic and social aims pointed out in this Chapter, only within its economic development and the efficiency of its financial sources.

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PART FOUR

POLITICAL RIGHTS AND DUTIES

I. Citizenship

ARTICLE 54 — Every person who is tied to the Turkish State with the tie of citizenship is a Turk.

Any person born of a Turkish father or a Turkish mother is a Turk. The status of citizenship of a person born of an alien father and a Turkish mother is defined by law.

The citizenship may be acquired under the conditions defined by law and may be lost under circumstances defined by law.

No Turk may lose his citizenship unless he commits an offence irreconcilable with loyalty to the country.

The right to apply to the court against acts and deeds related to the expulsion from citizenship may not be suspended.

II. Right to Vote and to be Elected

ARTICLE 55 — Citizens have the right to vote and to be elected in accordance with the conditions defined by law.

The elections are free and equal and are held by public vote by means of secret balloting which must be sorted and counted in public.

III. Provisions Related to the Political Parties

ARTICLE 56 — Citizens have the right to form political parties and to participate or leave parties in accordance with the procedure.

a) Right to form a Party and the Place of The Parties in Political Life :

Political parties are formed without obtaining permission beforehand and may show activity freely.

Political parties, either in power or in opposition, are the inalienable elements of democratic political life.

b) Principles Imperative to the Parties :

ARTICLE 57 — The regulations, programs and activities of the political parties have to be in accordance with the principles

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of the democratic and secular republic which depend on the human rights and freedoms and with the basic principle stating that the State is an indivisible whole with its territory and nation. Parties which do not obey these principles are closed permanently.

Political parties may only submit their accounts of expenditures and income sources before the Constitutional Court.

The internal studies, activities of the parties and the form according to which they will submit their accounts to the Constitutional Court and in what way the financial control of them is to be carried out are defined by law.

The lawsuits in relation to the closure of the parties are brought to the Constitutional Court and only this court can pronounce the sentence of closure.

IV. Right to serve in the Civil Service

ARTICLE 58 — Every Turk has the right to serve in the civil service.

a) To Enter the Service :

For acceptance to the civil service no discrimination except the principles required by the duty is admitted.

b) Declaration of Property :

ARTICLE 59 — The declaration of property for those who enter the civil service is determined by law. There are no exceptions for those who are employed in legislative and judicial organs.

V. Right and Responsibility of National Defence

ARTICLE 60 — It is the right and Responsibility of every Turk to participate in the defence of the country. This duty and military service is determined by law.

VI. Taxation

ARTICLE 61 — Everyone is liable to taxation within his financial capability to participate in the public expenditures.

Taxes, duties, customs duties and the financial liabilities likewise, can only be laid down by law.

VII. Right to Report

ARTICLE 62 — Citizens have the right to report a request or complaint, 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.

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PART III

THE FUNDAMENTAL STRUCTURE OF THE REPUBLIC

CHAPTER I

THE LEGISLATIVE FUNCTION

A) The Grand National Assembly

I. The Structure of the Grand National Assembly

ARTICLE 63 — The Grand National Assembly is composed of The National Assembly and The Senate of The Republic.

II. Functions and Authorities of The Grand National Assembly

a) In General :

ARTICLE 64 — The Grand National Assembly directly exercises such functions as enacting, modifying and abrogating laws; examining and approving laws relative to the General Budget and the Final Accounts of the State, coining money; proclaiming partiel or general amnesty; approving definite death sentences pronounced by the courts.

b) Conclusion of International Agreements :

ARTICLE 65 — The ratification of the agreements which will be signed in the name of the Turkish Republic with foreign states or international organisations, depends on the approval of the Grand National Assembly, by a special law.

Agreements on economical, commercial or technical subjects with a durations of not more than one year and on conditions which do not charge any responsbility to the Public Finance and do not violate the property rights of the Turks who live in other states, enter into force on the dates of their publications. In that case, The Grand National Assembly must be informed about these agreements within two months following the date of publication.

Agreements of application which depend on an international agreemend or economical, administrative, commercial or technical

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agreements which are signed depending on an authority provided by law, enter into force witheut the approval of The Grand National Assembly. But, economical, commercial agreements or agreements which interest the rights of private personalities cannot enter into force without publication.

All kinds of agreements which provide some modifications of the Turkish laws are subject to the first paragraph of this article.

Agreements which come into force according to the established rules, have the force of law.

No one can apply to the Contitutional Court about those agreements, according to Article 149 and Article 151.

c) Authority to use The Armed Forces :

ARTICLE 66 — The authority to permit declaration of war in cases which the international law considers legitimate and to send the Turkish armed forces to foreign countries in cases which are outside the agreements in which Turkey participates or which protocol principles necessitate and to permit the existence of foreign armed forces on Turkish territory, belongs to The Grand National Assembly.

The two houses meet together in order to provide this authorization.

III. National Assembly

a) Composition :

ARTICLE 67 — The National Assembly is composed of 450 deputies, elected by public vote.

b) Qualifications of the Deputies :

ARTICLE 68 — Every Turk who has completed his thirtieth year may be elected deputy.

The following persons are not eligible for election to the post of deputy :

Persons who are unable to read and write Turkish, persons over whom guardianship has been established, persons who do not complete their military service without any immunity, persons deprived of their civil rights and persons who have received a sentence of a defamatory nature-like theft, fraud, swindling, abuse of cendifence - or more than five years (except the delices of imprudence).

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Candidacy doesn't necessitate withdrawal from the civil service, The conditions for civil servants in order to be candidates, are determined by special laws, from the point of the security for the elections.

Judges, officers, military officials and non-commissioned officers must withdraw from the civil and military services in order to become candidates, eligible in the election.

c) Term of the elections for The National Assembly :

ARTICLE 69 — Elections for deputies to The National Assembly are to be held once every four years.

The National Assembly can decide to renew elections before this term. Deputies whose terms have expired are eligible for re-election.

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

IV. The Senate of the Republic

ARTICLE 70 — The Senate of The Republic is composed of 150 members elected by public vote and 15 members appointed by the President of The Republic.

The Head and the members of the National Unity Committee whose names have been written under the Article No. 157, dated 18.12.1960, and the ex-Presidents of the Republic are the natural members of the Senate, without regarding the limit of age. Natural members have the same rights, functions and authorities like the other members of the Senate. But they are not the Article 73/1, 2 and the temporary Article 10/1. Those who take part in The Senate of the Republic as natural members, lose their titie in case of participation in a political party, at the next elections of the Senate following that date.

b) Right to Vote for The Senate of the Republic :

ARTICLE 71 — Every Turk who has the right to vote in the election for the National Assembly, has also the right to vote for the Senate of the Republic.

c) Qualifications for The Members of the Senate of The Republic :

ARTICLE 72 — Every Turk who has completed his fortieth year and his University education and who is eligible for the post of deputy is also eligible for the Senate of the Republic.

Those who will be appointed by the President of the Republic must be distinguished in various fields, and be over forty years old. At least ten of them must be chosen among neutrals.

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d) **Term of membership :**

ARTICLE 73 — The term of membership of the Senate is six years. Members whose terms have expired are eligible for re-election.

The one third of the members elected by public vote and chosen by the President of the Republic will be renewed once every two years.

Whenever the members appointed by the President of the Republic, complete their terms or a vacancy occurs the President of the Republic appoints the new members within one month.

V. Extension of Elections and By-elections

ARTICLE 74 — Should the holding of new elections prove impossible due to the state of war the legislative term may be extended for one additional year, by a special law.

By-elections of the Houses shall be held once every two years with the elections for the Senate of the Republic.

No by-election shall be held during one year previons to the General elections.

VI. Direction and control of Elections

ARTICLE 75 — Elections are held under the directions and control of the judicial organs.

The authority to maintain the control and order from the beginning until the end of the elections, and to decide all complaints and demands after the elections and to ratify the documents and records of the members of the Grand National Assembly, belongs to the High Electoral Council.

The functions and authorities of the High Electoral Council and other electoral councils are determined by law.

The High Electoral Council is composed of eleven judges, (seven members and four reserves).

Six of the members are from the judges of the Court of Appeal and five from the Council of State, picked by secret balloting, among their members, by their general assemblies.

These members elect among them The President and the Vice-president of the council by secret balloting and by absolute majority.

Four of the members are picked as «reserves» for the High Electoral Council by drawing by lots among the members.

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B) Common Principles for Both Houses

I. Rules concerning the Membership of The Grand National Assembly

ARTICLE 76 — The Members of the Grand National Assembly are the representatives not only of their constituency but of the entire nation.

a) Representation of The Nation :

ARTICLE 77 — The members of the Grand National Assembly shall take the following oath of office when joining the Assembly :

b) Oath Taking Ceremony :

«I swear on my honour that I shall defend the independence of the State and the integrity of the Nation and the Country; I will be loyal and faithful to the unconditional sovereignty of the Nation and the democratic and secular principles of the Republic and work for the prosperity of the People.»

c) Occupations irreconcilable with Membership :

ARTICLE 78 — A person is not permitted to be the member of both houses.

The members of the Grand National Assembly may not have any function in civil services and other Public Law Corporations and related establishments or enterprises or partnerships where the State or other public law corporations directly or indirectly participate, and may not have any function in the executive committees of the associations, the income and some privileges of which are provided by private laws, and may not have any responsibility related to above mentioned establishments.

Other duties and occupations irreconcilable with membership of the Grand National Assembly are determined by law.

d) Legislative Immunity :

ARTICLE 79 — The members of the Grand National Assembly are not held responsible for their votes, opinions and statements in the Assembly, nor are they responsible for making known these statenments, opinions or votes outside the Assembly.

The examination, arrest or trial of a member from one of the two Houses who is charged with an offence previous or subsequent to his election, can only take place following a decision by the House which he represents. Cases of criminal nature «in flagrante delicto» are excepted from this provision: however in such instances the competent authorities are expected

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immediately to inform the House, which the member represents. The application of a penal sentence pronounced against a Member of the Grand National Assembly 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 membership.

In cases of the re-election of the Member, the prosecution can only take place again following a decision by the House which he represents.

The political parties' groups in the Houses cannot discuss and take decisions on the legislative immunity.

e) Lost of Membership :

ARTICLE 80 — A member of the Grand National Assembly shall lose his membership; whose conviction for any crime which prevents eligibility for elections becomes final and unappelable, by resignation, by being placed under guardianship, by accepting an occupation irreconciliable with the membership of the Grand National Assembly, by absence from the Assembly without permission or acceptable excuse for a period of one month; by a decision of the House which he represents.

f) System of Nullification :

ARTICLE 81 — In such cases of loss of the legislative immunity and the membership of the Grand National Assembly, the member concerned or any other member of the Grand National Assembly can bring the matter to the Constitutional Court, in one week, claiming the decision is taken against the Constitution or the internal Order of the Assembly. The Constutional Court will take a decision about the system of nullification in fifteen days.

g) Allowances and Travel Expenses :

ARTICLE 82 — The allowances and travelling expenses of the members of the Grand National Assembly are determined by law. The monthly amount of the allowance cannot be more than the salary of the highest ranking civil servant and the travel expenses cannot exceed the half of the allowance.

Advance payment of the allowance and travelling expenses is possible only for three months.

Any addition or augmentation about the allowance and travelling expenses of the members of the Grand National Assembly shall enter into force after the following elections for deputies.

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II. Articles concerning the G.N.A. activities

ARTICLE 83 — The Grand National Assembly shall convene on the first day of November each year, without being summoned.

The period during which the Assembly may adjourn shall not exceed five months. Both houses begin the vacation on the same day.

a) Meeting and Vacation :

The Grand National Assembly may be convoked for meeting during the period of adjournment or in recess, directly or upon the request of the Cuncil of Ministers by the President of the Republic.

The presidents of both Houses can summon their respective Houses upon the request of one-fifth of the members.

Upon the meeting of one of the Houses, the other also shall meet at the same time.

The houses which are summoned for meeting during the period of adjournment or vacation, priorly discuss the subject upon which they have been convoked for special session.

b) Presidential Board of G.N.A. :

ARTICLE 84 — The presidential boards of the Houses will be composed in a manner which reflects the strength of the political parties in these Houses.

The National Assembly and the Senate of the Republic, elect their presidents by secret balloting a two-third majority and for two years; in case of failure to obtain the above-mentioned majority during the first two ballots, the absolute majority will be enough for the third balloting. The political party groups cannot nominate any candidate for the presidencies of the Houses.

Presidents and vice-presidents may not participate in the debates of the Assemblies except when necessitated in cases related to the exercise of the functions of their political party or party's groups inside or outside the Grand Assembly. The Presidents may not vote.

During the joint meetings of the Grand National Assembly, the President is the president of the National Assembly.

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c) **Internal Order, Political Party Groups and Administrative Activities :**

ARTICLE 85 — The Grand National Assembly and both Houses carry out their activities according to their internal orders, prepared by themselves.

The provisions of the internal orders must provide for the parties to participate in all the activities relative to their strength. A Political Party Group is composed of at least ten members.

The Houses carry out their administrative activities by their presidents.

d) **Quorum for meeting and taking decisions :**

ARTICLE 86 — Each of the Houses convenes with the presence of the absolute majority, of its members and can take decisions by the votes of the members present if there is no provision in the Constitution which prevents such an action.

e) **Public Right of Entry and Publication of the Debates :**

ARTICLE 87 — The debates in the Assembly shall be open to the public and shell be published word for word in the journal of minutes of the Assembly. However the Assembly may also hold closed sessions in accordance with the rules of internal order. The publication of the minutes is subject to a decision of the Assembly.

The publication by every means and way of the open debates of both Houses may not be prevented.

III. Control of the Grand National Assembly

ARTICLE 88 — Questions, general debate, and parliamentary investigations and parliamentary inquiries lie within the provinces of both Houses.

a) **In General :**

Parliamentary investigation is a study in order to be informed on a certain matter.

b) **Interpellation :**

ARTICLE 89 — Interpellations lies only within the provinces of the National Assembly.

Insertion of the interpellations proposed by deputies or political party groups, into the agenda, shall be discussed in the following session after the date of the proposal. During these

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debates, only the deputy (or one of the deputies) who requested the interpellation and only one spokesman for each of the political party groups and the Prime Minister or one of the Ministers in the name of the Council of Ministers may speak on the proposal.

The date of the debates on the interpellation shall be announced with the decision to insert the interpellation in the agenda.

The debates on the interpellation may not be commenced less than two days or adjourned more than seven days after the date of insertion into the agenda.

The request of a vote of confidence by the Council of Ministers and the motion of lack of confidence by the deputies during the debates of interpellation may be voted after twenty four hours.

A member of the Council of Ministers may be dismissed by the vote of absolute majority of the full quorum.

c) Parliamentary Inquiry :

ARTICLE 90 — Requests of inquiry about the Prime Minister and other ministers will be discussed and concluded in a joint meeting of both Houses.

Inquiry made by a commission composed by the members in equal number from both of the Houses. The political party groups may not discuss nor take any decision related to the parliamentary inquiries.

C) Legislation

I. General Principles

ARTICLE 91 — The members of the Council of Ministers and the members of the Grand National Assembly are authorized to propose a bill.

a) Authority to Propose a Bill :

Members may discuss their proposals in the competent commissions of both Houses.

b) Discussion and Adoption :

ARTICLE 92 — A bill shall be discussed firstly in the National Assembly. Adopted, modified or rejected bills are sent to the Senate of the Republic. When a text which has been adopted by the Republic without any modification, it becomes an Act.

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In the case of the adoption of the bill with some modification by the Senate Republic, the bill becomes an Act if the National Assembly approves the modification.

If the text adopted by the Senate of the Republic is not approved by the National Assembly, a joint commission will be composed by equal numbers of members from the competent commissions of both Houses. The text, prepared by this commission will be presented to the National Assembly which must prefer one of these texts, prepared by the joint commission of the Senate of the Republic or by itself, without any modification. About the articles, modified by the absolute majority of the full quorum of the Senate of the Republic, the National Assembly may adopt the text prepared by itself only by the absolute majority of its full quorum. In this case the open vote system is applied.

The bill or proposal rejected by the National Assembly and the Senate of the Republic, falls.

If a bill or proposal, rejected or modified by the National Assembly, is adopted by the Senate of the Republic with or without any modification, the National Assembly discusses again the text, adopted by the Senate of the Republic. In case of adoption by the National Assembly, the text coming from the Senate of the Republic becomes an Article. In the case of rejection the bill or the proposal falls.

In the case of adoption with some modifications of the text from the Senate of the Republic, by the National Assembly, the provisions of the fifth paragraph are applied.

For the adoption of a text, rejected by the absolute majority in the National Assembly the open vote system will be applied.

For the adoption of a text, rejected by the two-third majority by the Senate of the Republic, it is necessary to obtain the two-third majority in the national Assembly. In this case the open vote system will be applied.

The above mentioned provisions are applied for the elections of the local administrations and legislative assemblies and adoption or rejection of the projects and proposals related to political parties. Only in the cases when to establish a joint-commission is necessary, the report of this commission will be discussed and concluded by the joint meeting of the Grand National Assembly. In this meeting the vote of the absolute majority of the full quorum of the Grand National Assembly is requisite to adopt the former text of the National Assembly. The provisions of the eighth and ninth paragraphs are preserved.

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c) Publication of The Laws by the President of the Republic :

ARTICLE 93 — The President of the Republic shall publish the laws voted by the Grand National Assembly within a period of ten days.

With the exception of the Consitution and Budget Laws, the President may return to the Assembly for reconsideration-likewise within ten days and accompanied by an explanation of reasons-all laws of which he does not approve the publication.

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

II. The discussion and the admission of the Annual Budget

ARTICLE 94 — 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 by the Council of Ministers, at least three months before the beginning of the fiscal year.

These drafts and reports shall be submitted to the commission, composed of thirty-five deputies and fifteen members from the Senate of The Republic. The party or parties in power shall possess at least thirty seats and other political power shall be represented according to their strength in this commission.

The report shall be admitted by the joint commission in a period of eight weeks and discussed priorly by the Senate of the Republic. The Senate of the Republic shall take a decision in ten days.

The text admitted by the Senate of the Republic is sent to the joint commission in order to be discussed again. The text, admitted by the joint commission, shall be discussed by the National Assembly and a decision shall be taken at the beginning of the fiscal year.

The members of the Grand National Assembly disclose their opinions on the budgets of ministries, offices and annexed budgets during the debates on each part of the General Budgetç motions about modifications shall be read and voted without any particular debates on them.

During the debates on the bill relating to the Annual Budget, the members of the Grand National Assembly may not propose any augmentation of expenses or reduction of incomes,

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CHAPTER II

THE EXECUTIVE FUNCTION

A) The President of The Republic

I. Election and his Neutralism

ARTICLE 95 — The President of the Republic shall be elected by the Grand National Assembly among its members who have completed their fortieth uear and had their University education, by secret balloting and by two-third majority of the full quorum of the members for a period of seven years. In case of failure during the first two ballots, the absolute majority is sufficient for the third. Presidents whose terms have expired are not eligible for re-election.

The relation with his political party and the title of Membership of the Grand National Assembly of the President of the Republic shall be ended.

II. The Oath Ceremony

ARTICLE 96 — The President shall take the following oath of office 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 welfore 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.

III. Functions and Authorities

ARTICLE 97 — The President of the Republic is the Chief of the State. He represents the Turkish Republic and the unity of the Nation.

In this capacity he may also preside over the Council of Ministers when he deems it necessary, appoint the diplomatic representatives of the Turkish Republic to foreign states and receive like representaives of other powers, ratify and publish the international agreements, may suspend or reduce sentences of

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convicts for personal reasons such as permanent infirmity or senility.

IV. Irresponsibilty

ARTICLE 98 — The President of the Republic is irresponsible for his proceedings relating to his functions.

All decrees promulgated by the President of the Republic shall be countersigned by the Prime Minister and the competent Ministers. The Prime Minister and the competent Minister are responsible for these decrees.

V. Responsibility

ARTICLE 99 — The President of the Republic is responsible to the Grand National Assembly in case of High Treason upon the proposal of at least one-third and the vote of two-third of the full quorum of the members of the Grand National Assembly in a joint meeting.

VI. Deputy to the President of the Republic

ARTICLE 100 — 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 Senate of the Republic shall provisionally exercise the duties of the President of the Republic.

VII. The End of the Post and Election for the New President

ARTICLE 101 — Fifteen days before the end of the term of presidency or when the presidency becomes vacant, the Grand National Assembly elects the new President of the Requblic; if the Grand National Assembly is not in session, a special session thereof shall be immediately convoked.

B) Council of Ministers

I. Structure

ARTICLE 102 — The Council of Ministers is composed of the Prime Minister and other Ministers.

The prime Minister is designated by the President of the Republic from among the members of the Grand National Assembly of Turkey.

The other ministers are chosen by the Prime Minister from the members of the Grand National Assembly or those who are

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eligible for the post of deputy and designated by the President of the Republic.

II. Beginning The Task

ARTICLE 103 — The list of the Council of Ministers is presented to the Houses. If the Houses are not in session, they shall be convoked for meeting.

a) The request of the vote of confidence at the beginning of the tenure of office :

The Prime Minister is designated by the President of the Republic from among the members.

The program and the policy of the Government must be submitted to the National Assembly and the Senate of the Republic, by the Prime Minister or a Minister within one week at the latest and the vote of confidence is requested from the National Assembly. Debates on the vote of confidence begin two days after the presentation of the program and the ballot for the vote of confidence takes place twenty-four hours after the conclusion of the debates.

b) The request of the vote of confidence during tenure of office :

ARTICLE 104 — The Prime Minister, after coferring at the Council of Ministers, may request a vote of confidence in the National Assembly, in cases when he considers it necessary.

The request for a vote of confidence may be discussed at least for one full day from its announcement, and can be voted at least one full day after the end of the discussions.

The request may be refused only with the vote of absolute majority of the integer members.

c) The Post and the Political Responsibilty :

ARTICLE 105 — As the President of the Council of Ministers, the Prime Minister provides inter-ministerial co-ordination and maintains the general policy of the Government.

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 deeds of his subordinates as well as for his general policy.

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The ministers have the same status as the other members of the Grand National Assembly from the point of view of immunities and restrictions.

IV. The Establishment of Ministries and Ministers

ARTICLE 106 — The manner of establishing and organizing Ministries is likewise defined by law.

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.

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

Whenever a minister loses his post, a new appointment shall be made to the ministry at least within fifteen days.

V. Regulations

ARTICLE 107 — The Council of Ministers may issue regulations in order to explain the practice of the laws, These regulations shall be studied by the Council of State and not be contrary to the laws.

VI. Renewal of the Elections of the National Assembly by the President of the Republic

ARTICLE 108 — If in a period of eigtheen months, the Council of Ministers falls twice because of the vote of lack of confidence and a vote of lack of confidence has been given for the third time; the Prime Minister may request from the President of The Republic, the renewal of the elections of the National Assembly. Upon this request, the President of the Republic may decide the renewal of the elections after conferring with the presidents of both Houses. The decision to renew the elections shall be published in the Official Gazette and the elections shall be held, immediately.

VII. The Temporary Council of Ministers during the Elections

ARTICLE 109 — The Ministers of Justice, the Interior and Communications resign before the General Elections. Three days before the date of commencement of the elections or in five days after the decision of renewal, in the cases when elections shall

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be held earlier than the end of the normal term) the Prinme Minister chooses these there ministers from among the neutral members of the Grand National Assembly.

If the elections are held according to the Article 108, the Ministers resign and the Prime Minister forms a new temporary cabinet. The ministers of the temporary cabinet will be from the political party groups in The National Assembly according to their strength. The ministers of Justice, the Interior and Communications, will be among the neutral members of the Grand National Assembly.

The number of the members from political party groups will be determined by the President of the National Assembly who will inform the Prime Minister.

The members who do not accept or who resign from the proposed post for ministership will be replaced by neutrals from inside or outside the Grand National Assembly.

The temporary Council of Ministers will be formed in five days after the publication of the decision of the renewal by the Official Gazette.

The temporary Council of Ministers may not be subject to the vote of confidence.

The temporary Council of Ministers will act during the elections and until the first meeting of the newly constituted Grand National Assembly.

VIII. National Defence

ARTICLE 110 — The Supreme Commandership is indivisible from the moral existence of the Grand National Assembly and represented by the President of the Republic.

a) Supreme Commandership and Chief of General Staff :

The Chief of General Staff is the Commander of the Armed Forces.

The Chief of General Staff is appointed by the President of the Republic upon the request of the Council of Ministers. The functions and authoriites of the Chief of General Staff are determined by law. The Chief of General Staff is responsible before the Prime Minister because of his functions and authorities.

b) The Council of National Security :

ARTICLE 111 — The National Security Council is composed by the Ministers, determined by law and the Chief of General

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and Commanders of the Forces. The President of the Republic presides over the National Security Council. In the case of his absence the Prime Minister presides over the Council.

The National Security Council informs the Council of Ministers about its basic opinions in order to take the decisons relating to the national security and co-ordination.

C) Administration

I. The Principles of the Administration

ARTICLE 112 — The establishment and functions of the administration depend upon the principles of centralisation and localisation.

a) Integrity of Administration:

Administration is a whole with its establisment and functions and is determined by law.

Public Law Corporations may be established by law or an authority clearly provided by law.

b) Orders:

ARTICLE 113 — Ministries and Public Law Corporations may issue orders in order to provide the application of the laws and regulations relating to their field. These orders may not be contrary to their laws and regulations and are published by the Official Gazette.

c) Judicial Control :

ARTICLE 114 — No administrative process may be outside judicial control.

In litigations against the administrative authorities, the prescription begins from the date of written notice.

The administration is responsible from its acts and deeds and must compensate the damages arising from these processes.

II. Structure of the Administration

ARTICLE 115 — Turkey is divided on the basis of geographic conditions and economic relations and public services into Provinces and these provinces into other subdivisions.

a) Central Administration :

The Provices are administrated according to the principle of extension of powers. In order to provide certain public services, some establishments which includes several provinces which have extension of powers, may be established.

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b) Local Administrations :

ARTICLE 116 — The local administrations are the public law corporations which meet the local needs of the peoples of provinces, municipalities and villages and the organs or general decisions of which are elected by the people.

The elections for the local administrations are held at the times determined by law and according to the principles defined by the Article 55.

The acquisition and loss of the title of «elected organ of the local administrations» are subject to Judicial Conrol.

The sructure, association, function, authorities, finance and the relations with the central administration of the local administration are determined by law.

III. Provisions relating to Civil Servants

ARTICLE 117 — The principal and perpetual functions of the State and the other Public Law Corporations necessitated by the public services which they have to complete according to the principles of general administration, are exercised by civil servants.

Qualifications, appointment, duties and authorities, responsibilities, allowances and compensations and other personnel processes of the civil servants are determined by law.

b) The assurance for the Civil Servants :

ARTICLE 118 — The civil servants or those who serve in the public law corporations must be informed about the charges, in cases of investigations related to their services.

Without these principles no disciplinary punishment may be given.

The disciplinary punishments may not be outside judicial control.

Provisions about the military personnel are preserved.

c) Prohibition to take part in a political party :

ARTICLE 119 — Civil servants, those who serve the public economic enterprises or the Associations for public welfare the incomes of which are provided by private ways determined by law, may not be members of any one of the political parties.

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Civil servants and those who serve in the public economic enterprises may not make any discrimination among the citizens due to their politicai beliefs, during the exercise of their functions.

Those whose conviction for any action against these principles becomes final and unappealable are dismissed absolutely from the civil services.

IV. Independent Establishments

ARTICLE 120 — Universites are only established by the State and law. Universities are Public law corporations which possess scientific and administrative independence.

a) Universities :

Universities are administered and controlled by their organs, elected from among the authorized Staff of the universities Provisions about the State Universities, established by private laws, are preserved.

University organs, teaching staff and assistants may not be dismissed by the authorities outside the Universities.

Universities teaching staff are free in scientific researches and publications.

The establishment, functions, organs and their control on the elections, duties and authorities, research and teaching activities of the teaching staff of the Universities ar determined by law in accordance with these principles.

The University teaching staff are not subject to the prohibition about the membership of a political party. However, they may not have any administrative duty outside the political parties headquarters.

b) Administration of the Radio and Television :

ARTICLE 121 — Administration of the radio and television stations is determined by law as a Public Law Corporation.

All the radio and television broadcasting shall be neutral.

The administration of radio and television has the authorities arising from its function of assistance to culture and training.

News agencies, established by the State or which receive financial aid from the State must be neutral.

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V. Professional Establishments

ARTICLE 122 — The professional establishments which have the corporate personality of Public Law are established by law and their organs are elected from among their members. The Administration may not dismiss temporarily or definitely the elected organs without a decision, pronounced by a judicial organ.

The orders, administration and the functions of these establishments may not be contrary to democratic principles.

VI. Administrative procedure in the state of emergency

a) State of Emergency :

ARTICLE 123 — The measures about money, property or work, which will be imposed on the citizens in states of emergency; the proclamation, practice and the end of the state of emergency are determined by law.

b) Martial Law :

ARTICLE 124 — In the event of war or rebellion, or in the case of convincing evidence of a positive and serious conspiracy against the Country and Republic, the Council of Ministers may proclaim partial or general martial law for a period not exceeding one month, on condition 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.

Prolongation of the period of Martial Law for two months each time is subject to the decision of the Grand National Assembly.

In case of Martial Law or War, the application of the provisions and the mode of the restriction and suspension of freedoms are determined by law.

VII. Illegal Order

ARTICLE 125 — If a civil servant considers that an order given by his senior is contrary to the regulations, laws and the Constitution, he does not obey and informs his senior about that contradiction.

If his senior insists and renews his order by letter, it will be obeyed. In that case, those who obey the order will not be responsible.

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An order, the subject of which is an an offence may never be obeyed. Those who obey will be responsible.

Provisions about the exceptions by cause of the protection of public order and security in emergency cases and the exercise of the military services ,are preserved.

D) Economical and Financial Provisions

I. Budget

ARTICLE 126 — Disbursements of the State and the other Public Law Corporations except the public economic enterprises are effected by the annual budgets.

About the development plans, and the services which last more than one year the law may provide special terms and provisions.

The preparation and application of the General Budget and annexed budgets are determined by law. No provision outside the provisions relating to the budget may be inserted in the bill relating to the Annuel Budget.

II. Audit Court (Bureau of Accounts). The Control of the Public Economic Enterprises

ARTICLE 127 — The Bureau of Accounts is charged with the control of all revenues and disbursements of the annual budget and annexed budgets in the name of the Grand National Assembly and with concluding the acts and deeds of the responsible authorities and others and to exercise other studies and controls determined by law.

The structure, functions, control methods, qualifications of the members and their appointment rights and responsibilities and other personnel affairs of the Bureau of Accounts are determined by law.

III. Final Accounts

ARTICLE 128 — The draft or Final Accounts shall be submitted to the Grand National Assembly by the Council of Ministers, not later than one year after the and of the fiscal year to which they are related.

The Bureau of Accounts presents the «report of accordance» to the Grand National Assembly within the sixth month after the presentation of the final account to which the report is related.

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IV. Development

a) State Planning Board :

ARTICLE 129 — The economic, social and cultural developments are subject to plan. Developments are realized in accordance with this plan.

The structure and functions, the principles about the preparation and the application of the plan and the measures against the attempts to violate the integrity of the plan are determined by special law.

V. The researches into Natural Resources

ARTICLE 130 — Natural resources are under the rule and the disposal of the State. The right to search and to use also belongs to the State. The cases of partnership between the State and private enterprises or direct private enterprises on those matters, are subject to the clear permission, provided by law.

c) Protection of the Forests :

ARTICLE 131 — The State takes the necessary steps and adopts the requisite laws in order to protect and to spread the forests.

The State forests are used by the State, in accordance with the law. The right to possess and to use these forests may not be transferred to private persons. These forests may not be acquired by means of prescription nor may be the subject of a servitude against the Public Welfare.

The development of the peoples who live near or in the forests and their transfer to another place if necessary in order to protect the forests are subject to law.

No act or deeds may be permitted which are detrimental for the forests.

New forests will be grown in the places of the burned forests. No other kind of agriculture or cattle-breeding may be permitted in these areas.

The offences related to the forests may not be subject to general amnesty; no political propaganda which causes any damage to the forests may be permitted.

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CHAPTER III

THE JUDICIAL FUNCTION

A) General Provisions

I. Independence of The Courts

ARTICLE 132 — The judges of courts are independent in the trial of all cases and in the rendering of their verdict. They are subject only to the provisions of the law and the belief of their conscience.

No organ, authority or person may intervene in the application of the judicial power by courts and judges by order, regulation or recomemendation.

No question may be asked in the legislative Assemblies about a case which is actually before the court, as well as no debate or declaration may be allowed. The Legislative and Excutive organs and the administration must obey the sentences, pronounced by the courts. These organs may not modify and adjourn by any means, the execution of these sentences.

II. The Guarantee for The Judges

ARTICLE 133 — Judges of courts may not be dismissed or superannuated before the age determined by the Constitution; they cannot be deprived of their salary due to the abolition of their court or cadre.

Legal exceptions are reserved about those whose convictions necessitate being discharged, become final and unappealable, those who have not the physical capacity to fulfill their duties and those who are not considered suitable for this duty.

III. The Profession of The Judges

ARTICLE 134 — The qualifications of judges, their rights, duties, compensations, and the manner of their appointment, promotion, transfer (temporary or definite), prosecution about the offences concerning their profession and taking decisions in order to hear the case and other personal affairs are determined by law according to the independence of the courts.

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The judges serve till they complete their sixty-fifth year.

A judge may assume no private or public functions other than those provided for by law.

IV. Public Heatings and the Opinions Pronounced in the Verdict

ARTICLE 135 — Court hearings are public; however the court may decide to hold closed sessions (whole or partial) according to the principles of public morals and public security which are definitely recession.

Special provisions are laid down by law for the trial of infants.

All kinds all court decisions are written so as to contain an opinion of court.

V. Structure of the Courts

ARTICLE 136 — The organization of courts, their functions, authorities and jurisdiction are determined by law.

VI. Public Prosecutor

ARTICLE 137 — The law provides provisions of guarantee for the Public Prosecutors and for the Council of State about the performance of their duty and their personal status.

The Prosecutor General of the Republic, the Prosecutor General of the Council of State and the Prosecutor General of the Supreme Military Court are subject to the provisions about the judges of the High Courts.

VII. Military Jurisdiction

ARTICLE 138 — The military jurisdiction is applied by military courts and courts of discipline. These courts are authorized to hold trials about military offences by military personnel and other offences committed by them against military personnel or in military places or concerning their military services or duties.

Non-military persons may be tried by the military courts only because of their military offences determined by special law.

In cases of war or Martial Law, the limits of the juridiction of the military courts, concerning the persons and offences, are determined by law.

The majority of the members of the military court must have the qualifications of judges.

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The structure of the military courts and the performance of their duties, their independence, the personal affairs of the judges are determined by a special law according to the principles of the military service and the guarantee for the judges.

B) High Courts

I. The Court of Cassation

ARTICLE 139 — The Court of Cassation is the final court where the sentences and decisions prounounced by various courts are examined. In definite cases, determined by law it holds the trials as first or final instance court.

The members are elected by the High Council of Judges and the President and Vice Presidents and the Chief Public Prosecutor are elected by the Grand Assembly of the Court of Cassation by secret balloting and absolute majority.

The structure and the functions of the Court Cassation and the qualifications of the President and the members and other servants, are determined by law.

II. Council of State

ARTICLE 140 — The Council of State is sometimes first-instance but generally the highest court on the cases where the law doesn't provide the authority of judisdiction for any other administrative court.

The Council of State, authorized to solve the administrative disputes and controversies, to give opinions on projected legislation brought to its attention by the government, to examine the draft regulations, the contracts involving concessions and specifications and to perform other functions, is determined by law.

The President, members and the Chief Public Prosecutor of The Council of State are elected by the General Assembly of the Constitutional Court, including the reserve members, by secret balloting and two-third majority, from among those who have the qualifications determined by law.

The structure, functions, methods and the qualifications, appointments, promotion responisibilities, allowances of the members of the Council of State are determined by law in accordance with the principles about the guarantee for judges and the independence of the courts.

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III. Supreme Military Court

ARTICLE 141 — The Supreme Military Court is the Highest court for the sentences and decisions pronounced by the military courts.

Other trials concerning various military matters determined by law, are held by the Supreme Military Court as first instance and final court.

The President of the Republic chooses the members and the Chief Public Prosecutor of the Supreme Military Court from among the candidates who possess the qualifications for judges and have completed their fortieth year and served at least ten years as a military judge or military public prosecutor and have been elected by the General Assembly of the Supreme Military court by secret balloting. The number of the candidate is the triple of the vacant places.

The Supreme Military Court elects its Presidents from among its members.

IV. The Court of Conflicts

ARTICLE 142 — The Court of Confics is authorized to conclude the conflicts of jurisdiction between the courts of justice, the administrative tribunals and the military courts.

The structure and the function of the Court of Conflicts are determined by law. The President of this court is an authorized member of the Constitutional Court.

C) Supreme Council of Judges

I. Composition

ARTICLE 143 — The Supreme Council of Judges is composed of eighteen members and five reserve members. Six of these members are electd by the General Assembly of the Court of Cassation and the other six are elected by the judge promoted to the first rank from among them by secret ballot. The National Assembly and the Republican Senate elects three members respectively by secret ballot and by the absolute majority of the full quorum of the members from among the persons who have served in the High Courts or who have acquired the right of membership to these courts. By means of this method, two reserve members are elected by the general assembly of the Court of Cassation, and three reserve members are elected, one by the judges promoted to the first rank, one by the National Assembly and one by the Senate of the Republic.

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The Supreme Council of Judges elects the President from among them by the absolute majority of the full quorum.

The term of the members of the Supreme Council of Judges is four years. The election of half of the members is renewed once in two years. Members who were elected when they were judges are not eligible for re-election.

Members of the Supreme Court of Judges may assume no other private or public functions during their term.

The composition of the Supreme Council of Judges, its labour methods and section, the duties of these sections and the quorum of meetings and decisions, the salaries and allowances of the President and members are defined by law.

The Minister of Justice may be present in the Supreme Council of Judges meetings but he may not participate in voting.

II. Functions and Powers

ARTICLE 144 — To give decisions on the personnel matters of the judges lies in the provinces of the Supreme council of judges.

The decision on the dismissal of a judge, whatever the reasons may be, is given by the quorum of the Council.

The Minister of Justice, when he deems necessary, may apply to the Supreme Council of Judges for the opening of a disciplinary investigation against a judge.

Abolition of a court or of a cadre, or changing the judicial circle of a court depends on the consent of the Supreme Council of Judges.

The control over judges on certain subjcets is exercised by high ranking judges commissioned by the Supreme Council of Judges.

D) The Constitutional Court

I. Composition

a) Election of the Members :

ARTICLE 145 — The Constitutional Court is composed of fifteen members and five reserve members. Four of the members are elected by the Court of Cassation and three members by the Council of State by secret ballot from among their presidents, members, Chief Public Prosecutor and Chief Public Prosecutor of the Council of State by the absolute majority of the full

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quorum. One member is elected by the Court of Accounts from among its members and president in the same way. The National Assembly elects three and the Senate of the Republic elects two members. Two members are elected by the President of the Republic. The President of the Republic elects one of them from among three candidates who are to be submitted by the General Assembly of the Supreme Military Court who are to be elected by secret ballot by its absolute majority of the quorum. The Constitutional Court elects a President and a Vice-President for a term of four years from among its members by secret ballot and by a two-third majority; to be re-elected is permissiable.

The Legislative Assemblies make these elections outside the Turkish Grand National Assembly members by secret ballot and by the two-third majority of the quorum. If this majority is not obtained in the first two ballots, the absolute majority will be considered adequate.

It is necessary that each of the members to be elected by the Legislative Assemblies must be from among the candidates to be submitted by the assembly of the faculty members of the Faculties of Law, Economics and Political Sciences by secret ballot totalling the three-fold of the vacant memberships.

To be a member or a reserve member of the Constitutional Court, it is necessary to have completed forty years of age, to have been a president, a member, a chief prosecutor or chief public prosecutor of the Council of State in the Court of Cassation, in the Council of State, in the Supreme Military Court or in the Court of Accounts; or to have been at leas for five years a member of the faculties of Law, Economics or Political Scienses or to have been an advocate for fifteen years.

For the Constitutional Court, the Court of Cassation elects two reserve members and, the Council of State and each of the Legislative Assemblies elect one reserve member. The election of both th members and reserve members is done in accordance with the procedure.

Members of the Constitutional Court may assume no private or public functions.

b) Termination of Membership :

ARTICLE 146 — Members of the Constitutional Court are retired at the age of sixty-five.

The term of membership of the Constitutional Court expires automatically if the member is sentenced for a crime which

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necessitates his dismissal from the profession of judge; and if it is found certain that he would no longer fulfill his functions for health reasons, it expires by the decision given by the absolute majority of the Constitutional Court quorum.

II. Functions and Power

ARTICLE 147 — The Constitutional Court checks whether the laws and House-regulations of the Turkish Grand National Assembly are reconcilable with the Constitution.

It tries the President of the Republic, members of the Government, Presidents and Members of the Court of Cassation, Council of State, Supreme Military Court, the Supreme Council of Judges, the Court of Accounts, and the Chief Public Prosecutor, the Chief Public Prosecutor of the Council of State, the Chief Public Prosecutor of the Supreme Military Court and tries its own members for offences related to their functions; and it fulfills other functions defined by the Turkish Constitution.

In a trial made by the Constitutional Court within the capacity of the Supreme Tribunal, the prosecutor's function is fulfilled by the Chief Public Prosecutor.

III. Procedure of Trial and Function

ARTICLE 148 — The composition of the Constitutional Court and its procedures for trials are defined by law; the way in which it works and the division of labour among its members are defined by the House-regulations it will make.

The Constitutional Court examines the cases which are outside the cases it hears within the capacity of a Supreme Tribunal, on file, However, it summons the related persons to hear their oral explanations if it deems necessary.

IV. Action for Nullity

a) Right to Sue :

ARTICLE 149 — The President of the Republic; the political parties which gained at least ten per cent of the valid votes in the most recent legislative elections and those which have representatives in the Turkish Grand National Assembly and their groups in the Assembly; members of one of the Legislative Assemblies amounting to at least one sixth of the absolute majority, in the fields related to their existence and functions, the Supreme Council of Judges, the Court of Cassation, the Council of State, the Supreme Military Court, and the Universities may directly open in the Constitutional Court an action for nullity

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with the claim that the laws or the House regulations of the Turkish Grand National Assembly or certain articles and provisions of them are against the Constitution.

b) The Period to Sue :

ARTICLE 150 — The right to open an action for nullity in the Constitutional Court ceases at the end of ninety days as from the publication of the law or House-regulations the nullification of which is required in the Official Gazette.

b) Unconstitutionality of Laws Claimed in Other Courts .

ARTICLE 151 — If a court, in hearing a case, finds the provisions of a law contrary to the Constitution or if it reaches a firm conclusion that the claim of one of the parties may be unconstitutional, it adjourns the trial pending the decision of the Constitutional Court on the matter.

If the court does not find the claim of irreconcilableness possible, this claim is concluded in a final verditc together with the main verdict given by the Court of Cassation.

The Constitutional Court gives its final verditc within three months from the date on which the case is delivered to it.

It no decision is reached within this period, the court reaches a solution about the claim of irreconcilability according to its own conviction and carries out the trial, However, it the verdict of the Constitutional Court becomes certain, prior to the decision on the main point the courts must obey it.

V. Decisions of the Constitutional Court

ARTICLE 152 — Decisions of the Constutional Court are final.

The laws or House-regulations or their provisions nullified by the Constitutional Court because of their irreconcilability with the Constitution are abolished on the same day as the decision. If necessary the Constitutional Court may decide separately the date the nullification verdict shall be in force. This date may not exceed six months es from the day the verdict is rendered.

There is no right of recourse for nullification sentences.

The Constitutional Court may also decide that the verdicts it has given on the claims of irreconcilability coming from other courts will be subject to the incident and delimitating only the parties.

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The verdicts of the Constitutional Court are immediately published in the Official Gazette and delimitates the legislative, juidical and executive organs of the State, administrative authorities, natural and artificial persons.

PART FOUR

MISCELLANEOUS

I. Protection of the Reform Laws

ARTICLE 153 — No provisions of this Constitution considers or comments on the following reform laws the aims of which are to bring the Turkish community to the contemporary standard of civilization and to protect the secularity of the Turkish Republic; and no provisions in force of this Constitution on the date it is approved in referendum are contrary to the Constitution :

1. The Act of Unity of Education, No. 430, dated March, 3, 1930.

2. The Act of Adoption of Wearing Hats, No. 671, dated October 25, 1341.

3. The Act of Prohibition and Abolition of Convents of Dervishes and some other Titles Related to Them. No. 677, dated Oct. 30, 1341.

4. The Provision Stating that the Celebration of Marriage will be made by the Registrar General of Marriages which is Adopted by the Turkish Civil Court. No. 743, dated February 17, 1926.

5. The Act of Adoption of the International Numerals. No. 1288, dated May 20, 1928.

6. The Act of Adoption and Application of the modern Turkish (Latin) Characters No. 1353, dated October 1, 1928.

7. The Act of Abolition of the Titles and Surnames like «Bey, Paşa, Efendi». No. 2590, dated October 26, 1934.

8. The Act of Prohibition of Wearing some Costumes. No. 2596, dated November 3, 1934.

(x) Part Five which contains the provisional rules is placed at the end of the text.

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II. The Department of Religious Affairs

ARTICLE 154 — The Department of Religious Affairs, placed in the general administration, exercises the functions defined by the special law.

PART SIX

FINAL PROVISIONS

I. Ways in which the Constitution may be Amended

ARTICLE 155 — Amendments to this Constitution may be proposed in written form by at lest one third of the absolute majority of members of the Turkish Grand National Assembly. The proposals relating to the amendments in the Constitution may not be debated immediately. The approval of the proposal for amendments is possible by the voting in favour by two-thirds of the members of the Houses respectively.

Outside the provisions in section 1, the discussion and approval of the proposals for the amendment of this Constitution depand on the provisions related to the discussion and approval of laws.

II. The Preamble and Headlines

ARTICLE 156 — The Preamble, which presents the fundamental views and principles on which the Constitution is based, is included in the Text-of the Constitution.

The headlines of the articles indicate only the subjects of the articles to which they are related and the order and ties between the articles. The headlines may not be considered as parts of the Text of the Constitution.

III. Becoming Effective of the Constitution

ARTICLE 157 — This Constitution, upon its approval in the referendum, becomes the Constitution of the Turkish Republic and is to be immediately published in the Official Gazette with the results of the referendum.

The provisions of this Constitution relating to the formation, election and meeting of the Turkish Grand National Assembly, become effective when published in accordance with Section 1, other provisions become effective in accordance with the principles indicated in the provisional articles, after the election of the Turkish Grand National Assembly.

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PART FIVE

PROVISIONAL ARTICLES

I. Election and Meeting of the Grand National Assembly

PROVISIONAL ARTICLE 1 — Elections for the National Assembly and the Senate of The Republic, established according to this Constitution, are to be held on the same date.

a) Elections for Both Houses :

On the fifth day, following the date of the proclamation of the results of the elections by the High Electoral Council, both Houses will meet in the Parliament House in Ankara at 03.00 p.m.

The oldest deputy will be the president of the first session. In this session the deputies will take the oath of office after the members of the Senate of the Republic.

b) Composition of the Senate of the Republic :

PROVISIONAL ARTICLE 2 — The first elections for the Senate of the Republic, established according to this Constitution, are to be held for all the members who will be elected by public vote.

The Senate of the Republic acquires its legal existence before the appointment of fifteen members by the President of the Republic. The President of the Republic will appoint these members within one month after taking his post.

c) Provisional Internal Order :

PROVISIONAL ARTICLE 3 — Until the adoption of the internal orders, for the meetings and functions of the Grand National Assembly of Turkey, the National Assembly and Senate of the Republic, established according to this Constitution, the provisions of the internal order for the Grand National Assembly of Turkey which was in force before the date of October 27, 1960, will be applied.

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II. The End of the Legal Existence of the Constituent Assembly and the National Unity Committee. The Dispositions of the Revolution

PROVISIONAL ARTICLE 4 — With the meeting of the Grand National Assembly of Turkey, established according to this Constitution, the legal existences of the Constituent Assembly, National Unity Committee and the House of Representatives will be ended.

No application may be made and no claim may be brought before any court against the acts and deeds and disposals of the National Unity Committee and the Revolutionary Governments and their application by the competent organs and authorities, in order to hold them legally or financially responsible.

The acts which were adopted from May 27, 1960 until January 6, 1961, in order to realize the establishment of the democratic regime with all its guarantees, may be repealed or modified in accordance with the methods which are used to repeal and modify the other acts of the Turkish Republic.

However no claim about the unconstitutionality of these acts and deeds may be made and no claim may be brought before the Constitutional Court, No unconstitutionality may be claimed even by the way of objection in the other courts.

The provisions of the 2nd paragraph, about the repeal and modifications of the disposals, acts and deeds are preserved.

III. The Election of the President of the Republic

PROVISIONAL ARTICLE 5 — The President of the Republic will be elected on the day following the oath-taking of the members of the Turkish Grand National Assembly.

After the election of the President of the Republic, the function of the Head of State expires automatically in accordance with the Law No. 1, dated June 12, 1960.

IV. The Formation of the Council of Ministers

PROVISIONAL ARTICLE 6 — The functions of the Council of Ministers in power which was formed in accordance with the Law No. 1, dated June 12, 1960 will expire automatically when a new Council of Ministers is formed in accordance with the Article 102 of this Constitution.

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V. The Organs, Institutions and Councils recognised by the Constitution

a) Tfe Formation of the New Organs, Institutions and Councils :

PROVISIONAL ARTICLE 7 — The laws relating to the formation and operation of the new organs, institutions and councils recognised by this Constitution shall be issued within not more than six months, as from the first meeting of the Turkish Grand National Assembly and other laws, the setting down of which is ruled by this Constitution shall be issued within not more than two years.

b) The Status of the old organs, Institutions and Councils.

PROVISIONAL ARTICLE 8 — The application of the provisions relating to these subjects will be carried out until the organs, institutions and councils, which are to be formed according to this Constitution, begin their functions after the formation laws become effective.

c) The Claim of irreconcilability of the Old Laws with the Constitution :

PROVISIONAL ARTICLE 9 — The claim of unreconcilability of laws with the Constitution may not be forwarded in the courts and the courts may not pronounce any decisions resting on the irreconcilability of laws with the Constitution prior to the publication in the Official Gazette that the Constitutional Court has begun to exercise its functions.

An action for nullity with the claim of irreconcilability with the Constitution may be brought against any law which is in force on the date when the Constitutional Court began to exercise its functions. In this case, the right to bring an action for nullity may fall into disuse within six months as from the date of publication in the Official Gazette that the Constitutional Court has begun to exercise its functions.

VI. The First Senate of the Republic

PROVISIONAL ARTICLE 10 — With an aim to secure the application of Paragraph 2, Article 73, relating to the election of the Senate of the Republic by public vote and the renewal of the members appointed by the President, to determine those to be renewed in the elections two years after their election, the drawing of lots is applied two months before this election; to determine the members to be renewed in the elections four years

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later, the drawing of lots is applied in accordance with the same principle. However, the members who were elected at the end of the second year are not included in this drawing of lots.

Drawing of lots is not applied for the President of the Senate of the Republic.

The legal provisions relating to the election of the Senate of the Republic are applied for the election to be held two or four years after the first election of the Senate of the Republic.

VII. Adequateness of the Amnestled to be elected

PROVISIONAL ARTICLE 11 — The persons amnestied before the approval of the Constitution in the referendum and who are not sentenced finally for a disgraceful offence, are not subject to the prohibition of being elected which is defined by the Article 68.

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