

The constitution of 1924, formally titled the Constitution of the Republic of Turkey replaced the constitution of 1921 and was ratified by the Grand National Assembly of Turkey following the proclamation of the republic on October 29, 1923. The preparation and enactment of the constitution was so fast that neither the public nor any advocacy group had an impact on the constitution. It was inspired by the constitutions of France and Poland. The constitution of 1924 was amended seven times in total.

## 10. THE CONSTITUTION OF 1961:

The constitution of 1961 was prepared by a constituent assembly composed of military leaders and indirectly elected civilians. The constituent assembly was made up of the NATIONAL Unity Committee and the Representatives' Assembly. It was adopted by a referendum held on July 9, 1961, with 61.7 percent of the nation voting in its favor. For the first time in Turkish history, a constitution prepared by a constituent assembly was passed through a public referendum.

## 11. INTERVENTION OF 1980 COUP'D ETAT:

- > the current Turkish constitution was enacted after the September 12<sup>th</sup> 1980 intervention.
- > The 1982 constitution was stricter than the previous one, especially on the subject of fundamental rights and liberties.
- > The number of irrevocable articles in the constitution was increased to three.

## 12. ARTICLES OF THE CONSTITUTION:

The first four articles of the 1982 constitution were now immutable. They read as follows:

- > Article 1: The Turkish State is a Republic.

- Article 2: The Republic of Turkey is a democratic, secular and social state governed by the rule of law; bearing in mind the concepts of public peace, national solidarity and justice respecting human rights;
- Article 3: Integrity of the State, Official Language, Flag, National Anthem and Capital;
  - The Turkish state, with its territory and nation, is an indivisible entity. Its language is Turkish.
  - Its flag, the form of which is prescribed by the relevant law, is composed of a white crescent and star on a red background.
  - Its national anthem is independence March and capital is Ankara.

➢ Article 4: It declares that all 3 articles are irrevocable.

### 13. AMENDMENTS IN THE CONSTITUTION:

Some of the most significant amendments can be summarize as follows:

- The 1995 amendment abolished the ban on the political activities of associations and permitted them to engage in collaborative action with political parties and other civil society organizations.
- Article 51 and 52, which govern the right to form labor unions, were extensively amended in 1995.
- Articles 68 and 69, on the regulation and prohibition of political parties, were extensively amended in 1995 and 2001.

### 14. OBJECT OF THE CONSTITUTION:

According to A.V.Dicey:

“Constitution is a set of rule between the governed and the governing body”.

### 15. CRUX:

To Conclude that The Constitution of the Republic of Turkey also known as the Constitution of 1982, is Turkey's fundamental law.it establishes the organization of the government and sets out the principles and rules.of the state's conduct along with its responsibilities in regards to its citizens.

QUESTION NO 22:

DISCUSS THE COMPOSITION, ELECTION TERM OF THE GRAND NATIONAL ASSEMBLY OF TURKEY?

1. INTRODUCTION:

Legislature means the Authority who makes or set the law. in wider sense the term Legislature is used to include all the authority of law-making but in a restricted sense, it includes every expression of the legislature whether the same is directed to the making of law not. The law that has its source in legislation is called enacted law, statute law or written law.

2. RELEVANT PROVISIONS:

Article 75 to 100 of The Constitution of the Republic of Turkey.

3. INTERPRETATION OF TERM LEGISLATURE:

According to Oxford Dictionary of Law.

The body having primary power to make written law.

4. DEFINITION OF TERM LEGISLATURE:

According to Black's Law Dictionary:

The branch of government responsible for making statutory law.

5. COMPOSITION: (55<sub>o</sub>)

The Grand National Assembly of Turkey shall be composed of five hundred and fifty deputies elected by universal suffrage.

**6. ELIGIBILITY TO BE A DEPUTY:**

A person completed his primary education

- Not disqualified by law.
- Not holding any other government office.
- Sound mind.
- Major

is qualified to be a deputy.

**7. ELECTION TERM OF THE GRAND NATIONAL ASSEMBLY OF TURKEY:**

Elections for the Grand National

Assembly of Turkey shall be held every four years.

**8. DEFERMENT OF ELECTION:**

If holding new elections is deemed impossible because of war, the Grand National Assembly of Turkey may decide to defer elections for a year. If the grounds do not disappear, the deferment may be repeated in compliance with the procedure for deferment.

**9. GENERAL ADMINISTRATION AND SUPERVISION OF ELECTIONS:**

Elections shall be held under the general administration and supervision of the judicial organs. The Supreme Board of Election shall execute all the functions to ensure the fair and orderly conduct of elections from the beginning to the end.

**10. REPRESENTING THE NATION:**

Members of the Grand National Assembly of Turkey, on assuming office, shall take oath.

**11. ACTIVITIES INCOMPATIBLE WITH MEMBERSHIP:**

Members of the Grand National Assembly of Turkey shall not hold office in state departments and other public corporate bodies and their subsidiaries where there is direct or indirect participation of the state or public corporate bodies; in the enterprises and corporations.

**12. PARLIAMENTARY IMMUNITY:**

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

**13. LOSS OF MEMBERSHIP:**

The loss of membership of a deputy who has resigned shall be decided upon by the Plenary of the Grand National Assembly of Turkey after the Bureau of the Grand National Assembly of Turkey attests to the validity of the resignation.

**14. SALARIES AND TRAVEL ALLOWANCES:**

Salaries travel allowances and retirement procedures of the members of the Grant National Assembly of Turkey shall be regulated by law.

**15. DUTIES AND POWERS OF THE GRAND NATIONAL ASSEMBLY OF TURKEY:**

> The duties and powers of the Grant National Assembly of tukey are:

- I. To each, amend, and repeal laws.
- II. To scrutinize the council of Ministers and the ministers; to authorize the Council of Ministers.

- III. To issue decrees having the force of law on certain matters.
- IV. To debate and adopt the budget bills and final accounts bills.
- V. To decide to issue currency and declare war.
- VI. To approve the ratification of international treaties.
- VII. To decide with the majority of three-fifths of the Grand National Assembly of Turkey to proclaim amnesty and pardon.
- VIII. The council of Ministers and deputies empowered to introduce bills.
- IX. To Promulgation of laws by the President of the Republic.
- X. To Ratification of international treaties.
- XI. To Authorization to issue decrees having the force of law.
- XII. To Declaration of state of war and authorization to deploy the armed forces.
- XIII. To allow foreign armed forces to be stationed in Turkey, is vested in the Grand National Assembly of Turkey.

#### 16. THE ACTIVITIES OF GRANT NATIONAL ASSEMBLY OF TURKEY:

##### > Convening and recess:

The Grand National Assembly of Turkey shall convene of its own accord on the first day of October each year.  
The Assembly may be in recess for a maximum of three months in a legislative year.

##### > Bureau of the Assembly:

The Bureau of the Assembly of the Grand National Assembly of Turkey shall be composed of the Speaker, Vice-Speakers, secretaries, and quaestors elected from among members of the Assembly.

##### > Rules of procedure:

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

> Quorums and majority for decisions:

The Grand National Assembly of Turkey shall convene with at least one-third of the total number of members for all its affairs, including elections it holds.

> Publicity and publication of debates:

The Grand National Assembly of Turkey shall exercise its supervisory power by means of question, Parliamentary inquiry, general debate, censure and parliamentary investigations.

**17. WAYS OF OBTAINING INFORMATION AND SUPERVISION BY THE GRAND NATIONAL ASSEMBLY OF TURKEY:**

- > The Grand National Assembly of Turkey shall exercise its supervisory power by means of question, Parliamentary inquiry, general debate, censure and parliamentary investigations.
- > A motion of censure shall be tabled on behalf of a political party group or by the signature of at least twenty deputies.
- > Parliamentary investigation may be requested against the Prime Minister or ministers through a motion tabled by at least one-tenth of the total number of members of the Grand National Assembly of Turkey.

**18. CONCLUSION:**

To conclude that the Grand National Assembly of Turkey have the power to enact, amend, and repeal laws; to scrutinize the Council of Minister and the ministers; to authorize the Council of Ministers; to issue decrees having the force of law on certain matters; to debate and adopt the budget bills and final accounts bills, to

decide to issue currency and declare war, to approve the ratification of international treaties according to the constitution.

QUESTION NOM 23:

DISCUSS THE INDEPENDENCE OF THE COURTS AND THE JUDICIARY UNDER THE PROVISION OF THE CONSTITUTION OF THE REPUBLIC OF TURKEY?

1. CONCEPT OF JUDICIARY:

Enforcement of justice in a society is the important function of judiciary. As the performance of judicial duties involves technicalities in law, trained and professionally committed personal are required to fill the judicial positions. To dispense justice in the society has always been regarded as the primary function of government.

2. RELEVANT PROVISION:

Article 138 to 60 of constitution of Turkey.

3. INTERPRETATION OF TERM JUDICIARY:

According to Black's Law Dictionary:

"The branch of government responsible for interpreting the law".

4. DEFINITION OF TERM JUDICIARY:

According to Merriam Webster Dictionary.

The branch of government that includes Courts of law and judges in a country.

5. INDEPENDENCE OF COURTS:

Judges shall be independent in the discharge of their duties; they shall give judgment in accordance with the Constitution, laws, and their personal conviction conforming with the law.

**6. TENURE OF JUDGES:**

Judges and public prosecutors shall not be dismissed, or unless they request, shall not be retired before the age presided by the Constitution.

**7. SALARIES ALLOWANCES:**

They shall not be deprived of their salaries allowances or their rights relating to their status, even as a result of the abolition of a court or a post.

**8. JUDGES OF PUBLIC PROCEUTORS:**

Judges and public prosecutors shall serve as judges and public prosecutors of civil and administrative judiciary. These duties shall be carried out by professional judges and public prosecutors. Judges shall discharge their duties in accordance with the principles of the independence of the courts and the security of the tenure of judges.

**9. PULICITY OF HEARING AND VERDICT:**

Publicity of hearing and verdict.

- Court hearing shall be open to the public.
- Where it is required to be necessary there must be closed hearing.
- Special provision is provided for the case of minor.
- Decision of court must be in writing.
- Ensure the speedy Justice.

**10. ORGANISATION OF COURTS:**

The organization functions and jurisdiction of the Courts shall be regulated by law.

## 11. HIGHER COURTS:

Following are the higher courts of Turkey:

- The Constitution court.
- The high court of Appeals.
- Council of state appeal.
- High military administrative court of appeal.
- Jurisdictional conflict court.

## 12. CONSTITUTIONAL COURT:

- Organization.
  - I. Eleven regular member.
  - II. Four substitute member.
- Termination of member. Member shall retire at the age of 65.
- Functioning and trial procedure.

The organization and trial procedures of the constitutional court shall be determined by law.
- Decision of constitutional court.

The decisions of the constitutional Courts are final and have binding authority.
- Powers and function.

Following are the powers and functions of constitutional court.

- I. To examine the constitutionality in respect of both form and substance of law.
- II. To verified and examined constitutional amendment.
- III. To tried the offences of higher authority.
- IV. It also perform other functions given by constitution.

**13. HIGH COURTS OF APPEAL:**

The high Court of Appeals is the last instance for reviewing decisions and judgments given by civil courts that are not referred by law to other civil judicial authority. It shall also be the first and last instance court for dealing with specific cases prescribed by law. Members of the High Court of Appeals shall be appointed by the High Council of judges and Prosecutors from among first category judges and public prosecutors of the civil judiciary, or those considered members of this profession, by secret ballot and by an absolute majority of the total number of members.

**14. COUNCIL OF STATE:**

The Council of State is the last instance for reviewing decisions and judgments given by administrative courts and not referred by law to other administrative courts. It shall also be the first and last instance for dealing with specific cases prescribed by law.

**15. HIGH MILITARY COURTS OF APPEAL:**

The High Military Court of Appeals is the last instance for reviewing decisions and judgments given by military courts. It shall be the first and last instance for dealing with specific cases designated by law

concerning, Military persons. Members of the High Military Court of Appeals shall be appointed by the President of the Republic from among three candidates nominated for each vacant office by the General Assembly of the High Military Court of Appeals.

**16. HIGH MILITARY ADMINISTRATIVE COURTS:**

The high Military Administrative Court shall be the first and last instance for the judicial supervision of disputes arising from administrative acts and actions involving military persons or relating to military service.

**17. COURTS OF JURISDICTIONAL DISPUTES:**

The Court of jurisdictional Disputes shall be empowered to deliver final judgments in disputes between civil, administrative, and military courts concerning their jurisdiction and judgments.

**18. FINAL NOTE:**

Finally it can be say that Judges shall be independent in the discharge of their duties, they shall give judgement in accordance with the Constitution, laws, and their personal conviction conforming with the law. For the betterment of society the concept of administration of justice is necessary.

QUESTION NO 24:

**DISCUSS THE ELECTION PROCEDURE UNDER THE PROVISIONS OF THE CONSTITUTION  
OF THE REPUBLIC OF TURKEY?**

**1. INTRODUCTION:**

Elections have been the usual mechanism by which modern representative democracy has operated since the 17<sup>th</sup> century. Elections fill offices in the legislature, sometimes in the executive and judiciary, and for regional and local government.

**2. RELEVANT PROVISIONS:**

Provisional Article 1 to 19 of The Constitution of the Republic of Turkey.

**3. INTERPRETATION OF TERM ELECTION:**

According to Oxford Dictionary of law.

The process of choosing by vote a number of a representative body.

**4. DEFINITION:**

According to Merriam Webster Dictionary.

The act or process of choosing someone for a public office by voting.

**5. ELECTION OF PRESIDENT:**

On the duly proclamation of the adoption of the Constitution as the Constitution of the Republic of Turkey by referendum, the Chairperson of the Council of the National Security and Head of State at the time of the referendum, shall assume the title of President.

➤ Term of President:

Term of the president is 5 years .

➤ Re-election of President:

The President is eligible for one re-election.

➤ Procedure of Election:

The election of President must begin at least 30 days before the term of the office expires.

Before the amendment of 2007, the President was elected by the members of the Grand National Assembly of Turkey. After this amendment the President shall be elected by the people of Turkey by Universal suffrage. The Candidate who receives the absolute majority of the valid votes shall be elected President of the Republic and if this majority cannot be obtained in the first ballot, the second ballot shall be held on has second Sunday following the ballot. The two candidates who receive the greatest number of votes in first ballot run for the second ballot and the candidate who receives majority this time shall be elected President.

➤ Duties and powers of the President:

Article 104, provides following powers and functions of the President of Republic of Turkey.

• Legislative Power:

The President of Turkey delivers the opening address to the Grand National Assembly on the first day of legislative year. He can summon the Grand National to meet when he deems necessary. The president has the powers to promulgate laws passed by the Parliament. He can appeal to Constitutional Court in Case of amendment passed by the Parliament which he deems unconstitutional as a whole or any part of the amendment.

• Judicial Power:

The President has the powers to appoint the members of the constitutional courts,  $\frac{1}{4}$  of the members of Council of State Chief Public Prosecutor and the members of Military High Court of Appeals and the members of Supreme Council of Judges and Public Prosecutor.

- Executive Power:

The President of Turkey has the power to appoint the prime Minister and accept his resignation in case of no confidence by the Parliament or when he resigns voluntarily. He has the power to appoint and dismiss Ministers on the proposal of prime Minister. When he deems necessary, he presides over the Council of Minister under his Chairmanship. The President ratifies and promulgates all the Parliament. He appoints Chiefs of Armed Forces and also presides over the National Security Council. The president has the power to remit sentences imposed on certain individuals on the grounds of illness, old age and disability. He appoints the members of Higher Educational Council and rectors of Universities.

## 6. ELECTION OF COUNCIL OF MINISTRY AND PRIME MINISTER:

Ministers which work as the Government of the country.  
The constitution of Turkey provides Council of

> Formation of government:

Under Article 109, the Council of Minister consists of the Prime Minister and Ministers. The Prime Minister is appointed by the President from among the members of Parliament and they can be dismissed by the President on the approval of Prime Minister.

> Taking office and vote of confidence:

As per Article 110, the complete list of member of Minister of Council is submitted to Grand National Assembly and the PM reads the Government Programme of the Council Of Ministers before the Parliament within a week of the formation of government and also request for vote of confidence from the Parliament.

> **Vote of confidence while in office:**

Under the Article 111, if the Prime deems it necessary, and after discussing the matter in the council of Ministers, he may ask for a vote of confidence in the Parliament. The Parliament has absolute authority to confer vote of confidence or may reject it with absolute majority of the total number of members.

> **Powers and functions:**

Article 112, provides that the Prime as a chairman of the Council of Ministers shall ensure co-operation among the Ministers and supervise the implementation of the general policy of the government.

7. **CRUX:**

So it can be said that On the tenth day following proclamation of the results of the first general elections by the Supreme Board of election, the Grand National Assembly of Turkey shall convene of its own accord at the building of the Grand National Assembly of Turkey in Ankara at 15.00 hours. The eldest deputy shall preside this session. At this session, the deputies shall take their oaths.

**QUESTION NO 25:**

**DISCUSS THE FOREIGN RELATIONS OF TURKEY?**

**1. PRELIMINIRAY NOTE:**

We live in an age of rapid changes and uncertainties. Thus our policies need to be able adopt to constant change and help shape the dynamics around us in the direction of peace prosperity and stability. That is why Turkey takes initiatives with an "enterprising and humanitarian foreign policy" approach.

**2. GLOBAL IN CHARCTER:**

Turkey conducts its foreign policy guided by the principle of "Peace at the Home, Peace in the World" as out by Mustafa Kemal Ataturk. Turkey has a comprehensive, peace oriented, and principle vision and is committed to making use of all its means and capabilities towards this twin objective.

**3. TURKISH FOREIGN POLICY:**

Turkey stand s on the right side of history. She entertains a deep-rooted tradition of statehood and democracy. Her inherent advantages emanate from her central geography, profound historical experience young and educated demography and dynamic economic. Turkish foreign policy mobilizes several complementary political, economic, humanitarian and cultural means and has global reach.

**4. PURSUING MEMBERSHIP OF THE EUROPEAN UNION:**

Turkey is pursuing membership of the European Union underlining that her membership would benefit both the EU and Turkey: Turkey is actively contributing to the efforts to address many challenges that also effects Europe.

**5. ACTIVE MEMBER OF NATO:**

As an active member of NATO, Turkey has been making essential contributions to the North Atlantic alliance and the core premise of the alliance, namely "one for all, all for one".

**6. ACTIVE MEMBER OF THE G-20:**

Turkey has also been an active member of the G-20 since its inception and was its term chairman for 2015. At G-20 Turkey has been promoting humanitarian-development nexus as well as inclusive economic growth and equitable distribution.

**7. PART AND PARCEL OF EUROPE:**

Turkey is part and parcel of Europe and almost all European institution. These include the Council of Europe, the Organization for Security and Cooperation in Europe.

**8. FOUNDING MEMBER OF SEVERAL SUB REGIONAL ORGANIZATIONS:**

Turkey is also a founding member of several sub regional organizations and initiatives such as the Black Sea Economic Cooperation (BSEC), Southeast European Cooperation Process (SEECP), Economic Cooperation Organization (ECO).

**9. ACTIVE MEMBER OF THE ORGANIZATION OF THE ISLAMIC COOPERATION (OIC):**

Turkey is an active member of the Organization of the Islamic Cooperation (OIC), Developing Eight (D-8), Cooperation Council of Turkic Speaking States as well as MIKTA, among others. In 2017 Turkey held the term Chairmanship of the Organization of Islamic Cooperation.

**10. ROLE WITH RESPECT TO EUROPEAN AND GLOBAL ENERGY SECURITY:**

As an emerging energy terminal and transit country, Turkey plays a vital role with respect to European and global energy security.

**11. STRATEGIC PARTNERSHIP WITH HER NATO-ALLY UNITED STATES:**

Turkey has a strategic partnership with her NATO-ally United States and deems the transatlantic link vital for European security and prosperity.

**12. TURKISH DIPLOMATIC OUTREACH:**

Turkish diplomatic outreach has grown immensely during recent years, now totaling 236 missions abroad, becoming the 6<sup>th</sup> largest network global. E-visa system, online consular services and 7/24 consular call centers have strengthened the outreach.

**13. GLOBAL PROBLEMS:**

Global problems can only be resolved through cooperation on a global scale. Awareness of this fact underscores Turkey's active diplomacy notably at the United Nations and other multilateral fora. Turkey has served at the UN Security Council during 2009-2010 as a constructive member contributing to global peace, stability and security. Under the motto "the world is larger than five".

**14. RECOGNIZED AS A DYNAMIC POWER:**

Turkey has been recognized as a dynamic power in the field of development diplomacy efforts. Turkey hosted the Fourth United Nations Conference on Least Developed Countries, on 9-13 May 2011 in Istanbul and contributed to the adoption of the program of Action for the decade 2011-2020.

**15. ACTIVELY COUNTERING TERRORISM:**

Terrorism and various forms of extremism have reached a menacing intensity around the world. Terrorist groups are threatening international peace and security. Turkey has been actively countering terrorism unleashed by whichever organization under whatever pretext.

16. ETHNIC OR RELIGIOUS HATRED:

In our day and age another widespread scourge is ethnic or religious hatred, discrimination, extremism, xenophobia, Islamophobia and other forms of exclusions. Turkey underlines the need for dialogue, openness, diversity, inclusive policies in addressing this phenomenon. In this regard, turkey has assumed leading roles in endeavors to foster mutual respect and common values among different cultures and religions.

17. CRUX:

Turkey aims to strengthen her existing strategic relationships and establish new ones. She has a strategic partnership with her NATO-ally, the United States, and considers the transatlantic link vital to European security and prosperity. An active member of NATO and one of the top five contributors to its operations, Turkey has been making significant contributions to the North Atlantic Alliance and its fundamental principle of "the indivisibility of security".

~~Other headings  
⇒ Strategic Partnership and Security~~