CONSTITUTION
OF
THE REPUBLIC OF CHINA

TRANSLATED AND PUBLISHED
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CONSTITUTION
for
THE REPUBLIC OF CHINA
CONSTITUTION OF THE

CONSTITUTION

OF

THE REPUBLIC OF CHINA

ERRATA.

ENGLISH TRANSLATION

WITH

CHINESE TEXT.

Page 6, Article 24, line 4, 'forestry' read 'forestry'.

Page 28, Article 126, 'Self-Government' read 'Self-government'.

Page 12, Article 113, line 2, for 'administrative' read 'administrative'.

ARTICLE 3

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CHAPTER III

TERRITORY

Article 4: The territory which originally belonged to the Republic, plus the territory of the Republic of China.
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Proclaimed on October 10, 1923.

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REPUBLIC OF CHINA

Proclaimed on October 10, 1923.

We, the Constitution Conference of the Republic of China, in order to make manifest and foster the national dignity, stabilize the national boundaries, promote the general welfare, and defend the principles of humanity, do make this Constitution and proclaim it to the whole country, to be observed by all and for ever.

CHAPTER I

FORM OF GOVERNMENT

Article 1. The Republic of China shall be a unified Republic for ever.

CHAPTER II

SOVEREIGNTY

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Article 2. The sovereignty of the Republic of China is vested in the people as a whole.

CHAPTER II
SOVEREIGNTY

Article 3. The territory which originally belonged to the Republic shall be the territory of the Republic of China.
The territory and the division of it into areas shall not be altered except by law.

CHAPTER IV

CITIZENS

Article 4. All persons who according to law belong to the nationality of the Republic of China are citizens of the Republic of China.

Article 5. Citizens of the Republic of China shall be equal before the law, without distinction of race, class or religion.

Article 6. Citizens of the Republic of China shall not be arrested, imprisoned, tried or punished except in accordance with law.

Any citizen under arrest may, in accordance with law, apply to the court by a "Petition for Protection" to have his person delivered thereto and the cause tried thereat.

Article 7. The residences of citizens of the Republic of China shall not be entered or searched except in accordance with law.

Article 8. The secrecy of letters and correspondence of citizens of the Republic of China shall not be violated except in accordance with law.
Article 9. A citizen of the Republic of China shall be free to choose his residence and occupation; such freedom shall not be restricted except in accordance with law.

Article 10. A citizen of the Republic of China shall be free to assemble and to form societies; such freedom shall not be restricted except in accordance with law.

Article 11. A citizen of the Republic of China shall be entitled to freedom of speech, authorship and publication; such freedom shall not be restricted except in accordance with law.

Article 12. A citizen of the Republic of China shall be free to honour Confucius and to profess any religion, such freedom shall not be restricted except in accordance with law.

Article 13. The right of ownership of a citizen of the Republic of China shall be inviolable; provided that any necessary disposition for the public benefit may be made in accordance with law.

Article 14. Liberties of the citizens of the Republic of China other than those provided for in this Chapter are recognized; provided that such liberties are not contrary to the principles of Constitutional Government.

Article 15. A citizen of the Republic of China shall have the right to institute and carry on legal proceedings in a court of justice in accordance with law.
Article 16. A citizen of the Republic of China shall have the right to petition Parliament or the Administration in accordance with law.

Article 17. A citizen of the Republic of China shall have the right to vote and to be a candidate for election in accordance with law.

Article 18. A citizen of the Republic of China shall have the right to hold office in the public service in accordance with law.

Article 19. A citizen of the Republic of China shall have the duty to pay taxes in accordance with law.

Article 20 A citizen of the Republic of China shall have the duty to undertake military service in accordance with law.

Article 21. A citizen of the Republic of China shall have the duty to receive elementary education in accordance with law.

CHAPTER V
PUBLIC POWERS

Article 22. Of the public powers of the Republic of China, those relating to the National affairs shall be exercised in accordance with the provisions of this Constitution; and those relating to local affairs, in accordance with the
provisions of this Constitution and the law of Self-

government of the Province.

Article 23. The following matters shall be legislated

upon and executed by the Republic:

1. Foreign relations.
2. National defence.
3. Nationality law.
4. Criminal, civil and commercial laws.
5. Prison system.
6. Weights and measures.
8. Customs duty, salt tax, stamp tax, tobacco and
wine taxes, and other consumption taxes and
other taxes the rates of which shall be
uniform throughout the country.
9. Posts, telegraphs and aviation.
14. Examination, appointment, investigation and
protection of the civil and military officials of
the country.
15. Other matters which, according to the provisions of this Constitution, relate to the Republic.

Article 24. The following matters shall be legislated upon by the Republic and shall be executed by the Republic or, under its order, by the local areas:

1. Agriculture, industry, mining and forestry.
2. The educational system.
3. The banking and exchange system.
5. Irrigation and conservancy concerned with and waterways extending to two or more Provinces.
6. General regulations relating to municipalities.
7. Eminent domain.
8. The national census and statistics.
10. The police system.
12. Relief work and administration of unemployed persons.
13. Preservation of such ancient books, objects and remains as are of historic, cultural or scientific interest.

A Province may enact local laws relating to the above subdivisions; provided that they shall not be contrary to the National laws. A Province may, pending legislation by the Republic, legislate upon the matters specified in subdivisions 1, 4, 10, 12 and 13.

Article 25. The following matters shall be legislated upon by a Province and shall be executed by such Province or, under its order, by a District (Hsien):—

1. Provincial education, industry and communications.

2. Management and disposal of Provincial properties.

3. Municipal affairs of the Province.

4. Provincial irrigation, conservancy and engineering works.

5. The land tax, title-deed tax and other Provincial taxes.

6. Provincial debts.

7. Provincial banks.

8. Provincial police and matters relating to public safety.
9. Provincial philanthropic work and work for public benefit.

10. Self-government of the lower grade.

11. Other matters assigned by National laws.

Where any of the matters above referred to concerns two or more Provinces, it may be undertaken by them jointly, unless it is otherwise provided by law. When the funds are insufficient, the deficit may, with the approval of Parliament, be made good from the National treasury.

Article 26. When any matter not specified in Articles 23, 24 and 25 arises, it shall be a matter of the Republic if by its nature it concern the Republic, and of a Province if by its nature it concern the Province. Any controversy arising in this connection shall be decided by the highest court of justice.

Article 27. The Republic may, in order to obviate the following evils, or when necessary for the promotion of public welfare, restrict by law any Provincial tax and its method of collection:

1. Impairment of the National revenue or commerce.

2. Double taxes.

3. Excessive fees, or fees detrimental to communications, charged for the use of public roads or other means of communication.
4. Taxes imposed by the Provinces or other local areas, detrimental to goods imported therein, for the purpose of protecting their local products.

5. Duties imposed by the Provinces or other local areas for the transit of goods.

Article 28. A Provincial law conflicting with a National law shall be void.

When doubt arises as to whether a Provincial law conflicts with a National law, interpretation shall lie with the highest court of justice.

The foregoing provision in the matter of interpretation shall apply when a Provincial Self-government Law conflicts with a National law.

Article 29. In case of a deficit in the National budget or financial stringency, the Provinces may, with the approval of Parliament, be required to share the burden at rates increasing progressionally with their annual revenues.

Article 30. In the event of financial deficiency or extraordinary calamity, the locality concerned may, with the approval of Parliament, be subsidized by the National treasury.

Article 31. Controversies between Provinces shall be decided by the Senate.
Article 32. The organization of the National army shall be based upon a system of compulsory citizen service. The Provinces shall, in general, have no military duty other than that of the execution of matters provided by the law of military service.

Citizens liable for military service shall be recruited and trained for different periods in the recruiting areas of the whole country; but the stationing of standing armies shall be restricted to the areas required for National defence.

The military expenses of the Republic shall not exceed one quarter of the National annual expenditure; provided that this provision shall not apply in case of war with any foreign country.

The strength of the National army shall be determined by Parliament.

Article 33. No Province shall enter into any political alliance.

No Province shall take any action detrimental to the interests of another Province or any other local area.

Article 34. No Province shall keep any standing army or establish any military academy or arsenal.

Article 35. If any Province fail to perform its duty as provided by a National law and refuse to obey after a
warning by the Republic, the Republic may, with the National power, compel performance.

The aforesaid measure shall be stopped when it is disapproved by Parliament.

Article 36. In the event of an invasion with military force by one Province of another, the Government may intervene in accordance with the provisions of the last preceding article.

Article 37. In the event of a change of the form of government or the destruction of the fundamental organization under the Constitution, the Provinces shall, until the original condition is restored, adopt and carry out joint measures to maintain the organization provided by the Constitution.

Article 38. The provisions of this Chapter relating to Provinces shall apply to localities where Districts (Hsiens), but not Provinces, have been established.

CHAPTER VI

PARLIAMENT

Article 36. The legislative power of the Republic of China shall be exercised by Parliament.

Article 40. Parliament shall consist of a Senate and a House of Representatives.
Article 41. The Senate shall be composed of members elected by the highest local assemblies and other legally constituted electoral bodies.

Article 42. The House of Representatives shall be composed of members elected by the electoral districts, the number of members elected in a district being proportional to its population.

Article 43. The election of members of both Houses shall be regulated by law.

Article 44. No person shall be a member of both Houses simultaneously.

Article 45. No member of either House shall concurrently hold office as a civil or military official.

Article 46. Each House may examine the qualifications of its own members.

Article 47. The term of office for a member of the Senate shall be six years. One third of the members shall be elected every two years.

Article 48. The term of office for a member of the House of Representatives shall be three years.

Article 49. Members referred to in Articles 47 and 48 shall, after the completion of a new election, not be relieved of their duties until the day before the opening of the session in accordance with law.
Article 50. Each House shall have a Speaker and a Vice-Speaker who shall be elected from among its own members.

Article 51. Each House shall itself convene, open and close its session; provided that extraordinary sessions shall be called under any of the following circumstances:

1. Upon the joint notice of one-third or more of the members of each House.
2. At the summons of the President.

Article 52. The ordinary session of Parliament shall be opened on the first day of August in each year.

Article 53. The period of the ordinary session shall be four months; such period may be extended, provided that the extension shall not exceed the period of an ordinary session.

Article 54. The opening and closing of sessions shall take place simultaneously in both Houses.

When one House is suspended, the other House shall simultaneously adjourn.

When the House of Representatives is dissolved, the Senate shall simultaneously adjourn.

Article 55. Deliberations shall take place in the two Houses separately.

No bill shall be introduced simultaneously in both Houses.
Article 56. No deliberation shall commence in either House unless more than half of its members are present.

Article 57. Deliberations in either House shall be decided by the vote of more than half of the members present. In the event of a tie, the Speaker shall have a casting vote.

Article 58. An identical decision of both Houses shall be the decision of Parliament.

Article 59. The sittings of the two Houses shall be open to the public; provided that they may, at the request of the Government or by decision of the House, be closed to the public.

Article 60. When the House of Representatives considers that the President or Vice-President is guilty of any treasonable act, he may be impeached by the votes of two-thirds of the members present; provided that two-thirds of the members shall be present.

Article 61. When the House of Representatives considers that a Cabinet Minister is guilty of any act contrary to law, he may be impeached by the votes of two-thirds of the members present.

Article 62. The House of Representatives may pass a vote of non-confidence against a Cabinet Minister.
Article 63. An impeached President, Vice-President or Cabinet Minister shall be tried by the Senate.

The decision that the person tried under the provisions of the above paragraph is guilty of a crime or has violated the law shall not be pronounced without the concurrence of two-thirds of the members present.

When the President or Vice-President is adjudged guilty of a crime, he shall be removed from his office; but the punishment to be inflicted shall be determined by the highest court of justice.

When a Cabinet Minister is adjudged to have violated the law, he shall be removed from his office and may also be deprived of his public rights. If he is guilty of a crime, he shall be delivered to a court of justice to be tried.

Article 64. Each House may request the Government to institute an investigation in the matter of the conduct of an official acting contrary to law or to duty.

Article 65. Each House may make proposals to the Government.

Article 66. Each House may receive petitions of citizens.

Article 67. Members of either House may address an interpellation to a Cabinet Minister or ask him to appear in the House to answer an interpellation.
Article 68. Members of either House shall not be held responsible outside of the House for opinions expressed or for votes cast in the House.

Article 69. A member of either House shall, during the session, not be arrested or kept under surveillance without the permission of the House except where taken in flagrante delicto.

When a member of either House is arrested in flagrante delicto, the Government shall at once report the cause to the House; but the House may, by its decision, ask for a suspension of judicial proceedings during the session and the surrender of the arrested member to the House.

Article 70. The annual allowances of the members of both Houses and the expenses shall be determined by law.

CHAPTER VII
PRESIDENT

Article 71. The executive power of the Republic of China shall be exercised by the President with the assistance of the Cabinet Ministers.

Article 72. Any citizen of the Republic of China forty or more years old, in full enjoyment of civil rights, and resident in the country for ten years or more, shall be eligible as President.¹

¹Articles 72-78 were proclaimed on October 4th of the 2nd year of the Republic.
Article 73. The President shall be elected by a Presidential Electoral College composed of all the members of Parliament.

The election above referred to shall be held by secret ballot; provided always that two-thirds of the electors shall be present. The person who obtains three-fourths of the total votes shall be elected; provided that in the event of no one being elected after a second vote, a further vote shall be taken upon the two persons obtaining the highest numbers of votes in the second vote, and the one who obtains a majority vote shall be elected.

Article 74. The term of office of the President shall be five years. In case of re-election, he may hold office for a second term.

Three months prior to the expiration of the term of office of the President, the members of Parliament shall themselves convene and organize a Presidential Electoral College for the election of a President for the following term.

Article 75. When the President assumes office, he shall take oath as follows:

"I hereby solemnly swear that I will most faithfully observe the Constitution and perform the duties of the President."
Article 76. In the event of the office of the President becoming vacant, the Vice-President shall succeed until the expiration of the term of office of the President.

In the event of the President being unable for any reason to perform his duties, the Vice-President shall act in his place.

If the office of the Vice-President is also vacant, the Cabinet shall act for the President. In such event, the members of Parliament shall themselves within three months convene and organize a Presidential Electoral College to elect the next President.

Article 77. The President shall be relieved of his office at the expiration of his term of office. If at the time a new President has not yet been elected, or has been elected but has not assumed his office, and the new Vice-President is also unable to act as President, the Cabinet shall act for him.

Article 78. The election of the Vice-President shall be held in accordance with the provisions relating to the election of the President and shall take place at the same time. In the event of the Vice-Presidency becoming vacant, a new Vice-President shall be elected.

Article 79. The President shall promulgate laws and supervise and secure their execution.
Article 80. The President may issue mandates for the execution of laws or in pursuance of the authority delegated to him by law.

Article 81. The President shall appoint and dismiss civil and military officials; provided that this provision shall not apply where this constitution or the law otherwise provides.

Article 82. The President shall be the Commander-in-Chief of the army and navy of the Republic and shall be in command thereof. The organization of the army and navy shall be prescribed by law.

Article 83. The President shall be the representative of the Republic with regard to foreign powers.

Article 84. The President may, with the approval of Parliament, declare war; provided that in the matter of defence against foreign invasion, he may request the approval of Parliament after the declaration of war.

Article 85. The President may conclude treaties; provided that treaties of peace and those relating to legislative matters shall not be valid without the approval of Parliament.

Article 86. The President may proclaim Martial Law in accordance with law; provided that if Parliament considers that there is no such necessity, he shall forthwith proclaim the withdrawal of Martial Law.
Article 87. The President may, with the approval of the highest court of justice, remit or reduce punishments and restore civil rights; provided that with regard to a decision in an impeachment case, no restoration of civil rights shall be declared without the approval of the Senate.

Article 88. The President may suspend the session of the House of Representatives or the Senate; provided that no session shall be suspended more than twice and no suspension shall exceed ten days.

Article 89. When a vote of non-confidence has been passed against a Cabinet Minister, the President shall either remove the Cabinet Minister from office or dissolve the House of Representatives; provided that the House of Representatives shall not be dissolved without the consent of the Senate.

During the tenure of office of the same Cabinet Minister or during the same session, no dissolution shall take place a second time.

When the President dissolves the House of Representatives, he shall forthwith order a new election and fix a date, within five months, for the convocation of the House to continue the session.

Article 90. The President shall not, for any offence other than treason, be liable to criminal proceedings before he has vacated his office.
Article 91. The annual salaries of the President and the Vice-President shall be fixed by law.

CHAPTER VIII

CABINET

Article 92. The Cabinet shall be composed of Cabinet Ministers.

Article 93. The Premier and the Ministers of the various Ministries shall be Cabinet Ministers.

Article 94. The Premier shall be appointed with the approval of the House of Representatives.

In the event of the Premiership becoming vacant when Parliament is not in session, the President may appoint an acting Premier; provided that the nomination of the next Premier shall, within seven days after the opening of the next session of Parliament, be submitted to the House of Representatives for approval.

Article 95. The Cabinet Ministers shall assist the President and are responsible to the House of Representatives.

The mandates of the President and other documents concerning state affairs shall not be valid without the counter-signature of a Cabinet Minister; provided that this provision shall not apply to the appointment and dismissal of a Premier.
Article 96. A Cabinet Minister may appear and speak in both Houses; provided that he may, for the purpose of making explanations of bills introduced by the Government, depute delegates to act for him.

CHAPTER IX

JUDICIARY

Article 97. The judicial power of the Republic of China shall be exercised by courts of justice.

Article 98. The organization of the judiciary and the qualifications for judicial officials shall be prescribed by law.

The President of the highest court of justice shall be appointed with the approval of the Senate.

Article 99. Courts of justice shall, in accordance with law, accept and deal with civil, criminal, administrative and all other cases; provided that this provision shall not apply where this Constitution or any law otherwise provides.

Article 100. Trials in a court of justice shall be conducted in public; provided that they may be held in camera when it is considered necessary for public peace or public morals.

Article 101. A judicial official shall try and decide cases independently; no person whatsoever shall interfere.
Article 102. A judicial official shall not, during his tenure of office, be subjected to a reduction of salary, suspension from office or transference to another office otherwise than in accordance with law.

A judicial official shall not, during his tenure of office, be removed from his office unless he has been convicted of a crime or subjected to disciplinary punishment; provided that these provisions shall not apply in a case of an alteration in the organization of the judiciary or of the qualifications for entry thereto.

The disciplinary punishment of judicial officials shall be prescribed by law.

CHAPTER X

L A W

Article 103. Members of the two Houses and the Government may introduce bills; provided that if a bill is rejected by either House, it shall not be reintroduced during the same session.

Article 104. A bill passed by Parliament shall be promulgated by the President within fifteen days after its transmission to him.

Article 105. If the President disapproves a bill passed by Parliament, he may, within the period for promulgation,
state the reasons and request Parliament to reconsider. If the two Houses adhere to their original decision, the bill shall be promulgated forthwith.

If a bill has not been submitted for reconsideration and the period for promulgation has expired, it shall forthwith become law; provided that this provision shall not apply when the session of Parliament is closed or the House of Representatives is dissolved before the expiration of the period for promulgation.

Article 106. Law shall not be altered or repealed otherwise than by law.

Article 107. When a resolution passed by Parliament is submitted for reconsideration, the provisions relating to bills shall apply.

Article 108. A law in conflict with the Constitution shall be void.

CHAPTER XI
FINANCE

Article 109. The imposition of new taxes and alterations in the rates of taxes shall be made by law.

Article 110. The approval of Parliament shall be obtained for the floating of National loans and the conclusion of agreements increasing the burdens of the National treasury.
Article 111. The House of Representatives shall have the right to deliberate first on a financial bill directly affecting the burdens of the citizens.

Article 112. A budget shall be made annually by the Government of the annual expenditures and revenues of the Republic. The budget shall be submitted first to the House of Representatives within fifteen days after the opening of the session of Parliament.

If the Senate amends or rejects a budget passed by the House of Representatives, the concurrence of the House of Representatives shall be obtained; if no such concurrence is obtained, the bill as originally passed shall forthwith become the budget.

Article 113. The Government may, for special undertakings, provide in the budget continuing expenditure funds for a previously fixed number of years.

Article 114. The Government may provide a reserve fund to supply deficiencies in the budget or requirements unprovided for in the same.

Any defrayment made out of the reserve fund shall be submitted during the next session to the House of Representatives for subsequent approbation.
Article 115. The following items of expenditure shall not be stricken off or reduced by Parliament without the concurrence of the Government:

1. Expenditures legally due from the Government as obligations.
2. Expenditures necessary to carry out treaties.
3. Expenditures made necessary by provisions of law.
4. Continuing expenditure funds.

Article 116. Parliament shall not increase the expenditures in the budget.

Article 117. After the commencement of a fiscal year and before the passing of the budget, the monthly expenditures of the Government shall be one-twelfth of the amount allowed in the budget for the previous year.

Article 118. The Government may adopt financial emergency measures on account of a war of defence against a foreign power, suppression of internal troubles, or relief for an extraordinary calamity when the urgency of the situation makes it impossible to summon Parliament; provided that such measures shall be submitted to Parliament for subsequent approbation within seven days after the opening of the next session.
Article 119. An order for payment of an annual expenditure of the Republic shall first be referred to the Board of Audit for approval.

Article 120. The final account of the annual expenditures and revenues of the Republic shall be verified and confirmed each year by the Board of Audit and reported by the Government to Parliament.

If the House of Representatives rejects such final account or a bill for subsequent approbation,* the Cabinet Minister concerned shall be responsible.

Article 121. The organization of the Board of Audit and the qualifications of auditors shall be determined by law.

An auditor shall not, during his tenure of office, be subjected to a reduction of salary, a suspension of his functions or a transference of office except in accordance with law.

The disciplinary punishment of auditors shall be prescribed by law.

Article 122. The President of the Board of Audit shall be elected by the Senate.

The President of the Board of Audit may, in any matter relating to the report of the account, appear and speak in the two Houses.

*Bill for subsequent approbation refers to Articles 114 and 118.
Article 123. A budget or a bill for subsequent approbation* shall, when it has been passed by Parliament, be promulgated by the President after its transmission to him.

CHAPTER XII
LOCAL SYSTEM

Article 124. Local areas are of two grades, the Provinces and the Districts (Hsiens).

Article 125. A Province may, in accordance with the provisions of Article 22 of Chapter V of this Constitution, make Provincial Self-government Law; provided that such law shall not conflict with the Constitution and the National laws.

Article 126. The Provincial Self-government Law shall be made by the Provincial Self-Government Law Conference composed of delegates elected by the Provincial Assembly, District Assemblies and legally constituted professional associations of the Province.

Each District Assembly shall elect one delegate. The number of delegates elected by the Provincial Assembly as well as those elected by the legally constituted professional

*Bill for subsequent approbation refers to Articles 114 and 118.
associations shall not exceed one half of the total number of delegates elected by District Assemblies; provided that candidates for election by Provincial Assemblies and District Assemblies shall not be limited to members of the respective Assemblies. The election shall be regulated by Provincial law.

Article 127. The following provisions shall apply to all Provinces:

1. A Province shall have a Provincial Assembly which shall be a unicameral representative body. The members of such Assembly shall be elected by direct election.

2. A Province shall have a Provincial Administrative Council which shall administer all matters of Provincial Self-government. Such Council shall be composed of from five to nine Councilmen directly elected by the citizens of the Province. Their term of office shall be four years. Before a direct election is possible, an electoral college may be organized in accordance with the provisions of the last preceding article to elect such members; provided that a person in military
service shall not be eligible unless he has been relieved of office for at least one year.

3. A Provincial Administrative Council shall have a Chairman who shall be elected from among the Council-men.

4. Citizens of the Republic of China who have resided in the Province for one year or more shall be equal before the law of the Province and be in full enjoyment of civil rights.

Article 128. The following provisions shall apply to all Districts:

1. A District shall have a District Assembly which shall have legislative power over all matters of self-government in the District.

2. A District shall have a Magistrate who shall be directly elected by the citizens of the District, and shall, with the assistance of the District Council, administer all matters of District self-government; provided that this provision shall not apply before the judiciary shall have become independent and the system of self-government of the lower grade shall have become complete.

3. A District shall have the right to retain a portion of the Provincial taxes raised in the District;
provided that such portion shall not exceed forty per cent. of the whole amount.

4. The Provincial Government shall not dispose of the property of the Districts or their self-government funds.

5. A District may, in case of a natural or any other calamity, or on account of shortage of funds for self-government, apply to the Provincial Administrative Council; and may, with the approval of the Provincial Assembly, receive subsidies from the Provincial treasury.

6. A District shall have the duty to enforce the National and Provincial laws and ordinances.

Article 129. The separation of the Provincial and District taxes shall be determined by the Provincial Assembly.

Article 130. A Province shall not enforce special laws against one or more Districts; provided that this provision shall not apply to laws concerning the general interests of the whole Province.

Article 131. A District shall have full power to execute matters of self-government. The Province shall
not interfere except in matters of disciplinary punishment prescribed by Provincial laws.

Article 132. National administrative matters in a Province or a District may, as well as being executed by officials appointed by the Republic, be entrusted to the self-government organs of the Province or District.

Article 133. If a self-government organ of a District or Province in the execution of any administrative matter of the Republic violates a law or ordinance, the Republic may, in accordance with law, inflict a disciplinary punishment upon it.

Article 134. The provisions of this Constitution shall apply to areas where Districts, but not Provinces, have been established.

Article 135. Inner and Outer Mongolia, Tibet and Chinghai may, in compliance with the common wish of the people of the area, be divided into two grades, the Province and the Districts, and be governed by the provisions of this Chapter; provided that, pending the establishment of the Province and Districts, their administrative systems shall be prescribed by law.
CHAPTER VIII

THE AMENDMENT, INTERPRETATION
AND VALIDITY OF THE CONSTITUTION

Article 136. Parliament may make proposals for an amendment to the Constitution.

Such proposals shall not be made without the concurrence of two-thirds or more of the members present in each House.

The members of either House shall not make a motion for a proposal to amend the Constitution unless such motion is signed by one-fourth of all the members of the House.

Article 137. An amendment to the Constitution shall be made by the Constitution Conference.

Article 138. The form of government shall not be the subject of amendment.

Article 139. If there is any doubt about the meaning of the Constitution, interpretation shall be made by the Constitution Conference.

Article 140. The Constitution Conference shall be composed of the members of Parliament.

The aforesaid Conference shall not commence to deliberate without the presence of two-thirds of all the
members, and shall not make any decision without the concurrence of three-fourths of the members present; provided that in matters of interpretation, decisions may be made with the concurrence of two thirds of the members present.

Article 141. The Constitution shall, under no circumstances, lose its validity otherwise than in accordance with the procedure of amendment prescribed by this Chapter.
第一百三十六條

憲法之修正解釋及效力

第一百三十七條

兩院議員非有各本院議員總額四分一以上之同意不得成立

第一百三十八條

憲法之修正由憲法會議行之

第一百三十九條

國體不得為修正之議題

第一百四十條

憲法conference by the procedure of any

第一百四十一條

憲法非依本章所規定之修正程序無論經何種事變永不失其效力

中華民國憲法
二省設省務院執行政治行政以省憲直接選舉之省務員五人至九人組織之任期四年在未
屬省內選舉以前得適用前條之規定組織選舉會選舉之但現役軍人非解職一年後不得被選
三省務院設院長一人由省務員互選之
四住省內一年以上之中華民國人民於省之法律上一律平等完全享有公民權利
一縣設縣議會於縣以內之自治事項有立法權
二縣設縣議員於縣以內之事項有立法權
三縣於負擔省稅總額內有保留權但不得逾總額十分之三
四縣有財產及自治經費省政府不得處分之
五縣因災事變或自商經費不足時得請求省務院經省議會議決之
第六百三十一條省縣之自治事項有完全執行權除省法律規定懲戒處分外不得干涉之
第一百三十九條省縣自治行政機關執行國家行政有違贊法令時國家得依法律之規定懲戒之
第一百三十四條未設省已設縣之地方適用本章之規定
第一百三十五條內外蒙古西藏青海因地方人民之公意得劃分為省縣兩級適用本章各規定但
第一百八十九条
新课租税及变更税率以法律定之。

第一百九十条
筹集国库及政府增加国库负担之契约须经国会议定。

第一百十条
凡直接有关国民负担之财政案，须由国会议院通过。

第一百十一条
国家岁出岁入，每年由政府编成预算案，须经国会议院通过。

第二章
会计

第一百三十四条
政府因特别事业得于预算案内预定年限设续费。

第一百三十五条
预备费之支出，须于次会会期请求国会议院追认。

第一百三十七条
左列各款支出，非经国会议院同意，国会有权批准或决决。

预算案须经国会议院通过。

三
法律之规定所必需者。

继续费

第一条
国会对预算案不得为岁出之增加。

第二条
会计年度预算，应于次年度国会议院批准。

第三条
国会议院对于预算案，应于次年度国会议院批准。

第四条
政府不得为岁出之增加。
第九章
法院

第九十七条
法院之組織

第九十八条
法院之裁判

最高法院設於台北市認為必要設於他處者

第九十九條
法院電視

第一百條
法院之審判公開之但認為妨礙公益或有關風化者得秘密之

第一百一條
法院之審判公開之但認為妨害治安或有關於風化者得秘密之

第一百二條
法院之審判公開之但認為妨礙公益或有關風化者得秘密之

第一百三條
法院之審判公開之但認為妨害治安或有關於風化者得秘密之

第一百四十條
兩院議員及政府各得提出法律案但經一院否決者於同一會期不得再行提出

第一百五條
國會議定之法律案大總統須於會後十五日內公布之

第一百六條
國會議定之決議案交覆議時適用法律案之規定

第一百七條
法院之組織

法院之裁判

法院之審判公開之但認為妨害公益或有關風化者得秘密之
第八十七条 大总统經最高法院之同意得宣佈戒嚴。戒嚴之宣告、解除、更改或廢止，均由大總統以命令之。

第八十九條 大總統於國務員之職任及解職、非經國民代表大會之同意，不得任免。國務員之解職，非經國民代表大會之同意，不得任免。

第九十條 大總統解除職務之任免，非經國民代表大會之同意，不得任免。國務員之解職，非經國民代表大會之同意，不得任免。
第七十四条
大总统任满前三个月，国会议员应先行集会组织总统选举会，举行大总统之选举。

第七十五条
大总统就职时须为左列之宣誓，余誓以为至诚遵守宪法，执行大总统之职务，谨誓。

第七十六条
大总统因故不能执行职务时，由副总统继任至本任大总统期满之日止，副总统甚于三个月内自行集会组织总统选举会行之。

第七十七条
大总统亦不能代理时，由国务院代行其职务，同时国会议员于三个月内自行集会组织总统选举会，举行大总统之选举。
第四十九條

第四十九條

兩院議員各有三分之一以上之聯名通告

第五十一條

兩院議員於行政院開會開會時臨時會議於有左列情事之一時行之

第五十一條

兩院議員於行政院開會開會時臨時會議於有左列情事之一時行之

第五十二條

國會常會於每年八月一日開會

第五十三條

國會會期為四年

第五十四條

國會開會閉會時院兩院同時行之

第五十五條

國會之開會閉會兩院同時行之

第五十六條

國會之開會閉會兩院同時行之

第五十七條

國會之開會閉會兩院同時行之

第五十八條

國會之開會閉會兩院同時行之

第五十九條

兩院之議事以兩院之一致成之

第六十條

兩院之議事以兩院之一致成之

第六十條

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第六十二條

兩院之議事以兩院之一致成之

第六十二條

兩院之議事以兩院之一致成之
第三十条
省不得依他省或其地方利益之行为，有妨害其

第三十一条
省因不履行国法上之义务，经政府告诫仍不改

第三十七条
省有以武力相侵犯政府，得依前条之规定，制定之

第三十七条
国体发生变动或宪法上根本组织被破坏时，省应联合维持宪法上规定之组织，至原

第三十八条
本章关于省之规定未设省已设县之地方均适用之。县应参照本章规定办理之。
第二十八條 省法律與國家法律發生抵觸之疑義時由最高法院解釋之

第二十九條 省財政緊急處分經國會議決得比較各省歲收額數用累進率分配

第三十條 省與省爭議事件由參議院裁決之

第三十一條 國軍之組織以義務民兵制為基礎各省除執行兵役法所規定之事項外平時不負其

義務民兵依全國徵募之分年分期召集訓練之但常備軍之駐在地以國防地帶為限

國家軍備費不得逾歲出四分之一但對外戰爭時不在此限

中外民國憲法
十三 有關文化之古籍及古蹟之保存

第十三條 各款在國家未立法以前，由省行使其立法權

第二十五條 左列事項由省立法並執行或令縣執行之

一 省教育、實業及交通

二 省財產之經營處分

三 省市政

四 省水利及工程

五 省賦權及工程

六 省債

七 省銀行

八 省警察及保安事項

九 省慈善及公益事項

十 下級自治

十一 其他依國家法律賦予事項

前項所定各款涉及之省以上者，除法律別有規定外得共同辦理其經費不足時經國會議決

由國庫補助之

第二十六條 將第十二條至第二十四條列舉事項外如有未列舉事項發生時，其性質
图片无法阅读。
民國十三年四月

中華民國憲法

附英譯

法權討論委員會印行