

(1946 WITH 1994 REVISIONS)

CONSTITUTION OF THE REPUBLIC OF CHINA

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REPUBLIC OF CHINA

CONSTITUTION

with Appendix: 1994 Constitutional Revisions

Adopted on: December 25, 1946

Preamble

The National Constituent Assembly of the Republic of China, by virtue of the mandate received from the whole body of citizens, in accordance with the teachings bequeathed by Dr. Sun Yat-sen in founding the Republic China, and in order to consolidate the authority of the State, safeguard the rights of the people, ensure social tranquility, and promote the welfare of the people, do hereby adopt this Constitution to be promulgated throughout the land for faithful and perpetual observance by one and all.

Chapter I: General Provisions

Article 1

The Republic of China, founded on the Three Principles of the People, shall be a democratic republic of the People, by the people, and for the people.

Article 2

The sovereignty of the Republic of China shall reside in the whole body of citizens.

Article 3

Persons with the nationality of the Republic of China shall be citizens of the Republic of China.

Article 4

The territory of the Republic of China within its existing national boundaries shall not be altered except by a resolution of the National Assembly.

Article 5

There shall be complete equality among the various ethnic groups in the Republic of China.

Article 6

The national flag of the Republic of China shall show a red field with a blue sky and a white sun in the upper left corner.

Chapter II: Rights and Duties of the People

Article 7

All citizens of the Republic of China, irrespective of sex, religion, ethnic origin, class, or party affiliation, shall be equal before the law.

Article 8

(1) Personal freedom shall be guaranteed to the people. In no case except that of *flagrante delicto*, which shall be separately prescribed by law, shall any person be arrested or detained other than by a judicial or police organ in accordance with the procedure prescribed by law. No person shall be tried or punished other than by a law court in accordance with the procedure prescribed by law. Any arrest, detention, trial, or punishment not carried out in accordance with the procedure prescribed by law may be resisted.

(2) When a person is arrested or detained on suspicion of having committed a crime, the organ making the arrest or detention shall inform him in writing, and any relative or friend of his designated by him, of the grounds for his arrest or detention, and shall turn him over, not later than twenty-four hours after his arrest, to a competent court for trial. The said person, or any other person, may petition the competent court to serve a writ on the organ making the arrest to surrender within twenty-four hours the said person for trial.

(3) The court shall not reject the petition referred to in the preceding paragraph, nor shall it first of all order the organ concerned to make an investigation and submit a report thereon. The organ concerned shall not refuse to comply, or delay in complying, with the writ of the court for the surrender of the said person for trial.

(4) When a person is unlawfully arrested or detained by any organ, he or any other person may petition the court to make an investigation. The court shall not reject such a petition and shall, within twenty-four hours, investigate the action taken by the organ concerned and deal with the matter in accordance with law.

Article 9

Except those in active military service, no person shall be liable to court-martial.

Article 10

The people shall have freedom of residence and of change of residence.

Article 11

The people shall have freedom of speech, teaching, writing, and publication.

Article 12

The people shall have freedom of privacy of correspondence.

Article 13

The people shall have freedom of religious belief.

Article 14

The people shall have freedom of assembly and of association.

Article 15

The right to live, the right to work, and the right to own property shall be guaranteed to the people.

Article 16

The people shall have the right to present petitions, lodge complaints, and institute legal proceedings.

Article 17

The people shall have the rights of election, recall, initiative, and referendum.

Article 18

The people shall have the right to take public examinations and hold public offices.

Article 19

The people shall have the duty to pay taxes in accordance with law.

Article 20

The people shall have the duty to render military service in accordance with law.

Article 21

The people shall have the right and the duty, to receive elementary education.

Article 22

All other freedoms and rights of the people that are not detrimental to social order or public welfare shall be guaranteed under the Constitution.

Article 23

All the freedoms and rights enumerated in the preceding articles shall not be abridged by law except such as may be necessary to prevent infringement upon the freedoms of others, to avert an imminent danger, to maintain social order, or to promote public welfare.

Article 24

Any public employee who, in violation of law, infringes upon the freedom or right of any person shall, in addition to being subject to disciplinary punishment in accordance with law, be liable to criminal and civil action. The victim may, in accordance with law, claim damages from the State for any injury sustained there from.

Chapter III: The National Assembly

Article 25

The National Assembly shall, in accordance with the provisions of this Constitution, exercise

political rights on behalf of all the citizens of the country.

Article 26

The National Assembly shall be composed of the following Delegates:

1. One Delegate shall be elected from each County, Municipality, or area of equivalent status. In case the population of the electoral district exceeds 500,000, one additional Delegate shall be elected for each additional 500,000. The election of Delegates representing areas equivalent in status to the County or Municipality shall be prescribed by law.
2. Delegates to represent Mongolia shall be elected on the basis of four for each League and one for each Special Banner.
3. The number of Delegates to be elected from Tibet shall be prescribed by law.
4. The number of Delegates to be elected by various ethnic groups in frontier regions shall be prescribed by law.
5. The number of Delegates to be elected by Chinese citizens residing abroad shall be prescribed by law.
6. The number of Delegates to be elected by occupational groups shall be prescribed by law.
7. The number of Delegates to be elected by women's organizations shall be prescribed by law.

Article 27

(1) The functions of the National Assembly shall be as follows:

1. To elect the President and the Vice President.
2. To recall the President and the Vice President.
3. To amend the Constitution.
4. To vote in the exercise of its right of referendum on proposed constitutional amendments originating in the Legislative Yuan.

(2) With respect to the rights of initiative and referendum, except as is provided in Items 3 and 4 of the preceding paragraph, the National Assembly shall adopt regulations pertaining thereto and put them into effect after one half of the Counties and Municipalities of the country shall have exercised their rights of initiative and referendum in their respective jurisdictions.

Article 28

- (1) A new election for Delegates to the National Assembly shall be held every six years.
- (2) The term of office of the Delegates to each National Assembly shall terminate on the day the next National Assembly convenes.
- (3) No incumbent government official may be elected a Delegate to the National Assembly to represent the electoral district in which he holds office.

Article 29

The National Assembly shall be convoked by the President to meet ninety days prior to the expiration of each Presidential term.

Article 30

- (1) An extraordinary session of the National Assembly shall be convoked in any one of the following circumstances:
 1. When, in accordance with the provisions of Article 49, a new President and a new Vice President are to be elected.
 2. When, by a resolution of the Control Yuan, an impeachment of the President or the Vice President is instituted.
 3. When, by a resolution of the Legislative Yuan, an amendment to the Constitution is proposed.
 4. When over two fifths of the Delegates to the National Assembly request that an extraordinary session be convoked.
- (2) When an extraordinary session of the National Assembly is to be convoked in accordance with Item 1 or Item 2 of the preceding paragraph, the President of the Legislative Yuan shall issue the notice of convocation; when it is to be convoked in accordance with Item 3 or Item 4, it shall be convoked by the President of the Republic.

Article 31

The National Assembly shall meet at the seat of the Central Government.

Article 32

No Delegate to the National Assembly shall be held responsible outside the Assembly for opinions

expressed or votes cast at meetings of the Assembly.

Article 33

While the Assembly is in session, no Delegate to the National Assembly shall, except in case of *flagrante delicto*, be arrested or detained without the permission of the National Assembly.

Article 34

The organization of the National Assembly, the election and recall of Delegates to the National Assembly, and the procedure whereby the National Assembly carries out its functions shall be prescribed by law.

Chapter IV: The Presidency

Article 35

The President shall be the Chief of State and shall represent the Republic of China in foreign relations.

Article 36

The President shall have supreme command of the army, navy, and air force of the country.

Article 37

The President shall, in accordance with law, promulgate laws and issue mandates with the countersignature of the President of the Executive Yuan or with the countersignatures of both the President of the Executive Yuan and the Ministers or Chairmen of Commissions concerned.

Article 38

The President shall, in accordance with the provisions of this Constitution, exercise the powers of concluding treaties, declaring war, and making peace.

Article 39

The President may, in accordance with law, declare martial law with the approval of, or subject to confirmation by, the Legislative Yuan. When the Legislative Yuan deems it necessary, it may, by a formal resolution, request the President to lift the martial law already declared.

Article 40

The President shall, in accordance with law, exercise the powers of amnesty, pardon, remission of sentence, and restitution of civil rights.

Article 41

The President shall, in accordance with law, appoint and dismiss civil and military officers.

Article 42

The President may, in accordance with law, confer honors and decorations.

Article 43

In case of a natural disaster, an epidemic, or a national financial or economic crisis that calls for emergency action, the President, if the Legislative Yuan happens to be in recess, may, by a resolution of the Executive Yuan Council and in accordance with the Law on Emergency Orders, issue

emergency orders and take such measures as may be necessary to cope with the situation. But the action thus taken shall be submitted to the Legislative Yuan for confirmation within one month after issuance of the emergency orders. In case the Legislative Yuan withholds confirmation, the said orders shall immediately become null and void.

Article 44

In case of disputes, involving two or more Yuan, other than those for which provisions are made in this Constitution, the President may call a meeting of the Presidents of the Yuan concerned to work out a solution therefore.

Article 45

Any citizen of the Republic of China who has reached the age of forty may be elected President or Vice President.

Article 46

The election of the President and the Vice President shall be prescribed by law.

Article 47

The President and the Vice President shall serve a term of six years. If reelected, they may serve one more term.

Article 48

On assuming office, the President shall take an oath, which shall read as follows:
"I do solemnly and with all sincerity swear before the people of the whole country that I will observe the Constitution, faithfully perform my duties, promote the welfare of the people, and safeguard the security of the State so as not to betray the people's trust. Should I break my oath, I will submit myself to severe punishment by the State. This is my solemn oath."

Article 49

In case the office of the President should become vacant, the Vice President shall succeed to it until the expiration of the original Presidential term. In case the office of both the President and the Vice President should become vacant, the President of the Executive Yuan shall act for the President and, in accordance with the provisions of Article 30 of this Constitution, convoke an extraordinary session of the National Assembly to elect a new President and a new Vice President to serve out the unfinished term of the preceding President. In case the President should, for any cause, be unable to attend to his official duties, the Vice President shall act for him. In case both the President and the Vice President should be unable to attend to their official duties, the President of the Executive Yuan shall act for the President

Article 50

The President shall be relieved of his duties on the day his term of office expires. If, by that time, the next President has not yet been elected, or if the President-elect and the Vice President-elect have not yet assumed office, the President of the Executive Yuan shall act for the President

Article 51

The period during which the President of the Executive Yuan acts for the President shall not exceed three months.

Article 52

Unless the President is guilty of rebellion or treason, he shall not be liable to criminal prosecution without having been recalled or relieved of his duties as President.

Chapter V Administration

Article 53

The Executive Yuan shall be the highest administrative organ of the State.

Article 54

The Executive Yuan shall have a President, a Vice President, and a number of Ministers and Chairmen of Commissions, and Ministers without Portfolio.

Article 55

(1) The President of the Executive Yuan shall be nominated and, upon confirmation by the Legislative Yuan, appointed by the President of the Republic.

(2) If the President of the Executive Yuan should resign or his office should become vacant when the Legislative Yuan is not in session, his duties and functions shall be performed for him by the Vice President of the Executive Yuan. But the President of the Republic shall, within forty days, request the Legislative Yuan to convoke a meeting for the confirmation of the nominee he has selected as the next President of the Executive Yuan. Pending confirmation of the nominee, the Vice President of the Executive Yuan shall temporarily perform the duties and function of the President of the said Yuan.

Article 56

The Vice President of the Executive Yuan, Ministers and Chairmen of Commissions, and Ministers without Portfolio shall be appointed by the President of the Republic upon the recommendation of the President of the Executive Yuan.

Article 57

The Executive Yuan shall be responsible to the Legislative Yuan in accordance with the following provisions:

1. The Executive Yuan has the duty to present to the Legislative Yuan a policy statement and an administrative report. When the Legislative Yuan is in session, its Members have the right to interpellate the President of the Executive Yuan and Ministers and Chairmen of Commissions of the

said Yuan.

2. In case the Legislative Yuan does not agree with any major policy of the Executive Yuan, it may, by a formal resolution, request the Executive Yuan to change it. Confronted with the Legislative Yuan's resolution, the Executive Yuan may, with the approval of the President of the Republic, request the Legislative Yuan for reconsideration. If, during reconsideration, two thirds of the members of the Legislative Yuan present at the meeting uphold the original resolution, the President of the Executive Yuan shall either accede to the Legislative Yuan's view or tender his resignation.

3. In case the Executive Yuan deems an enactment, a budget, or a treaty passed by the Legislative Yuan difficult to enforce, it may, with the approval of the President of the Republic and within ten days after the transmission of the Legislative Yuan's message, request the latter for reconsideration. If, during reconsideration, two thirds of the members of the Legislative Yuan present at the meeting uphold the original resolution, the President of the Executive Yuan shall either abide by the Legislative Yuan's resolution or tender his resignation.

Article 58

(1) In the Executive Yuan there shall be an Executive Yuan Council to be composed of its President, Vice President, Ministers and Chairmen of Commissions, and Ministers without Portfolio, with its President as Chairman.

(2) Bills on proposed laws, budgets, martial law, amnesty, declaration of war, conclusion of peace, treaties, and other important matters to be submitted to the Legislative Yuan, as well as matters of common concern to all the ministries and commissions, shall be laid before the Executive Yuan Council by the President of the Executive Yuan and by the various Ministers and Chairmen of Commissions for its consideration and decision.

Article 59

The Executive Yuan shall, three months before the beginning of each fiscal year, submit to the Legislative Yuan a budgetary bill for the following fiscal year.

Article 60

The Executive Yuan shall, within four months after the end of each fiscal year, submit to the Control Yuan a final financial statement of the year.

Article 61

The organization of the Executive Yuan shall be prescribed by law.

Chapter VI: Legislation

Article 62

The Legislative Yuan shall be the highest legislative organ of the State. It shall be composed of Members elected by the people and shall exercise legislative power on their behalf.

Article 63

The Legislative Yuan shall have the power to pass bills on laws, budgets, martial law, amnesty, declaration of war, conclusion of peace, treaties, and other important matters of State.

Article 64

- (1) Members of the Legislative Yuan shall be elected in accordance with the following provisions:
1. Those to be elected from the Provinces or Municipalities under the direct jurisdiction of the Executive Yuan shall be five for each Province or Municipality with a population of not more than 3,000,000; where the population exceeds 3,000,000, one additional Member shall be elected for each additional 1,000,000.
 2. Those to be elected from Mongolian Leagues and Banners.
 3. Those to be elected from Tibet.
 4. Those to be elected by the ethnic groups in frontier regions.
 5. Those to be elected by Chinese citizens residing abroad.
 6. Those to be elected by occupational groups.
- (2) The election of Members of the Legislative Yuan and the number of those to be elected under Items 2 to 6 of the preceding paragraph shall be prescribed by law. The number of women to be elected under all the items of the preceding paragraph shall be prescribed by law.

Article 65

Members of the Legislative Yuan shall serve a term of three years and shall be re-eligible. Their election shall be completed within three months prior to the expiration of each term.

Article 66

The Legislative Yuan shall have a President and a Vice President to be elected from among its Members.

Article 67

- (1) The Legislative Yuan may set up various committees.
- (2) The various committees of the Legislative Yuan may invite government officials and concerned individuals in society at large to be present at the committee meetings to present their views.

Article 68

The Legislative Yuan shall hold two sessions each year and shall convene of its own accord. The first session shall be from February to the end of May, and the second from September to the end of December. Any session may be prolonged, if necessary.

Article 69

An extraordinary session of the Legislative Yuan may be held in either of the following circumstances:

1. At the request of the President of the Republic.
2. At the request of over one fourth of its own Members.

Article 70

The Legislative Yuan shall not propose any increase in the budget estimates submitted by the Executive Yuan.

Article 71

At meetings of the Legislative Yuan, the Presidents of the various Yuan concerned and the various Ministers and Chairmen of Commissions concerned may be present to present their views.

Article 72

Law bills passed by the Legislative Yuan shall be transmitted to the President of the Republic and the Executive Yuan. The President shall, within ten days after receipt of the bills, promulgate them, but he may also deal with them in accordance with the provisions of Article 57 of this Constitution.

Article 73

No Member of the Legislative Yuan shall be held responsible outside the Yuan for opinions expressed or votes cast in the Yuan.

Article 74

No Member of the Legislative Yuan shall, except in case of flagrante delicto, be arrested or detained without the permission of the Legislative Yuan.

Article 75

No Member of the Legislative Yuan shall concurrently hold a government post.

Article 76

The organization of the Legislative Yuan shall be prescribed by law.

Chapter VII: The Judiciary

Article 77

The Judicial Yuan shall be the highest judicial organ of the State. It shall be responsible for the trial of civil, criminal, and administrative cases and the disciplinary punishment of public employees.

Article 78

The Judicial Yuan shall interpret the Constitution and shall have the power to unify the interpretation of laws and ordinances.

Article 79

(1) The Judicial Yuan shall have a President and a Vice President. The President and the Vice President of the Judicial Yuan shall be nominated and, upon confirmation by the Control Yuan, appointed by the President of the Republic.

(2) The Judicial Yuan shall have a number of Grand Justices to be responsible for the matters specified in Article 78 of this Constitution. The Grand Justices shall be nominated and, upon confirmation by the Control Yuan, appointed by the President of the Republic.

Article 80

Judges shall be impartial. They shall try cases independently, in accordance with law, and be free from any interference.

Article 81

Judges shall hold office for life. No judge shall be removed from office unless he has been guilty of a criminal offense or subjected to disciplinary action, or declared to be under interdiction. No judge shall, except in accordance with law, be suspended from office, transferred, or liable to salary cuts.

Article 82

The organization of the Judicial Yuan and the different grades of law courts shall be prescribed by law.

Chapter VIII: Examination

Article 83

The Examination Yuan shall be the highest examination organ of the State. It shall be responsible for matters relating to examination, employment, official grading, service rating, salary scales, promotion and transfer, security of tenure, commendation, pension for the deceased's family, retirement, and old-age pension.

Article 84

The Examination Yuan shall have a President, a Vice President, and a number of Members. They shall be nominated and, upon confirmation by the Control Yuan, appointed by the President of the Republic.

Article 85

Public employees shall be selected through a system of open, competitive examination. Provincial and area quotas shall be fixed and examinations shall be held in different areas. No person shall be appointed to a public office unless he has successfully passed such an examination.

Article 86

The following qualifications shall be determined by examination and screening by the Examination Yuan in accordance with law:

1. Qualifications for appointment as public employees.
2. Qualifications for practice in specialized professions and as technicians.

Article 87

The Examination Yuan may, with respect to matters for which it is responsible, submit draft law bills to the Legislative Yuan.

Article 88

Members of the Examination Yuan shall be nonpartisan and shall exercise their functions independently, in accordance with law.

Article 89

The organization of the Examination Yuan shall be prescribed by law.

Chapter IX: Control

Article 90

The Control Yuan shall be the highest control organ of the State. It shall exercise the powers of consent, impeachment, censure, and auditing.

Article 91

The Control Yuan shall be composed of Members to be elected by Provincial and Municipal Councils, the local Councils of Mongolia and Tibet, and Chinese citizens residing abroad. Their quotas shall be allotted according to the following provisions:

1. Five Members for each Province.
2. Two Members for each Municipality under the direct jurisdiction of the Executive Yuan.
3. Eight Members for the Mongolian Leagues and Banners.
4. Eight Members for Tibet.
5. Eight Members for Chinese citizens residing abroad.

Article 92

The Control Yuan shall have a President and a Vice President to be elected from among its Members.

Article 93

Members of the Control Yuan shall serve a term of six years and may be re-eligible.

Article 94

In exercising its power of confirmation in accordance with this Constitution, the Control Yuan shall do so by a majority vote of the Members present at the meeting.

Article 95

In exercising its power of control, the Control Yuan may request the Executive Yuan and its Ministries and Commissions to make available to it any orders they have issued and all other relevant documents.

Article 96

The Control Yuan may, according to the work of the Executive Yuan and its Ministries and Commissions, set up a number of committees to look into all aspects of their activities to see whether there is any violation of law or dereliction of duty.

Article 97

(1) The Control Yuan may, on the basis of the findings and resolutions of its committees, propose corrective measures and transmit them to the Executive Yuan and its Ministries and Commissions concerned with the request that corrective action be taken.

(2) In case the Control Yuan deems a public employee in the Central Government or in a local government guilty of dereliction of duty or violation of law, it may propose corrective measures or institute an impeachment. If it involves a criminal offense, the case shall be turned over to a law court.

Article 98

Impeachment by the Control Yuan of a public employee in the Central Government or in a local government shall be instituted upon the proposal of one or more than one Member of the Control Yuan and the decision, after careful consideration, by a committee composed of nine or more than nine Members.

Article 99

In case of impeachment of the personnel of the Judicial Yuan or of the Examination Yuan for dereliction of duty or violation of law, the provisions of Articles 95, 97, and 98 shall apply.

Article 100

Impeachment proceedings initiated by the Control Yuan against the President or the Vice President shall be instituted upon the proposal of one fourth or more than one fourth of all Members of the Control Yuan and the resolution, after careful consideration, by a majority of all Members of the Control Yuan. The impeachment proceedings thus instituted shall be transmitted to the National Assembly for action.

Article 101

No Member of the Control Yuan shall be held responsible outside the Yuan for opinions expressed or votes cast in the Yuan.

Article 102

No Member of the Control Yuan shall, except in case of flagrante delicto, be arrested or detained without the permission of the Control Yuan.

Article 103

No member of the Control Yuan shall concurrently hold any other public office or engage in any profession.

Article 104

The Control Yuan shall have an Auditor General who shall be nominated and, upon confirmation by the Legislative Yuan, appointed by the President of the Republic.

Article 105

The Auditor General shall, within three months after submission by the Executive Yuan of the final financial statement, complete the auditing thereof in accordance with law and submit an audit to the Legislative Yuan.

Article 106

The organization of the Control Yuan shall be prescribed by law.

Chapter X: Powers of the Central and Local Governments

Article 107

The Central Government shall be competent to legislate and execute the following matters:

1. Foreign affairs.
2. National defense and military affairs bearing on national defense.
3. Nationality law and criminal, civil, and commercial laws.
4. The judiciary.
5. Aviation, national highways, State-owned railways, navigation, and postal and telecommunication services.
6. Central Government finance and national taxes.
7. Demarcation of national, provincial, and county taxes.
8. State-operated economic enterprises.
9. The currency system and State banks.
10. Weights and measures.
11. Foreign trade policy.
12. Financial and economic matters affecting aliens or foreign countries.
13. Other matters of the Central Government as provided by this Constitution.

Article 108

(1) The Central Government shall be competent to legislate and execute the following matters, which, however, may also be delegated to the provincial or county government to execute:

1. General principles of provincial and county self-government.
2. Demarcation of administrative areas.
3. Forestry, industry, mining, and commerce.
4. The educational system.
5. Banking and stock exchange.
6. Shipping and deep-sea fishery.
7. Public utilities.
8. Cooperative enterprises.
9. Interprovincial water and land communication and transportation.
10. Interprovincial water conservancy, waterways, agriculture, and animal husbandry.
11. Official grading, employment, surveillance, and security of tenure of officials in the Central and local governments.
12. Land legislation.
13. Labor legislation and other social legislation.
14. Right of eminent domain.
15. Census-taking and compilation of population statistics for the whole country.
16. Population migration and land reclamation.

17. The police system.
 18. Public health.
 19. Disaster relief, pension for the deceased's family, and unemployment relief.
 20. Preservation of ancient books, ancient relics, and ancient monuments of cultural value.
- (2) With respect to the various items referred to in the preceding paragraph, the Provinces may enact separate rules and regulations provided they do not contravene national laws.

Article 109

- (1) The Provincial Government shall be competent to legislate and execute the following matters, which, however, may also be delegated to the county governments to execute:
1. Provincial education, public health, industry, and communications.
 2. Management and disposal of provincial property.
 3. Administration of cities under provincial jurisdiction.
 4. Provincial public enterprises.
 5. Provincial cooperative enterprises.
 6. Provincial agriculture, forestry, water conservancy, fishery, animal husbandry, and public works.
 7. Provincial finance and provincial taxes.
 8. Provincial debts.
 9. Provincial banks.
 10. Provincial police administration.
 11. Provincial philanthropic and public welfare work.
 12. Other matters delegated to the Provinces in accordance with national laws.
- (2) Unless otherwise provided by law, any of the matters referred to in the various items of the preceding paragraph, if it involves two or more Provinces, may be jointly undertaken by the Provinces concerned.
- (3) In case any of the Provinces lacks sufficient funds to undertake any of the matters referred to in the various items of the preceding paragraph, subsidies may be granted from the National Treasury by a resolution of the Legislative Yuan.

Article 110

- (1) The county government shall be competent to legislate and execute the following matters:
1. County education, public health, industry, and communications.
 2. Management and disposal of county property.
 3. County public enterprises.
 4. County cooperative enterprises.
 5. County agriculture, forestry, water conservancy, fishery, animal husbandry, and public works.

6. County finance and taxes.
 7. County debts.
 8. County banks.
 9. County police administration.
 10. County philanthropic and public welfare work.
 11. Other matters delegated to the County in accordance with national laws and Provincial Self-Government Regulations.
- (2) Unless otherwise provided by law, any of the matters referred to in the various items of the preceding paragraph, if it involves two or more Counties, may be jointly undertaken by the Counties concerned.

Article 111

Any matter not specifically mentioned in Articles 107, 108, 109, and 110 shall fall within the jurisdiction of the Central Government if it is national in nature, within that of the Province if it is provincial in nature, and within that of the County if it is county in nature. In case of dispute, the matter shall be settled by the legislative Yuan.

Chapter XI System of Local Government

Section 1: The Province

Article 112

- (1) A Province may convoke a Provincial People's Representatives Conference to draw up, in accordance with the General Principles of Provincial and County Self-Government, a set of Provincial Self-Government Regulations which, however, shall not contravene the Constitution.
- (2) The organization of the Provincial People's Representatives Conference and the election of the Representatives shall be prescribed by law.

Article 113

- (1) The Provincial Self-Government Regulations shall include the following provisions:
 1. There shall be a Provincial Assembly; Members of the Provincial Assembly shall be elected by the people of the Province.

2. There shall be a Provincial Government and a Provincial Governor; the Provincial Governor shall be elected by the people of the Province.
3. Relationship between the Province and the Counties.
 - (2) The legislative powers of the Province shall be exercised by the Provincial Assembly.

Article 114

The Provincial Self-Government Regulations, after being enacted, shall be submitted to the Judicial Yuan. If the Judicial Yuan deems any part of the Regulations unconstitutional, it shall declare the relevant provisions null and void.

Article 115

If, in the course of implementing the Provincial Self-Government Regulations, there should arise any serious obstacle in the application of any of the articles contained therein, the Judicial Yuan shall first summon the various parties concerned to present their views. Then, the Presidents of the Executive Yuan, the Legislative Yuan, the Judicial Yuan, the Examination Yuan, and the Control Yuan shall form themselves into a committee under the Chairmanship of the President of the Judicial Yuan to propose a formula for solution.

Article 116

Provincial rules and regulations that contravene national laws shall be null and void.

Article 117

In case of doubt as to whether any provincial rule or regulation contravenes national laws, the matter shall be settled by interpretation by the Judicial Yuan.

Article 118

The self-government of Municipalities under the direct jurisdiction of the Executive Yuan shall be

prescribed by law.

Article 119

The local self-government system of the Mongolian Leagues and Banners shall be prescribed by law.

Article 120

The system of self-government in Tibet shall be safeguarded.

Section 2: The County

Article 121

The County shall practice county self-government.

Article 122

A County may convoke a County People's Representatives Conference to draw up, in accordance with the General Principles of Provincial and County Self-Government, a set of County Self-Government Regulations which, however, shall not contravene the Constitution and the Provincial Self-Government Regulations.

Article 123

The people of the County shall, in accordance with law, exercise the rights of initiative and referendum in matters relating to county self-government and shall, in accordance with law, exercise the rights of election and recall of the Magistrate and other county self-government officials.

Article 124

- (1) There shall be a County Council. Members of the County Council shall be elected by the people of the County.
- (2) The legislative power of the County shall be exercised by the County Council.

Article 125

County rules and regulations that contravene national laws or provincial rules and regulations shall be null and void.

Article 126

There shall be a County Government and a Magistrate; the Magistrate shall be elected by the people of the County.

Article 127

The Magistrate shall have charge of all matters relating to county self-government and shall administer such matters as are delegated to the County by the Central and Provincial Governments.

Article 128

The provisions governing the County shall apply *mutatis mutandis* to the Municipality.

Chapter XII Election, Recall, Initiative, and Referendum

Article 129

The various kinds of election provided in this Constitution, unless otherwise stipulated in this Constitution, shall be by universal, equal, and direct suffrage and by secret ballot.

Article 130

Any citizen of the Republic of China who has attained the age of twenty shall have the right of election in accordance with law. Unless otherwise provided by this Constitution or by law, any citizen who has attained the age of twenty-three shall have the right of being elected in accordance with law.

Article 131

All candidates in the various kinds of election prescribed in this Constitution shall openly conduct their electoral campaigns.

Article 132

Intimidation or offer of pecuniary inducements shall be strictly forbidden in elections. Electoral litigations shall be settled by law courts.

Article 133

A person duly elected may be recalled by his constituency in accordance with law.

Article 134

In the various kinds of election, quotas of successful candidates shall be assigned to women; methods of implementation shall be prescribed by law.

Article 135

The number of Delegates to the National Assembly to be elected by people in interior areas with special ways of living and habits and the methods of their election shall be prescribed by law.

Article 136

The exercise of the rights of initiative and referendum shall be prescribed by law.

Chapter XIII: Fundamental National Politics

Section 1: National Defense

Article 137

- (1) It shall be the objective of the national defense of the Republic of China to safeguard national security and preserve world peace.
- (2) The organization of national defense shall be prescribed by law.

Article 138

The Army, Navy, and Air Force of the nation shall rise above personal, regional, and party affiliations and shall be loyal to the State and love and protect the people.

Article 139

No political party and no individual shall make use of armed forces as an instrument in the struggle for political power.

Article 140

No person in active military service shall concurrently hold a civil office.

Section 2: Foreign Policy

Article 141

The foreign policy of the Republic of China shall be conceived in a spirit of independence and self-reliance and based on the principles of equality and reciprocity to promote friendly relations with other nations and abide by treaties and the Charter of the United Nations so as to protect the rights and interests of Chinese citizens residing abroad, foster international cooperation, advance international justice, and insure world peace.

Section 3: The National Economy

Article 142

The national economy shall be based on the Principle of People's Livelihood and shall seek to effect the equalization of land rights and regulation of private capital in order to assure an equitable distribution of national wealth and sufficiency for the people's livelihood.

Article 143

(1) All land within the territorial limits of the Republic of China shall belong to the entire body of citizens. Private ownership of land, acquired by the people in accordance with law, shall be protected and restricted by law. Privately owned land shall pay taxes according to its value and may be purchased by the Government according to its value.

(2) Mineral ores embedded in the land and natural forces which can be economically utilized for public benefit shall belong to the State, even if ownership of the land may have been acquired by private individuals.

(3) The State shall levy a land value increment tax on any land whose value has increased not through the application of labor or capital, and the proceeds there from shall be used for the people at large.

(4) In the distribution and readjustment of land, the State shall, in principle, assist owner-farmers and

owner-users of land and shall also regulate their appropriate areas of operation.

Article 144

Public utilities and other enterprises of a monopolistic nature, in principle, shall be under public operation. In cases permitted by law, they may be operated by private citizens.

Article 145

(1) With respect to private wealth and privately operated enterprises, the State shall restrict them by law if they are deemed detrimental to the balanced development of national wealth and people's livelihood.

(2) Cooperative enterprises shall receive encouragement and assistance from the State.

(3) Private citizens' productive enterprises and foreign trade shall receive encouragement, guidance, and protection by the State.

Article 146

The State shall, by the use of scientific techniques, develop water conservancy, increase the productivity of land, improve agricultural conditions, develop agricultural resources, and foster the industrialization of agriculture.

Article 147

(1) The Central Government, in order to achieve a balanced development of the economy of the various Provinces, shall extend appropriate financial assistance to the poorer and less productive Provinces.

(2) The Provincial Government, in order to achieve a balanced development of the economy of the various Counties, shall extend appropriate financial assistance to the poorer and less productive Counties.

Article 148

Within the territory of the Republic of China, all commodities shall be permitted to move freely from place to place.

Article 149

Financial institutions shall, in accordance with law, be subject to State control.

Article 150

The State shall widely establish financial institutions for the common people so as to relieve unemployment.

Article 151

With respect to Chinese citizens residing abroad, the State shall foster and protect the development of their economic enterprises.

Section 4: Social Security

Article 152

The State shall provide suitable opportunities for work to those persons who have the ability to work.

Article 153

- (1) The State shall enact laws and carry out policies for the protection of laborers and farmers so as to better their livelihood and improve their productive skills.
- (2) Special protection shall be provided for women and children doing manual labor, according to their age and physical conditions.

Article 154

Management and labor shall act in accordance with the principles of harmony and cooperation for the development of productive enterprises. Conciliation and arbitration of disputes between capital and labor shall be prescribed by law.

Article 155

The State shall establish a system of social insurance to promote social welfare. To the aged and the physically disabled who are unable to make a living, and to victims of extraordinary calamities, the State shall provide appropriate assistance and relief.

Article 156

The State, in order to consolidate the foundation of national existence and development, shall protect motherhood and carry out a policy for the promotion of the welfare of women and children.

Article 157

The State, in order to improve national health, shall establish extensive services for sanitation and health protection and a system of public medical care.

Section 5: Education and Culture

Article 158

Education and culture shall aim at the development, among the citizens, of the national spirit, the spirit of self-government, national morality, a healthy physique, scientific knowledge, and the ability to earn a living.

Article 159

All citizens shall have an equal opportunity to receive education.

Article 160

- (1) All children of school age from six to twelve years shall receive free elementary education. Those from poor families shall be supplied with books by the Government.
- (2) All citizens above school age who have not received elementary education shall receive supplementary education free of charge and shall also be supplied with books by the Government.

Article 161

The various levels of government shall provide a large number of scholarships to assist students of good scholastic standing and exemplary conduct who lack the means to continue their school education.

Article 162

All public and private educational and cultural institutions in the country shall, in accordance with law, be subject to State supervision.

Article 163

The State shall pay due attention to the balanced development of education in different regions and shall promote social education to elevate the cultural standards of the citizens in general. Grants from the National Treasury shall be made to frontier regions and economically poor areas to help them meet their educational and cultural expenses. The Central Government may either itself undertake the more important educational and cultural enterprises in such regions and areas or render them financial assistance.

Article 164

Funds earmarked for education, science, and culture shall be, in respect of the Central Government, not less than fifteen percent of the total national budget; in respect of the Provincial Government, not less than twenty-five percent of the total Provincial budget; and in respect of the Municipal or County Government, not less than thirty-five percent of the total Municipal or County budget. Educational and cultural foundations established in accordance with law, and their property, shall be protected.

Article 165

The State shall safeguard the livelihood of educational, scientific, and artistic workers and shall, as the national economy develops, increase their remuneration from time to time.

Article 166

The State shall encourage scientific discoveries and inventions and shall protect ancient monuments and ancient relics of historical, cultural, or artistic value.

Article 167

The State shall encourage or subsidize the following enterprises or individuals:

1. Private educational enterprises with outstanding records.
2. Overseas Chinese educational enterprises with outstanding records.
3. Individuals who have made scholarly or technical inventions.
4. Educational workers who have rendered long and meritorious services.

Section 6: The Frontier Regions

Article 168

The State shall accord to the various ethnic groups in the frontier regions legal protection of their status and shall give special assistance to their work in local self-government.

Article 169

The State shall actively undertake and foster the development of education, culture, communications, water conservancy, public health, and other economic and social enterprises among the various ethnic groups in the frontier regions. With respect to land utilization, the State shall, in the light of climatic conditions, nature of the soil, and the life and habits of the people, adopt measures for its protection and assist in its development.

Chapter XIV Enforcement and Amendment of the Constitution

Article 170

The term "law" referred to in this Constitution shall mean any legislative bill duly passed by the Legislative Yuan and promulgated by the President of the Republic.

Article 171

- (1) Laws that contravene the Constitution shall be null and void.
- (2) In case of doubt as to whether a given law contravenes the Constitution, the matter shall be settled by interpretation by the Judicial Yuan.

Article 172

Any ordinance that contravenes the Constitution or laws shall be null and void.

Article 173

The Constitution shall be interpreted by the Judicial Yuan.

Article 174

The Constitution shall be amended in accordance with either one of the following procedures:

1. The Constitution may be amended upon the proposal of one fifth of the total number of Delegates to the National Assembly and by a resolution of three fourths of the Delegates present at a meeting with a quorum of two thirds of all Delegates to the National Assembly.
2. An amendment to the Constitution may be drawn up by the Legislative Yuan and submitted by it to the National Assembly for concurrence through referendum upon the proposal of one fourth of the Members of the Legislative Yuan and by a resolution of three fourths of the Members present at a meeting with a quorum of three fourths of all Members of the Yuan. Such a proposed amendment to the Constitution shall be publicly announced half a year before the National Assembly meets.

Article 175

- (1) Whenever necessary, enforcement procedures in regard to any matter referred to in this Constitution shall be separately prescribed by law.
- (2) The preparatory procedures for the enforcement of this Constitution shall be adopted by a resolution of the National Constituent Assembly which has drawn up this Constitution.

APPENDIX

Revisions adopted on July 28, 1994

To meet the requisites of national unification, the following additional articles are added to the ROC Constitution in accordance with Articles 27 (1.3) and 174 (.1):

Article 1

- (1) Members of the National Assembly shall be elected according to the following provisions without being subject to the restrictions in Articles 26 and 135: 1. Two members shall be elected from each Special Municipality, each county or city in the free area. However, where the population exceeds 100,000 persons, one member shall be added for each additional 100,000 persons.
2. Three members each shall be elected from the lowland and highland aborigines in the free area.
3. Twenty members shall be elected from the Chinese citizens who reside abroad.
4. Eighty members shall be elected from one nationwide constituency.

(2) Members for the seats set forth in Items 3 and 4 of the preceding paragraph shall be elected in accordance with the formula for proportional representation among political parties. If the number of seats allotted to a Special Municipality, county or city covered under Item 1 above, or if the number of seats won by a political party under Item 3 or 4 above is between five and ten, then one of the seats stipulated in the pertaining item shall be reserved for a female candidate. Where the number exceeds ten, one seat out of each additional ten shall be reserved for a female candidate.

(3) The powers of the National Assembly shall be as follows notwithstanding the provisions in Article 27 (1.1) and (1.2) of the Constitution: 1. To elect the Vice President in accordance with Article 2 (7) of the Additional Articles when said office becomes vacant.

2. To recall the President and Vice President in accordance with Article 2 (9) of the Additional Articles. 3. To pass a resolution on the impeachment of the President or Vice President instituted by the Control Yuan in accordance with Article 2 (10) of the Additional Articles. 4. To amend the Constitution in accordance with Article 27 (1.3) and Article 174 (.1) of the Constitution. 5. To vote on proposed Constitutional amendments submitted by the Legislative Yuan by way of referendum in accordance with Article 27 (1.4) and Article 174 (.2) of the Constitution.

6. To confirm the appointment of personnel nominated by the President in accordance with Article 4 (1), 5 (2) and Article 6 (2) of the Additional Articles.

(4) The National Assembly meets to exercise the powers prescribed in Item 1 or Items 4 through 6 of the preceding paragraph, or when requested by no less than two-fifths of its members, the session shall be convoked by the President. When it meets to exercise the powers prescribed in Item 2 or 3 of the preceding paragraph, the session shall be convoked by the speaker of the National Assembly or by the President of the Legislative Yuan prior to the establishment of the office of the speaker. The provisions in Articles 29 and 30 of the Constitution shall not apply.

(5) When the National Assembly convenes, it shall hear a report on state of the nation by the President, discuss national affairs, and offer counsel. In the event that the National Assembly has not convened for over a year, the President shall convoke an extraordinary session for the aforementioned purpose notwithstanding the restrictions in Article 30 of the Constitution.

(6) Beginning with the Third National Assembly, delegates to the National Assembly shall be elected every four years and the provisions in Article 28 (1) of the Constitution shall not apply.

(7) The term of office for the members of the Second National Assembly shall expire on 19 May 1996, and the term of office for the members of the Third National Assembly shall begin on 20 May 1996. The provisions in Article 28 (2) of the Constitution shall not apply.

(8) Beginning with the Third National Assembly, the Assembly shall have a speaker and a deputy speaker who shall be elected by the members of the Assembly from amongst themselves. The speaker shall represent the National Assembly and preside over its meetings.

(9) The procedure for the exercise of powers by the National Assembly shall be determined by the Assembly itself. The provisions in Article 34 of the Constitution shall not apply.

Article 2

(1) The President and Vice President shall be directly elected by the entire populace of the free area of the Republic of China. This shall be effective from the election for the ninth-term President and

Vice President in 1996. The presidential and vice presidential candidates shall register jointly and be slated as a pair on the ballot. The pair that receive the highest number of votes shall be the winners of the election. Citizens of the free area of the Republic of China residing abroad may return to the ROC to exercise their electoral rights and this shall be stipulated by law.

(2) Presidential orders to appoint or remove from office personnel appointed with the confirmation of the National Assembly or Legislative Yuan in accordance with the Constitution do not require the countersignature of the President of the Executive Yuan. The provisions in Article 37 of the Constitution shall not apply.

(3) Orders to remove the President of the Executive Yuan from office shall take effect after the new nominee to this office has been confirmed by the Legislative Yuan.

(4) The President may, by resolution of a council of the Executive Yuan, issue emergency orders and take all necessary measures to avert an imminent danger to the security of the State or of the people or to cope with any serious financial or economic crisis, without being subject to the restrictions prescribed in Article 43 of the Constitution. However, such orders shall, within 10 days of issuance, be presented to the Legislative Yuan for confirmation. Should the Legislative Yuan withhold confirmation, the said emergency orders shall forthwith cease to be valid.

(5) To determine major policies for national security, the President may establish the National Security Council and its subsidiary organ, the National Security Bureau. The organization of the said organs shall be stipulated by law.

(6) Beginning with the ninth presidential term, the term of office for both the President and the Vice President shall be four years. The President and the Vice President may be re-elected for a second term; and the provisions in Article 47 of the Constitution shall not apply.

(7) Should the office of the Vice President become vacant, the President shall nominate a candidate within three months and convoke the National Assembly to elect a new Vice President, who shall serve out the original term until its expiration.

(8) Should the offices of both the President and the Vice President become vacant, the President of the Executive Yuan shall exercise the official powers of the President and the Vice President. A new President and a new Vice President shall be elected in accordance with Paragraph 1 of this Article and shall serve out each respective original term until its expiration. Article 49 of the Constitution shall not apply.

(9) Recall of the President and the Vice President shall be motioned by one-fourth of all delegates to the National Assembly, proposed with the concurrence of two-thirds of such delegates, and passed by more than half of the valid ballots to recall cast by more than half of all voters in the free area.

(10) The President and the Vice President shall be dismissed from office should an impeachment proposal by the Control Yuan submitted to the National Assembly be passed by two-thirds of all delegates in the National Assembly.

Article 3

(1) Members of the Legislative Yuan shall be elected according to the following provisions without being subject to the restrictions in Article 64 of the Constitution: 1. Two members shall be elected from each province and each Special Municipality in the free area. Where the population exceeds

200,000, however, one member will be added for each additional 100,000 persons; and where the population exceeds one million, one member will be added for each additional 200,000 persons.

2. Three members shall be elected from the lowland and highland aborigines in the free area.

3. Six members shall be elected from the Chinese citizens who reside abroad.

4. Thirty members shall be elected from one nationwide constituency.

(2) The members set forth in Items 3 and 4 above shall be elected in accordance with the formula for proportional representation among political parties. If the number of seats allotted to a province or Special Municipality set forth in Item 1 above; or if the number of seats won by a political party under Item 3 or 4 above is between five and ten, then one of the seats stipulated in the pertaining paragraph shall be reserved for a female candidate. Where the number exceeds ten, one seat out of each additional ten shall be reserved for a female candidate.

Article 4

(1) The Judicial Yuan shall have a president, a vice president, and a certain number of Grand Justices, all of whom shall be nominated and, with the consent of the National Assembly, appointed by the President; and the pertinent provisions in Article 79 of the Constitution shall not apply.

(2) The Grand Justices of the Judicial Yuan shall, in addition to discharging their duties according to Article 78 of the Constitution, also form a Constitutional Court to adjudicate matters relating to the dissolution of unconstitutional political parties.

(3) A political party shall be unconstitutional if its goals or activities jeopardize the existence of the Republic of China or free, democratic constitutional order.

Article 5

(1) The Examination Yuan shall be the highest examination body of the State, and shall be responsible for the following matters; and the provisions in Article 83 of the Constitution shall not apply:

1. All examination-related matters;

2. All matters relating to the qualification screening, security of tenure, pecuniary aid in case of death, and retirement of civil servants; and

3. All legal matters relating to the employment, discharge, performance evaluation, scale of salaries, promotion, transfer, commendation and award for civil servants.

(2) The Examination Yuan shall have a president, a vice president, and several members, all of whom shall be nominated and, with the consent of the National Assembly, appointed by the President; and the provisions in Article 84 of the Constitution shall not apply.

(3) The provisions in Article 85 of the Constitution concerning holding examinations in different areas, with prescribed numbers of persons to be selected according to various provinces and areas, shall cease to apply.

Article 6

- (1) The Control Yuan shall be the highest control body of the State and shall exercise the powers of impeachment, censure and audit; and the provisions in Articles 90 and 94 of the Constitution concerning exercising the power of consent shall not apply.
- (2) The Control Yuan shall have 29 members, including a president and a vice president, all of whom shall serve a term of six years and shall be nominated and, with the consent of the National Assembly, appointed by the President. The provisions from Article 91 through Article 93 of the Constitution shall not apply.
- (3) Impeachment proceedings by the Control Yuan against a public functionary in the central government, any local government, or against personnel of the Judicial Yuan or the Examination Yuan shall be initiated by two or more members of the Control Yuan, and be investigated and voted upon by a committee of not less than nine of its members notwithstanding the restrictions in Article 98 of the Constitution.
- (4) In the case of impeachment by the Control Yuan of Control Yuan personnel for dereliction of duty or violation of the law, the provisions of Article 95 and Article 97 (2) of the Constitution, as well as the foregoing paragraph shall apply.
- (5) A motion by the Control Yuan impeaching the President or the Vice President must be initiated by more than half of all the members of the Control Yuan and passed by more than two-thirds of all such members for it to be submitted to the National Assembly notwithstanding the restrictions in Article 100 of the Constitution.
- (6) Members of the Control Yuan must be beyond party affiliation and independently exercise their powers and discharge their responsibilities in accordance with the law.
- (7) The provisions in Articles 101 and 102 of the Constitution shall cease to apply.

Article 7

- (1) The remuneration and pay of the members of the National Assembly and the Legislative Yuan shall be regulated by law.
- (2) In addition to the general case of annual adjustment, regulations on individual increase of remuneration and pay shall go into effect starting with the subsequent National Assembly or Legislative Yuan.

Article 8

The system of local governments in the provinces and counties shall include the following provisions, which shall be established by the enactment of appropriate laws notwithstanding the restrictions in Article 108 (1.1); Articles 112 through 115; and Article 122 of the Constitution:

1. There shall be a provincial assembly in each province and a county council in each county.

Members of the provincial assembly and the county council shall be elected by the people of the province and the people of the county, respectively.

2. The legislative power of a province and that of a county shall be exercised by the provincial assembly and the county council, respectively.

3. In a province, there shall be a provincial government with a provincial governor. In a county, there shall be a county government with a county magistrate. The provincial governor and the county magistrate shall be elected by the people of the province and the people of the county, respectively.

4. The relationship between the province and the county.

5. The self-governance of province is subject to supervision by the Executive Yuan, while the self-governance of counties is subject to supervision by the provincial government.

Article 9

(1) The State shall encourage development of and investment in science and technology, facilitate the upgrade of industry, promote the modernization of agriculture and fishery, emphasize the exploitation and utilization of water resources, and intensify international economic cooperation.

(2) Environmental and ecological protection shall be given equal consideration with economic and technological development.

(3) The State shall manage government-run financial organizations in line with the principles of business administration. The management, personnel, budgets, final accounts, and audit of the government-run financial organizations shall be specially regulated by law.

(4) The State shall inaugurate universal health insurance coverage and promote the research and development of both modern and traditional medicines.

(5) The State shall protect the dignity of women, safeguard their personal safety, eliminate sexual discrimination, and further substantive equality between the sexes.

(6) The State shall safeguard the rights of the handicapped and disabled to insurance, medical care, education, training, employment assistance, support for daily living needs and relief, so as to help them attain independence and further their careers.

(7) The State shall accord to the aborigines in the free area legal protection of their status and the right to political participation. It shall also provide assistance and encouragement for their education, cultural preservation, social welfare and business undertakings. The same protection and assistance shall be given to the people of Kinmen and Matsu areas.

(8) The State shall accord to Chinese nationals residing overseas protection of their rights to political participation.

Article 10

Rights and obligations between the people of the mainland China area and those of the free area, and the disposition of other related affairs shall be specially regulated by law.

