

Title	Constitution of the Republic of China (Taiwan)
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The National 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 of 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, does hereby establish this Constitution, to be promulgated throughout the country for faithful and perpetual observance by 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, to
be governed 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 possessing the
nationality of the Republic
of China shall be citizens
of the Republic of China.

Article 4 The territory of the
Republic of China
according to its existing
national boundaries shall

not be altered except by
resolution of the National
Assembly.

Article 5 There shall be equality
among the various racial
groups in the Republic of
China.

Article 6 The national flag of the
Republic of China shall be
of red ground 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, race, class,
or party affiliation, shall be
equal before the law.

Article 8

Personal freedom shall be
guaranteed to the people.

Except in case of flagrante
delicto as provided by law,

no person shall be

arrested or detained

otherwise than by a

judicial or a police organ in

accordance with the

procedure prescribed by

law. No person shall be

tried or punished

otherwise than by a law

court in accordance with

the procedure prescribed

by law. Any arrest,

detention, trial, or

punishment which is not in

accordance with the

procedure prescribed by

law may be resisted.

When a person is arrested

or detained on suspicion of

having committed a crime,

the organ making the

arrest or detention shall in

writing inform the said

person, and his

designated relative or

friend, of the grounds for

his arrest or detention, and

shall, within 24 hours, turn

him over to a competent

court for trial. The said

person, or any other

person, may petition the

competent court that a writ

be served within 24 hours

on the organ making the
arrest for the surrender of
the said person for trial.

The court shall not reject
the petition mentioned in
the preceding paragraph,
nor shall it order the organ
concerned to make an
investigation and report
first. The organ concerned
shall not refuse to execute,
or delay in executing, the
writ of the court for the
surrender of the said
person for trial.

When a person is
unlawfully arrested or
detained by any organ, he
or any other person may

petition the court for an investigation. The court shall not reject such a petition, and shall, within 24 hours, investigate the action of the organ concerned and deal with the matter in accordance with law.

Article 9 Except those in active military service, no person shall be subject to trial by a military tribunal.

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

association.

Article 15 The right of existence, the

right of work, and the right

of property shall be

guaranteed to the people.

Article 16 The people shall have the

right of presenting

petitions, lodging

complaints, or instituting

legal proceedings.

Article 17 The people shall have the
right of election, recall,
initiative and referendum.

Article 18 The people shall have the
right of taking public
examinations and of
holding public offices.

Article 19 The people shall have the
duty of paying taxes in
accordance with law.

Article 20 The people shall have the
duty of performing military
service in accordance with
law.

Article 21 The people shall have the
right and the duty of
receiving citizens'

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 restricted by law except by such as may be necessary to prevent infringement upon the freedoms of other persons, to avert an imminent crisis, to

maintain social order or to
advance public welfare.

Article 24 Any public functionary
who, in violation of law,
infringes upon the freedom
or right of any person
shall, in addition to being
subject to disciplinary
measures in accordance
with law, be held
responsible under criminal
and civil laws. The injured
person may, in
accordance with law, claim
compensation from the
State for damage
sustained.

Chapter III. The National Assembly

Article 25

The National Assembly

shall, in accordance with

the provisions of this

Constitution, exercise

political powers on behalf

of the whole body of

citizens.

Article 26

The National Assembly

shall be composed of the

following delegates:

1. One delegate shall be

elected from each hsien,

municipality, or area of

equivalent status. In case

its population exceeds

500,000, one additional

delegate shall be elected

for each additional

500,000. Areas equivalent
to hsien or municipalities
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 racial 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; and

7. The number of
delegates to be elected by
women's organizations
shall be prescribed by law.

Article 27

The function 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;
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3. To amend the

Constitution; and

4. To vote on proposed

Constitutional

amendments submitted by

the Legislative Yuan by

way of referendum.

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 make

regulations pertaining

thereto and put them into

effect, after the

above-mentioned two

political rights shall have

been exercised in one-half
of the hsien and
municipalities of the whole
country.

Article 28

Delegates to the National
Assembly shall be elected
every six years.

The term of office of the
delegates to each National
Assembly shall terminate
on the day on which the
next National Assembly
convenes.

No incumbent government
official shall, in the
electoral area where he
holds office, be elected
delegate to the National

Assembly.

Article 29 The National Assembly

shall be convoked by the

President to meet 90 days

prior to the date of

expiration of each

presidential term.

Article 30 An extraordinary session

of the National Assembly

shall be convoked in any

of the following

circumstances:

1. When, in accordance

with the provisions of

Article 49 of this

Constitution, a new

President and a new Vice

President are to be

elected;

2. When, by resolution of

the Control Yuan, an

impeachment of the

President or the Vice

President is instituted;

3. When, by resolution of

the Legislative Yuan, an

amendment to the

Constitution is proposed;

and

4. When a meeting is

requested by not less than

two-fifths of the delegates

to the National Assembly.

When an extraordinary

session 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 is to carry out its functions, shall be prescribed by law.

Chapter IV. The President

Article 35 The President shall be the head of the State and shall represent the Republic of China in foreign relations.

Article 36 The President shall have supreme command of the land, sea and air forces of the whole country.

Article 37 The President shall, in accordance with law, promulgate laws and issue mandates with the counter-signature of the President of the Executive Yuan or with the counter-signatures 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 resolution request the
President to terminate
martial law.

Article 40 The President shall, in
accordance with law,
exercise the power of
granting amnesties,
pardons, remission of
sentences and restitution
of civil rights.

Article 41 The President shall, in
accordance with law,
appoint and remove civil
and military officials.

Article 42 The President may, in
accordance with law,
confer honors and
decorations.

Article 43

In case of a natural calamity, an epidemic, or a national financial or economic crisis that calls for emergency measures, the President, during the recess of the Legislative Yuan, may, by resolution of the Executive Yuan Council, and in accordance with the Law on Emergency Decrees, issue emergency decrees, proclaiming such measures as may be necessary to cope with the situation. Such decrees shall, within one month after issuance, be

presented to the
Legislative Yuan for
confirmation; in case the
Legislative Yuan withholds
confirmation, the said
decrees shall forthwith
cease to be valid.

Article 44 In case of disputes
between two or more Yuan
other than those
concerning which there
are relevant provisions in
this Constitution, the
President may call a
meeting of the Presidents
of the Yuan concerned for
consultation with a view to
reaching a solution.

Article 45 Any citizen of the Republic of China who has attained the age of 40 years 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. They may be re-elected for a second term.

Article 48 The President shall, at the time of assuming office, take the following oath:
"I do solemnly and

sincerely swear before the
people of the whole
country that I will observe
the Constitution, faithfully
perform my duties,
promote the welfare of the
people, safeguard the
security of the State, and
will in no way betray the
people's trust. Should I
break my oath, I shall be
willing to 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 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, an
extraordinary session of
the National Assembly
shall be convoked for the
election of a new
President and a new Vice
President, who shall hold
office until the completion

of the term left unfinished
by the preceding
President. In case the
President should be
unable to attend to office
due to any cause, the Vice
President shall act for the
President. In case both the
President and Vice
President should be
unable to attend to office,
the President of the
Executive Yuan shall act
for the President.

Article 50

The President shall be
relieved of his functions on
the day on which his term
of office expires. If by that

time the succeeding
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 may act
for the President shall not
exceed three months.

Article 52 The President shall not,
without having been
recalled, or having been
relieved of his functions,

be liable to criminal
prosecution unless he is
charged with having
committed an act of
rebellion or treason.

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, a certain
number of Ministers and
Chairmen of
Commissions, and a
certain number of
Ministers without Portfolio.

Article 55

The President of the Executive Yuan shall be nominated and, with the consent of the Legislative Yuan, appointed by the President of the Republic.

If, during the recess of the Legislative Yuan, the President of the Executive Yuan should resign or if his office should become vacant, his functions shall be exercised by the Vice President of the Yuan, acting on his behalf, but the President of the Republic shall, within 40 days, request a meeting of the Legislative Yuan to

confirm his nominee for
the vacancy. Pending
such confirmation, the
Vice President of the
Executive Yuan shall
temporarily exercise the
functions 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

statement of its

administrative policies and

a report on its

administration. While the

Legislative Yuan is in

session, Members of the

Legislative Yuan shall

have the right to question

the President and the

Ministers and Chairmen of

Commissions of the

Executive Yuan.

2. If the Legislative Yuan

does not concur in any

important policy of the

Executive Yuan, it may, by

resolution, request the

Executive Yuan to alter

such a policy. With respect

to such resolution, the

Executive Yuan may, with

the approval of the

President of the Republic,

put a request to the

Legislative Yuan for

reconsideration. If, after

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 same or resign from
office.

3. If the Executive Yuan
deems a resolution on a
statutory, budgetary, or
treaty bill passed by the
Legislative Yuan difficult of
execution, it may, with the
approval of the President
of the Republic and within
ten days after its
transmission to the
Executive Yuan, request
the Legislative Yuan to
reconsider the said
resolution. If after

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 same or resign from
office.

Article 58 The Executive Yuan shall
have an Executive Yuan
Council, to be composed
of its President, Vice
President, various
Ministers and Chairmen of
Commissions, and
Ministers without Portfolio,
with its President as

Chairman.

Statutory or budgetary bills

or bills concerning martial

law, amnesty, declaration

of war, conclusion of

peace or treaties, and

other important affairs, all

of which are to be

submitted to the

Legislative Yuan, as well

as matters that are of

common concern to the

various Ministries and

Commissions, shall be

presented by the

President and various

Ministers and Chairmen of

Commissions of the

Executive Yuan to the

Executive Yuan Council

for decision.

Article 59 The Executive Yuan shall, three months before the beginning of each fiscal year, present to the Legislative Yuan the budgetary bill for the following fiscal year.

Article 60 The Executive Yuan shall, within four months after the end of each fiscal year, present final accounts of revenues and expenditures to the Control Yuan.

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, to be constituted of members elected by the people. It shall exercise legislative power on behalf of the people.

Article 63 The Legislative Yuan shall have the power to decide by resolution upon statutory or budgetary bills or bills concerning martial law, amnesty, declaration of war, conclusion of peace or treaties, and

other important affairs of
the State.

Article 64

Members of the
Legislative Yuan shall be
elected in accordance with
the following provisions:

1. Those to be elected
from the provinces and by
the 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, one
additional member shall
be elected for each
additional 1,000,000 in a
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province or municipality

whose population is over

3,000,000;

2. Those to be elected

from Mongolian Leagues

and Banners;

3. Those to be elected

from Tibet;

4. Those to be elected by

various racial groups in

frontier regions;

5. Those to be elected by

Chinese citizens residing

abroad; and

6. Those to be elected by

occupational groups.

The election of Members

of the Legislative Yuan

and the number of those to

be elected in accordance
with Items 2 to 6 of the
preceding paragraph shall
be prescribed by law. The
number of women to be
elected under the various
items enumerated in the
first 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. The election of
Members of the
Legislative Yuan 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, who shall
be elected by and from
among its Members.

Article 67 The Legislative Yuan may
set up various committees.
Such committees may
invite government officials
and private persons
concerned to be present at
their meetings to answer
questions.

Article 68 The Legislative Yuan shall
hold two sessions each
year, and shall convene of
its own accord. The first

session shall last from
February to the end of
May, and the second
session from September
to the end of December.
Whenever necessary, a
session may be
prolonged.

Article 69 In any of the following
circumstances, the
Legislative Yuan may hold
an extraordinary session:

1. At the request of the
President of the Republic;
2. Upon the request of not
less than one-fourth of its
Members.

Article 70 The Legislative Yuan shall

not make proposals for an
increase in the
expenditures in the
budgetary bill presented
by the Executive Yuan.

Article 71 At the 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 give their views.

Article 72 Statutory bills passed by
the Legislative Yuan shall
be transmitted to the
President of the Republic
and to the Executive Yuan.

The President shall, within ten days after receipt thereof, promulgate them; or he may 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. Judiciary

Article 77 The Judicial Yuan shall be
the highest judicial organ
of the State and shall have
charge of civil, criminal,
and administrative cases,
and over cases
concerning disciplinary
measures against public

functionaries.

Article 78 The Judicial Yuan shall
interpret the Constitution
and shall have the power
to unify the interpretation
of laws and orders.

Article 79 The Judicial Yuan shall
have a President and a
Vice President, who shall
be nominated and, with
the consent of the Control
Yuan, appointed by the
President of the Republic.
The Judicial Yuan shall
have a certain number of
Grand Justices to take
charge of matters
specified in Article 78 of

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this Constitution, who shall
be nominated and, with
the consent of the Control
Yuan, appointed by the
President of the Republic.

Article 80 Judges shall be above
partisanship and shall, in
accordance with law, hold
trials independently, free
from any interference.

Article 81 Judges shall hold office for
life. No judge shall be
removed from office
unless he has been found
guilty of a criminal offense
or subjected to disciplinary
measure, or declared to be
under interdiction. No

judge shall, except in
accordance with law, be
suspended or transferred
or have his salary
reduced.

Article 82 The organization of the
Judicial Yuan and of the
law courts of various
grades shall be prescribed
by law.

Chapter VIII. Examination

Article 83 The Examination Yuan
shall be the highest
examination organ of the
State and shall have
charge of matters relating
to examination,
employment, registration,

service rating, scale of
salaries, promotion and
transfer, security of tenure,
commendation, pecuniary
aid in case of death,
retirement and old age
pension.

Article 84 The Examination Yuan

shall have a President and

a Vice President and a

certain number of

Members, all of whom

shall be nominated and,

with the consent of the

Control Yuan, appointed

by the President of the

Republic.

Article 85 In the selection of public

functionaries, a system of
open competitive
examination shall be put
into operation, and
examinations shall be held
in different areas, with
prescribed numbers of
persons to be selected
according to various
provinces and areas. No
person shall be appointed
to a public office unless he
is qualified through
examination.

Article 86

The following
qualifications shall be
determined and registered
through examination by

the Examination Yuan in

accordance with law:

1. Qualification for

appointment as public

functionaries; and

2. Qualification for practice

in specialized professions

or as technicians.

Article 87

The Examination Yuan

may, with respect to

matters under its charge,

present statutory bills to

the Legislative Yuan.

Article 88

Members of the

Examination Yuan shall be

above partisanship and

shall independently

exercise their functions 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 and shall
exercise the powers of
consent, impeachment,
censure and auditing.

Article 91 The Control Yuan shall be
composed of Members
who shall be elected by
Provincial and Municipal
Councils, the local
Councils of Mongolia and
Tibet, and Chinese

citizens residing abroad.

Their numbers shall be

determined in accordance

with the following

provisions:

1. Five Members from

each province;

2. Two Members from

each municipality under

the direct jurisdiction of the

Executive Yuan;

3. Eight Members from

Mongolian Leagues and

Banners;

4. Eight Members from

Tibet; and

5. Eight Members from

Chinese citizens residing

abroad.

Article 92 The Control Yuan shall

have a President and a

Vice President, who shall

be elected by and from

among its Members.

Article 93 Members of the Control

Yuan shall serve a term of

six years and shall be

re-eligible.

Article 94 When the Control Yuan

exercises the power of

consent in accordance

with this Constitution, it

shall do so by resolution of

a majority of the Members

present at the meeting.

Article 95 The Control Yuan may, in

the exercise of its powers

of control, request the
Executive Yuan and its
Ministries and
Commissions to submit to
it for perusal the original
orders issued by them and
all other relevant
documents.

Article 96 The Control Yuan may,
taking into account the
work of the Executive
Yuan and its various
Ministries and
Commissions, set up a
certain number of
committees to investigate
their activities with a view
to ascertaining whether or

not they are guilty of
violation of law or neglect
of duty.

Article 97 The Control Yuan may, on
the basis of the
investigations and
resolutions of its
committees, propose
corrective measures and
forward them to the
Executive Yuan and the
Ministries and
Commissions concerned,
directing their attention to
effecting improvements.
When the Control Yuan
deems a public functionary
in the Central Government

or in a local government
guilty of neglect 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
functionary 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 due
consideration, by a
committee composed of
not less than nine
Members.

Article 99 In case of impeachment by
the Control Yuan of the
personnel of the Judicial
Yuan or of the
Examination Yuan for
neglect of duty or violation
of law, the provisions of
Articles 95, 97 and 98 of
this Constitution shall be
applicable.

Article 100 Impeachment by the
Control Yuan of the
President or the Vice

President of the Republic shall be instituted upon the proposal of not less than one-fourth of the whole body of Members of the Control Yuan, and the resolution, after due consideration, by the majority of the whole body of Members of the Control Yuan, and the same shall be presented to the National Assembly.

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 a public office or engage in any profession.

Article 104 In the Control Yuan, there shall be an Auditor General who shall be nominated and, with the consent of the Legislative Yuan, appointed by the President of the Republic.

Article 105 The Auditor General shall,

within three months after

presentation by the

Executive Yuan of the final

accounts of revenues and

expenditures, complete

the auditing thereof in

accordance with law, and

submit an auditing report

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 In the following matters,

the Central Government

shall have the power of

legislation and

administration:

1. Foreign affairs;

2. National defense and

military affairs concerning

national defense;

3. Nationality law and

criminal, civil and

commercial law;

4. Judicial system;

5. Aviation, national

highways, state-owned

railways, navigation,

postal and telegraph

service;

6. Central Government

finance and national

revenues;

7. Demarcation of

national, provincial and

hsien revenues;

8. State-operated

economic enterprises;

9. Currency system and

state banks;

10. Weights and

measures;

11. Foreign trade policies;

12. Financial and

economic matters

affecting foreigners or

foreign countries; and

13. Other matters relating

to the Central Government

as provided by this

Constitution.

Article 108

In the following matters,

the Central Government shall have the power of legislation and administration, but the Central Government may delegate the power of administration to the provincial and hsien governments:

1. General principles of provincial and hsien self-government;
2. Division of administrative areas;
3. Forestry, industry, mining and commerce;
4. Educational system;
5. Banking and exchange system;

6. Shipping and deep-sea

fishery;

7. Public utilities;

8. Cooperative

enterprises;

9. Water and land

communication and

transportation covering

two or more provinces;

10. Water conservancy,

waterways, agriculture and

pastoral enterprises

covering two or more

provinces;

11. Registration,

employment, supervision,

and security of tenure of

officials in Central and

local governments;

12. Land legislation;

13. Labor legislation and
other social legislation;

14. Eminent domain;

15. Census-taking and
compilation of population
statistics for the whole
country;

16. Immigration and land
reclamation;

17. Police system;

18. Public health;

19. Relief, pecuniary aid in
case of death and aid in
case of unemployment;
and

20. Preservation of ancient
books and articles and
sites of cultural value.

With respect to the various items enumerated in the preceding paragraph, the provinces may enact separate rules and regulations, provided these are not in conflict with national laws.

Article 109 In the following matters, the provinces shall have the power of legislation and administration, but the provinces may delegate the power of administration to the hsien;

1. Provincial education, public health, industries

and communications;

2. Management and

disposal of provincial

property;

3. Administration of

municipalities under

provincial jurisdiction;

4. Province-operated

enterprises;

5. Provincial cooperative

enterprises;

6. Provincial agriculture,

forestry, water

conservancy, fishery,

animal husbandry and

public works;

7. Provincial finance and

revenues;

8. Provincial debts;

9. Provincial banks;

10. Provincial police

administration;

11. Provincial charitable

and public welfare works;

and

12. Other matters

delegated to the provinces

in accordance with

national laws.

Except as otherwise

provided by law, any of the

matters enumerated in the

various items of the

preceding paragraph, in so

far as it covers two or

more provinces, may be

undertaken jointly by the

provinces concerned.

When any province, in
undertaking matters listed
in any of the items of the
first paragraph, finds its
funds insufficient, it may,
by resolution of the
Legislative Yuan, obtain
subsidies from the
National Treasury.

Article 110 In the following matters,

the hsien shall have the

power of legislation and

administration:

1. Hsien education, public

health, industries and

communications;

2. Management and

disposal of hsien property;

3. Hsien-operated

enterprises;

4. Hsien cooperative

enterprises;

5. Hsien agriculture and

forestry, water

conservancy, fishery,

animal husbandry and

public works;

6. Hsien finance and

revenues;

7. Hsien debts;

8. Hsien banks;

9. Administration of hsien

police and defense;

10. Hsien charitable and

public welfare works; and

11. Other matters

delegated to the hsien in

accordance with national

laws and provincial

Self-Government

Regulations.

Except as otherwise

provided by law, any of the

matters enumerated in the

various items of the

preceding paragraph, in so

far as it covers two or

more hsien, may be

undertaken jointly by the

hsien concerned.

Article 111

Any matter not

enumerated in Articles

107, 108, 109 and 110

shall fall within the

jurisdiction of the Central

Government, if it is national in nature; of the province, if it is provincial in nature; and of the hsien, if it concerns the hsien. In case of dispute, it shall be settled by the Legislative Yuan.

Chapter XI. System of Local Government

Section 1. The Province

Article 112 A province may convoke a provincial assembly to enact, in accordance with the General Principles of Provincial and Hsien Self-Government, regulations, provided the said regulations are not in

conflict with the

Constitution.

The organization of the

provincial assembly and

the election of the

delegates shall be

prescribed by law.

Article 113

The Provincial

Self-Government

Regulations shall include

the following provisions:

1. In the province, there

shall be a provincial

council. Members of the

provincial council shall be

elected by the people of

the province.

2. In the province, there

shall be a provincial
government with a
provincial governor who
shall be elected by the
people of the province.

3. Relationship between
the province and the
hsien. The legislative
power of the province shall
be exercised by the
Provincial Council.

Article 114 The Provincial
Self-Government
Regulations shall, after
enactment, be forthwith
submitted to the Judicial
Yuan. The Judicial Yuan, if
it deems any part thereof

unconstitutional, shall
declare null and void the
articles repugnant to the
Constitution.

Article 115 If, during the enforcement
of 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; and
thereupon the Presidents
of the Executive Yuan,
Legislative Yuan, Judicial

Yuan, Examination Yuan
and Control Yuan shall
form a Committee, with the
President of the Judicial
Yuan as Chairman, to
propose a formula for
solution.

Article 116 Provincial rules and
regulations that are in
conflict with national laws
shall be null and void.

Article 117 When doubt arises as to
whether or not there is a
conflict between provincial
rules or regulations and
national laws,
interpretation thereon shall
be made 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 self-government system of Tibet shall be safeguarded.

Section 2. The Hsien

Article 121 The hsien shall enforce hsien self-government.

Article 122 A hsien may convoke a hsien assembly to enact,

in accordance with the
General Principles of
Provincial and Hsien
Self-Government, hsien
self-government
regulations, provided the
said regulations are not in
conflict with the
Constitution or with
provincial self-government
regulations.

Article 123 The people of the hsien
shall, in accordance with
law, exercise the rights of
initiative and referendum
in matters within the
sphere of hsien
self-government, and

shall, in accordance with
law, exercise the rights of
election and recall of the
magistrate and other hsien
self-government officials.

Article 124 In the hsien, there shall be
a hsien council. Members
of the hsien council shall
be elected by the people
of the hsien.

The legislative power of
the hsien shall be
exercised by the hsien
council.

Article 125 Hsien rules and
regulations that are in
conflict with national laws,
or with provincial rules and

regulations, shall be null
and void.

Article 126 In the hsien, there shall be
a hsien government with a
hsien magistrate who shall
be elected by the people
of the hsien.

Article 127 The hsien magistrate shall
have charge of hsien
self-government and shall
administer matters
delegated to the hsien by
the central or provincial
government.

Article 128 The provisions governing
the hsien shall apply
mutatis mutandis to the
municipality.

Chapter XII. Election, Recall, Initiative and
Referendum

Article 129 The various kinds of
elections prescribed in this
Constitution, except as
otherwise provided by 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 20 years shall
have the right of election in
accordance with law.
Except as otherwise
provided by this
Constitution or by law, any

.....

citizen who has attained
the age of 23 years shall
have the right of being
elected in accordance with
law.

Article 131 All candidates in the
various kinds of elections
prescribed in this
Constitution shall openly
campaign for their
election.

Article 132 Intimidation or inducement
shall be strictly forbidden
in elections. Suits arising
in connection with
elections shall be tried by
the courts.

Article 133 A person elected may, in

accordance with law, be

recalled by his

constituency.

Article 134

In the various kinds of elections, the number of women to be elected shall be fixed, and measures pertaining thereto shall be prescribed by law.

Article 135

The number of delegates to the National Assembly and the manner of their election from people in interior areas, who have their own conditions of living and habits, 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

Policies

Section 1. National Defense

Article 137 The national defense of
the Republic of China shall
have as its objective the
safeguarding of national
security and the
preservation of world
peace.

The organization of
national defense shall be
prescribed by law.

Article 138 The land, sea and air
forces of the whole country

shall be above personal,
regional, or party
affiliations, shall be loyal to
the state, and shall protect
the people.

Article 139 No political party and no
individual shall make use
of armed forces as an
instrument in a struggle for
political powers.

Article 140 No military man in active
service may concurrently
hold a civil office.

Section 2. Foreign Policy

Article 141 The foreign policy of the
Republic of China shall, in
a spirit of independence
and initiative and on the

basis of the principles of
equality and reciprocity,
cultivate
good-neighborliness with
other nations, and respect
treaties and the Charter of
the United Nations, in
order to protect the rights
and interests of Chinese
citizens residing abroad,
promote international
cooperation, advance
international justice and
ensure world peace.

Section 3. National Economy

Article 142 National economy shall be
based on the Principle of
the People's Livelihood

and shall seek to effect
equalization of land
ownership and restriction
of private capital in order
to attain a well-balanced
sufficiency in national
wealth and people's
livelihood.

Article 143 All land within the territory
of the Republic of China
shall belong to the whole
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 be liable to

taxation according to its

value, and the

Government may buy

such land according to its

value.

Mineral deposits which are

embedded in the land, and

natural power which may,

for economic purposes, be

utilized for the public

benefit shall belong to the

State, regardless of the

fact that private individuals

may have acquired

ownership over such land.

If the value of a piece of

land has increased, not

through the exertion of

labor or the employment of

capital, the State shall levy thereon an increment tax, the proceeds of which shall be enjoyed by the people in common.

In the distribution and readjustment of land, the State shall in principle assist self-farming land-owners and persons who make use of the land by themselves, and shall also regulate their appropriate areas of operation.

Article 144 Public utilities and other enterprises of a monopolistic nature shall,

in principle, be under public operation. In cases permitted by law, they may be operated by private citizens.

Article 145 With respect to private wealth and privately-operated enterprises, the State shall restrict them by law if they are deemed detrimental to a balanced development of national wealth and people's livelihood. Cooperative enterprises shall receive encouragement and assistance from the State.

Private citizens' productive enterprises and foreign trade shall receive encouragement, guidance and protection from the State.

Article 146 The State shall, by the use of scientific techniques, develop water conservancy, increase the productivity of land, improve agricultural conditions, plan for the utilization of land, develop agricultural resources and hasten the industrialization of agriculture.

Article 147 The Central Government,

in order to attain balanced
economic development
among the provinces, shall
give appropriate aid to
poor or unproductive
provinces.

The provinces, in order to
attain balanced economic
development among the
hsien, shall give
appropriate aid to poor or
unproductive hsien.

Article 148 Within the territory of the
Republic of China, all
goods 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 extensively
establish financial
institutions for the
common people, with a
view to relieving
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 opportunity for
work to people who are

able to work.

Article 153 The State, in order to
improve the livelihood of
laborers and farmers and
to improve their productive
skill, shall enact laws and
carry out policies for their
protection.

Women and children
engaged in labor shall,
according to their age and
physical condition, be
accorded special
protection.

Article 154 Capital and labor shall, in
accordance with the
principle of harmony and
cooperation, promote

productive enterprises.

Conciliation and arbitration

of disputes between

capital and labor shall be

prescribed by law.

Article 155

The State, in order to

promote social welfare,

shall establish a social

insurance system. To the

aged and the infirm who

are unable to earn a living,

and to victims of unusual

calamities, the State shall

give 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
the policy of promoting 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
service.

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, good physique,
scientific knowledge, and
the ability to earn a living.

Article 159 All citizens shall have
equal opportunity to
receive an education.

Article 160 All children of school age
from six to 12 years shall
receive free primary
education. Those from
poor families shall be
supplied with books by the
Government.

All citizens above school
age who have not received
primary education shall
receive supplementary

education free of charge
and shall also be supplied
with books by the
Government.

Article 161 The national, provincial,
and local governments
shall extensively establish
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 in order to raise the cultural standard 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 or give them
financial assistance.

Article 164 Expenditures of
educational programs,
scientific studies and
cultural services shall not
be, in respect of the
Central Government, less
than 15 percent of the total
national budget; in respect
of each province, less than
25 percent of the total
provincial budgets; and in
respect of each
municipality or hsien, less
than 35 percent of the total

municipal or hsien budget.

Educational and cultural

foundations established in

accordance with law shall,

together with their

property, be protected.

Article 165

The State shall safeguard

the livelihood of those who

work in the fields of

education, sciences and

arts, and shall, in

accordance with the

development of national

economy, increase their

remuneration from time to

time.

Article 166

The State shall encourage

scientific discoveries and

inventions, and shall
protect ancient sites and
articles of historical,
cultural or artistic value.

Article 167 The State shall give
encouragement or
subsidies to the following
enterprises or individuals:

1. Educational enterprises
in the country which have
been operated with good
record by private
individuals;
2. Educational enterprises
which have been operated
with good record by
Chinese citizens residing
abroad;

3. persons who have
made discoveries or
inventions in the fields of
learning and technology;
and

4. Persons who have
rendered long and
meritorious services in the
field of education.

Section 6. Frontier Regions

Article 168 The State shall accord to
the various racial groups in
the frontier regions legal
protection of their status
and shall give them
special assistance in their
local self-government
undertakings.

Article 169

The State shall, in a positive manner, undertake and foster the development of education, culture, communications, water conservancy, public health, and other economic and social enterprises of the various racial groups in the frontier regions. With respect to the utilization of land, the State shall, after taking into account the climatic conditions, the nature of the soil and the life and habits of the people, adopt measures to protect the land and to assist in its

development.

Chapter XIV. Enforcement and

Amendment of the Constitution

Article 170 The term “law,” as used in

this Constitution, shall

denote any legislative bill

that shall have been

passed by the Legislative

Yuan and promulgated by

the President of the

Republic.

Article 171 Laws that are in conflict

with the Constitution shall

be null and void. When

doubt arises as to whether

or not a law is in conflict

with the Constitution,

interpretation thereon shall

be made by the Judicial
Yuan.

Article 172 Ordinances that are in
conflict with the
Constitution or with laws
shall be null and void.

Article 173 The Constitution shall be
interpreted by the Judicial
Yuan.

Article 174 Amendments to the
Constitution shall be made
in accordance with one of
the following procedures:
1. Upon the proposal of
one-fifth of the total
number of the delegates to
the National Assembly and
by a resolution of

three-fourths of the
delegates present at a
meeting having a quorum
of two-thirds of the entire
Assembly, the Constitution
may be amended.

2. 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 having a quorum
of three-fourths of the
Members of the Yuan, an
amendment may be drawn
up and submitted to the
National Assembly by way
of referendum. Such a

proposed amendment to
the Constitution shall be
publicly published half a
year before the National
Assembly convenes.

Article 175 Whenever necessary,
enforcement procedures in
regard to any matters
prescribed in this
Constitution shall be
separately provided by
law.
The preparatory
procedures for the
enforcement of this
Constitution shall be
decided upon by the same
National Assembly which

shall have adopted this

Constitution.
