

## Appendix II

### The Constitution of the Republic of China\*

Adopted by the National Assembly on December 25, 1946, promulgated by the national government on January 1, 1947, and effective from December 25, 1947

### 中華民國憲法

中華民國三十六年十二月二十五日施行

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 for founding of the Republic of China\*\*, and in order to consolidate the sovereignty 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.

中華民國國民大會受全體國民之付託，依據 孫中山先生創立中華民國之遺教，為鞏固國權，保障民權，奠定社會安寧，增進人民福利，制定本憲法，頒行全國，永矢咸遵。

\* This English version originally translated by the Government Information Office is reworded in part and added with captions and footnotes by Justice Vincent Sze (施文森).

\*\* Dr. Sun incorporated the political traditions of ancient China into Montesque's doctrine of the separation powers to form a 'Five-Power Government', vis. Executive, Legislative, Judicial, Examination and Control Yuans. Each Branch of the Government is phonetically called 'Yuan' in Chinese.

**Chapter I.**  
**General Provisions**

**第一章**  
**總 約**

**Article 1. (State System)**

The Republic of China, founded on the Three Principles of the People<sup>1</sup>, shall be a democratic republic of the people, to be governed by the people and for the people.

**第一條（國體）**

中華民國基於三民主義，為民有民治民享之民主共和國。

**Article 2. (Sovereignty)**

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

**第二條（主權在民）**

中華民國之主權屬於國民全體。

**Article 3. (Citizenship)**

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

**第三條（國民）**

具中華民國國籍者為中華民國國民。

**Article 4. (Territory)**

The territory of the Republic of China according to its existing national boundaries shall not be altered except by resolution of the National Assembly<sup>2</sup>.

**第四條（國土）**

中華民國領土，依其固有之疆域，非經國民大會之決議，不得變更之。

**Article 5. (Equality)**

There shall be equality among the

**第五條（民族平等）**

中華民國各民族一律平等。

<sup>1</sup> Namely Principle of Nationalism (or of the People), Principle of Democracy (or by the people), and Principle of People's Livelihood (or for the People)

<sup>2</sup> Restricted from being applicable Article 1 of the Amendment, *infra*.

various racial groups in the Republic of China.

### **Article 6. (National Flag)**

The national flag of the Republic of China shall be of red ground with a blue sky and a white sun at the upper left corner.

### **Chapter II. Rights and Duties of the People**

#### **Article 7. (Right of Equality)**

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)**

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.

### **第六條（國旗）**

中華民國國旗定為紅地，左上角青天白日。

### **第二章 人民之權利義務**

#### **第七條（平等權）**

中華民國人民，無分男女、宗教、種族、階級、黨派，在法律上一律平等。

#### **第八條（人身自由）**

人民身體之自由應予保障。除現行犯之逮捕由法律另定外，非經司法或警察機關依法定程序，不得逮捕拘禁。非由法院依法定程序，不得審問處罰。非依法定程序之逮捕、拘禁、審問、處罰，得拒絕之。

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.

人民因犯罪嫌疑被逮捕拘禁時，其逮捕拘禁機關應將逮捕拘禁原因，以書面告知本人及其本人指定之親友，並至遲於二十四小時內移送該管法院審問。本人或他人亦得聲請該管法院，於二十四小時內向逮捕之機關提審。

法院對於前項聲請，不得拒絕，並不得先令逮捕拘禁之機關查覆。逮捕拘禁之機關，對於法院之提審，不得拒絕或遲延。

人民遭受任何機關非法逮捕拘禁時，其本人或他人得向法院聲請追究，法院不得拒絕，並應於二十四小時內向逮捕拘禁之機關追究，依法處理。

**Article 9. (Immunity from Trial by Military Tribunal)**

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

**第九條（人民不受軍事審判）**

人民除現役軍人外，不受軍事審判。

**Article 10. (Freedom of Residence)**

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

**第十條（居住、遷徙自由）**

人民有居住及遷徙之自由。

**Article 11. (Freedom of Speech)**

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

**第十一條（表現自由）**

人民有言論、講學、著作及出版之自由。

**Article 12. (Right of Privacy)**

The people shall have freedom of privacy of correspondence.

**第十二條（私密通訊自由）**

人民有秘密通訊之自由。

**Article 13. (Freedom of Religious Belief)**

The people shall have freedom of religious belief.

**第十三條（信教自由）**

人民有信仰宗教之自由。

**Article 14. (Freedom of Assembly)**

The people shall have freedom of assembly and association.

**第十四條（集會結社自由）**

人民有集會及結社之自由。

**Article 15. (Right of Existence, Work and Property)**

The right of existence, the right of work, and the right of property shall be guaranteed to the people.

**第十五條（生存權、工作權、財產權）**

人民之生存權、工作權及財產權，應予保障。

**Article 16. (Right of Filing Suits and Complaints)**

The people shall have the right of presenting petitions, lodging complaints, or instituting legal proceedings.

**第十六條（請願、訴願及訴訟權）**

人民有請願、訴願及訴訟之權。

**Article 17. (Right of Suffrage)**

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

**第十七條（參政權）**

人民有選舉、罷免、創制及複決之權。

**Article 18. (Right of Taking Civil Service Exam)**

The people shall have the right of taking civil service examinations and of holding public offices.

**第十八條（應考試、服公職權）**

人民有應考試服公職之權。

**Article 19. (Duty of Paying Tax)**

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

**第十九條（納稅義務）**

人民有依法律納稅之義務。

**Article 20. (Duty of Performing Military Service)**

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

**第二十條（兵役義務）**

人民有依法律服兵役之義務。

**Article 21. (Right and Duty of Receiving Education)**

The people shall have the right and the duty of receiving citizens\* education.

**第二十一條（受教育之權義）**

人民有受國民教育之權利與義務。

## Article 22. (Other Freedoms and Rights)

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. (Restriction on Human Rights)

All the freedoms and rights enumerated in the preceding Article 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. (Public Functionary's Responsibility and Torts Claim)

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.

## 第二十二條（基本人權保障）

凡人民之其他自由及權利，不妨害社會秩序公共利益者，均受憲法之保障。

## 第二十三條（基本人權之限制）

以上各條列舉之自由權利，除為防止妨礙他人自由、避免緊急危難、維持社會秩序，或增進公共利益所必要者外，不得以法律限制之。

## 第二十四條（公務員責任及國家賠償責任）

凡公務員違法侵害人民之自由或權利者，除依法律受懲戒外，應負刑事及民事責任。被害人民就其所受損害，並得依法律向國家請求賠償。

**Chapter III.**  
**The National Assembly<sup>3</sup>**

**Article 25. (National Assembly)**

The National Assembly (hereinafter referred as “Assembly”) shall, in accordance with the provisions of this Constitution, exercise political powers on behalf of the whole body of citizens.

**Article 26. (Assembly Delegates)**

The Assembly shall be composed of the following delegates:

1. One delegate shall be elected from each hsien<sup>4</sup>, 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<sup>5</sup>;
3. The number of delegates to be elected from Tibet shall be pre-

**第三章**  
**國民大會**

**第二十五條（國民大會之地位）**

國民大會依本憲法之規定，代表全國國民行使政權。

**第二十六條（國大代表之名額）**

國民大會以左列代表組織之：

一、每縣市及其同等區域各選出代表一人，但其人口逾五十萬人者，每增加五十萬人，增選代表一人。縣市同等區域以法律定之。

二、蒙古選出代表，每盟四人，每特別旗一人。

三、西藏選出代表，其名額以法律定之。

<sup>3</sup> Whole chapter is replaced *en masse* by Article 1 of the Amendment, *infra*.

<sup>4</sup> The basic unit of local government, politically a self-government body, see Article 9, para.1 of the Amendment and the Law of Local Systems. According to the statistics made at the time of promulgation of the Constitution, there were 2,023 Hsien in China.

<sup>5</sup> A local unit in Mongolia, an equivalent of hsien, designated by a special flag or banner.

scribed by law;

- The number of delegates to be elected by various racial groups in frontier regions shall be prescribed by law;
- The number of delegates to be elected by Chinese citizens residing abroad shall be prescribed by law;
- The number of delegates to be elected by occupational groups shall be prescribed by law; and
- The number of delegates to be elected by women's organizations shall be prescribed by law.

### Article 27. (Function of Assembly)

The function of the Assembly shall be as follows:

- To elect the President and the Vice President;
- To recall the President and the Vice President;
- To amend the Constitution; and
- 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 Subpara. 3 and Subpara. 4 of the preceding paragraph, the Assembly shall make

四、各民族在邊疆地區選出代表，其名額以法律定之。

五、僑居國外之國民選出代表，其名額以法律定之。

六、職業團體選出代表，其名額以法律定之。

七、婦女團體選出代表，其名額以法律定之。

### 第二十七條（國大職權）

國民大會之職權如左：

一、選舉總統、副總統。

二、罷免總統、副總統。

三、修改憲法。

四、複決立法院所提之憲法修正案。

關於創制複決兩權，除前項第三、第四兩款規定外，俟全國有半數之縣市曾經行使創制複決兩項政權時，由國民大會制定辦法並行使之。

regulations pertaining thereto and put them into effect, after the abovementioned two political rights shall have been exercised in one-half of the hsien and municipalities of the whole country.

### Article 28. (Delegates' Term)

Delegates to the Assembly shall be elected every six years.

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

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

### Article 29. (Convocation of Assembly)

The Assembly shall be convoked by the President to meet 90 days prior to the date of expiration of each presidential term.

### Article 30. (Extraordinary Session)

An extraordinary session of the 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/or

### 第二十八條（國大代表任期、資格之限制）

國民大會代表每六年改選一次。

每屆國民大會代表之任期，至次屆國民大會開會之日為止。

現任官吏不得於其任所所在地之選舉區當選為國民大會代表。

### 第二十九條（國大常會之召集）

國民大會於每屆總統任滿前九十日集會，由總統召集之。

### 第三十條（國大臨時會之召集）

國民大會遇有左列情形之一時，召集臨時會：

- 一、依本憲法第四十九條之規定，應補選總統、副總統時。

a new Vice President are to be elected;

2. When, by resolution of the Control Yuan (hereinafter referred as 'Control'), an impeachment of the President and / or the Vice President is instituted;
3. When, by resolution of the Legislative Yuan (hereinafter referred as 'Legislature'), 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 Assembly.

When an extraordinary session is to be convoked in accordance with Subpara. 1 or Subpara. 2 of the preceding paragraph, the President of the Legislature (hereinafter referred as 'Chief Legislator') shall issue the notice of convocation; when it is to be convoked in accordance with Subpara. 3 or Subpara. 4, it shall be convoked by the President of the Republic.

### Article 31. (Venue of Assembly)

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

### Article 32. (Privilege of Immunity)

No delegate to the Assembly shall be held responsible outside the Assembly for

二、依監察院之決議，對於總統、副總統提出彈劾案時。

三、依立法院之決議，提出憲法修正案時。

四、國民大會代表五分之二以上請求召集時。

國民大會臨時會，如依前項第一款或第二款應召集時，由立法院院長通告集會。依第三款或第四款應召集時，由總統召集之。

### 第三十一條（國大開會地點）

國民大會之開會地點在中央政府所在地。

### 第三十二條（言論免責權）

國民大會代表在會議時所為之言論及表決，對會外不負責任。

opinions expressed and/or votes cast at meetings of the Assembly.

**Article 33. (Privilege of Insusceptibility to Arrest or Detention)**

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

**Article 34. (Election, Recall, and Function)**

The organization of the Assembly, the election and recall of delegates to the Assembly, and the procedure whereby the Assembly is to carry out its functions, shall be prescribed by law.

**Chapter IV.  
The President**

**Article 35. (Head of State)**

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

**Article 36. (Supreme Commander)**

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

**第三十三條（不逮捕特權）**

國民大會代表除現行犯外，在會期中，非經國民大會許可，不得逮捕或拘禁。

**第三十四條（組織、選舉罷免及行使職權程序之法律）**

國民大會之組織，國民大會代表之選舉罷免及國民大會行使職權之程序，以法律定之。

**第四章  
總統**

**第三十五條（總統地位）**

總統為國家元首，對外代表中華民國。

**第三十六條（總統統帥權）**

總統統率全國陸海空軍。

### Article 37. (Promulgation of Law and Ordinances<sup>6</sup>)

The President shall, in accordance with law, promulgate laws and issue ordinances with the counter-signature of the President of the Executive Yuan (hereinafter referred as “Premier”) or with the counter-signatures of both the Premier and the Ministers or Chairmen of Commissions concerned.

### Article 38. (Power of Concluding Treaties and Declaring War)

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

### Article 39. (Declaring Martial Law)

The President may, in accordance with law, declare martial law with the approval of, or subject to confirmation by, the Legislature. When the Legislature deems it necessary, it may by resolution request the President to terminate martial law.

### 第三十七條（總統公布法令權）

總統依法公布法律，發布命令，須經行政院院長之副署，或行政院院長及有關部會首長之副署。

### 第三十八條（總統行使締約、宣戰、媾和權）

總統依本憲法之規定，行使締結條約及宣戰媾和之權。

### 第三十九條（總統宣布戒嚴權）

總統依法宣布戒嚴，但須經立法院之通過或追認。立法院認為必要時，得決議移請總統解嚴。

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<sup>6</sup> In applicable under Article 2, Para.2 of the Amendment, *infra*.

**Article 40. (Power of Granting Amnesty and Pardon)**

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

**Article 41. (Appointment and Removed of Officers)**

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

**Article 42. (Conferring Honors)**

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

**Article 43. (Issuance of Emergency Decree<sup>7</sup>)**

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 Legislature, may, by resolution of the Executive Yuan Council (hereinafter referred as 'Cabinet'), 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

**第四十條（總統行使赦免權）**

總統依法行使大赦、特赦、減刑及復權之權。

**第四十一條（總統任免官員權）**

總統依法任免文武官員。

**第四十二條（總統授與榮典權）**

總統依法授與榮典。

**第四十三條（總統發布緊急命令權）**

國家遇有天然災害、瘟疫或國家財政經濟上有重大變故，須為急速處分時，總統於立法院休會期間，得經行政院會議之決議，依緊急命令法，發布緊急命令，為必要之處置，但須於發布命令後一個月內提交立法院追認。如立法院不同意時，該緊急命令立即失效。

<sup>7</sup> Replaced by Article 2, Para.3 of the Amendment, *infra*.

month after issuance, be presented to the Legislature for confirmation; in case the Legislature withholds confirmation, the said decrees shall forthwith cease to be valid.

#### **Article 44. (Meeting of Consultation)**

In case of disputes among two or more Yuans (hereinafter referred as 'Branches') except as otherwise provided by the Constitution, the President may call a meeting of the Chiefs of the Branches concerned for consultation with a view to reaching a solution.

#### **Article 45. (Eligibility)**

Any citizen of the Republic of China who has attained the age of 40 years may be elected President or Vice President.

#### **Article 46. (Election)**

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

#### **Article 47. (Term of President)<sup>8</sup>**

The President and the Vice President shall serve a term of six years. They may be re-elected for a second term.

#### **第四十四條（權限爭議處理權）**

總統對於院與院間之爭執，除本憲法有規定者外，得召集有關各院院長會商解決之。

#### **第四十五條（被選舉資格）**

中華民國國民年滿四十歲者，得被選為總統、副總統。

#### **第四十六條（選舉方法）**

總統、副總統之選舉，以法律定之。

#### **第四十七條（總統、副總統任期）**

總統、副總統之任期為六年，連選得連任一次。

<sup>8</sup> Ceased to be applicable by Article 2, Para.6 of the Amendment, *infra*.

### Article 48. (Inaugural Oath)

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. (Succession and Election of Succession<sup>9</sup>)

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 Premier shall act for the President; meantime, an extraordinary session of the Assembly shall be convoked in accordance with the provision of Article 30 supra for the election of a new President and a new Vice President, who shall hold office until the completion of the terms left unfinished by the predecessors. In case the President

### 第四十八條（總統就職宣誓）

總統應於就職時宣誓，誓詞如左：

「余謹以至誠，向全國人民宣誓，余必遵守憲法，盡忠職務，增進人民福利，保衛國家，無負國民付託。如違誓言，願受國家嚴厲之制裁。謹誓」

### 第四十九條（繼任及代行總統職權）

總統缺位時，由副總統繼任，至總統任期屆滿為止。總統、副總統均缺位時，由行政院院長代行其職權，並依本憲法第三十條之規定，召集國民大會臨時會，補選總統、副總統，其任期以補足原任總統未滿之任期為止。總統因故不能視事時，由副總統代行其職權。總統、副總統均不能視事時，由行政院院長代行其職權。

<sup>9</sup> Suspended from its application by Article 2, Para.8 of the Amendment, *infra*.

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 Premier shall act for the President.

#### **Article 50. (To Act for President)**

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 Premier shall act for the President.

#### **Article 51. (Period of the Premier's Acting for President)**

The period during which the Premier may act for the President shall not exceed three months.

#### **Article 52. (Immunity from Criminal Prosecution)**

The President shall not, without being recalled or discharged, be subject to criminal prosecution unless he is charged with having committed an act of rebellion or treason.

#### **第五十條（代行總統職權）**

總統於任滿之日解職，如屆期次任總統尚未選出，或選出後總統、副總統均未就職時，由行政院院長代行總統職權。

#### **第五十一條（行政院院長代行職權之期限）**

行政院院長代行總統職權時，其期限不得逾三個月。

#### **第五十二條（刑事豁免權）**

總統除犯內亂或外患罪外，非經罷免或解職，不受刑事上之訴究。

**Chapter V.**  
**Administration**

**第五章**  
**行政**

**Article 53. (Executive Body)**

The Executive Yuan (hereinafter referred as 'Executive') shall be the highest administrative organ of the State.

**Article 54. (Principal Officers)**

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

**Article 55. (Appointment of Premier<sup>10</sup>)**

The Premier shall be nominated and, upon confirmation of the Legislature, appointed by the President of the Republic.

If, during the recess of the Legislature, the Premier should resign or if his office should become vacant, his functions shall be exercised by the Vice Premier, acting on his behalf, but the President of the Republic shall, within 40 days, request a meeting of the Legislature to confirm his nominee for the vacancy. Pending such confirmation, the Vice Premier shall pro tempore exercise the functions of the Premier.

**第五十三條（最高行政機關）**

行政院為國家最高行政機關。

**第五十四條（行政院組織）**

行政院設院長、副院長各一人，各部會首長若干人，及不管部會之政務委員若干人。

**第五十五條（行政院院長之任命及代理）**

行政院院長由總統提名，經立法院同意任命之。

立法院休會期間，行政院院長辭職或出缺時，由行政院副院長代理其職務，但總統須於四十日內咨請立法院召集會議，提出行政院院長人選徵求同意。行政院院長職務，在總統所提行政院院長人選未經立法院同意前，由行政院副院長暫行代理。

<sup>10</sup> Ceased to be applicable by Article 3, Para.1 of the Amendment, *infra*.

## Article 56. (Appointment of Principal Officers)

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

## Article 57. (Responsibilities Towards Legislature<sup>11</sup>)

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

1. The Executive has the duty to present to the Legislature a statement of its administrative policies and a report on its administration. While the Legislature is in session, Members of the Legislature shall have the right to interpellate the Premier and Principal Officers of his Cabinet.
2. If the Legislature does not concur in any important policy of the Executive, it may, by resolution, request the Executive to alter such a policy. With respect to such resolution, the Executive may, upon the approval of the President of the Republic, request the Legislature

## 第五十六條（副院長、部會首長及政務委員之任命）

行政院副院長、各部會首長及不  
管部會之政務委員，由行政院院長提請  
總統任命之。

## 第五十七條（行政院對立法院負責）

行政院依左列規定，對立法院負責：

一、行政院有向立法院提出施政方針及施政報告之責。立法委員在開會時，有向行政院院長及行政院各部會首長質詢之權。

二、立法院對於行政院之重要政策不贊同時，得以決議移請行政院變更之。行政院對於立法院之決議，得經總統之核可，移請立法院覆議。覆議時，如經出席立法委員三分之二維持原決議，行政院院長應即接受該決議或辭

<sup>11</sup> Ceased to be applicable by Article 3, Para.2 of the Amendment, *infra*.

for reconsideration. If, after reconsideration, two-thirds of the Members of the Legislature present at the meeting uphold the original resolution, the Premier shall either abide by the same or resign from office.

3. The Executive, if deeming a resolution on a statutory, budgetary, or treaty bill passed by the Legislature difficult of execution, may, upon the approval of the President of the Republic and within ten days after its transmission to the Executive, request the Legislature to reconsider the said resolution. If after reconsideration, two-thirds of the Members of the Legislature present at the meeting uphold the original resolution, the Premier shall either abide by the same or resign from office.

### Article 58. (Cabinet Meeting)

The Executive shall have an Executive Yuan Council (or Cabinet Meeting), to be composed of its Premier, Vice Premier, Principal Officers of the Several Departments and Ministers without Portfolio, with its Premier as Chairman.

Statutory or budgetary bills or bills concerning martial law, amnesty, declaration

職。

三、行政院對於立法院決議之法律案、預算案、條約案，如認為有窒礙難行時，得經總統之核可，於該決議案送達行政院十日內，移請立法院覆議。覆議時經出席立法委員三分之二維持原案，行政院院長應即接受該決議或辭職。

### 第五十八條（行政院會議）

行政院設行政院會議，由行政院院長、副院長、各部會首長及不管部會之政務委員組織之，以院長為主席。

行政院院長、各部會首長，須將應行提出於立法院之法律案、預算案、

of war, conclusion of peace or treaties, and other important affairs, all of which are to be submitted to the Legislature, as well as matters that are of common concern to the several Ministries and Commissions, shall be presented by the Premier and Principal Officers so concerned to the Cabinet Meeting for decision.

#### **Article 59. (Budgetary Bill)**

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

#### **Article 60. (Final Accounts of Revenues and Expenditures)**

The Executive shall, within four months after the end of each fiscal year, present final accounts of revenues and expenditures to the Control Yuan (hereinafter referred as 'Control').

#### **Article 61. (Organization)**

The organization of the Executive shall be prescribed by law.

戒嚴案、大赦案、宣戰案、媾和案、條約案及其他重要事項，或涉及各部會共同關係之事項，提出於行政院會議議決之。

#### **第五十九條（預算案之提出）**

行政院於會計年度開始三個月前，應將下年度預算案提出於立法院。

#### **第六十條（決算之提出）**

行政院於會計年度結束後四個月內，應提出決算於監察院。

#### **第六十一條（行政院組織法之制定）**

行政院之組織，以法律定之。

**Chapter VI.**  
**Legislation**

**第六章**  
**立 法**

**Article 62. (Legislature and Legislators)**

The Legislature shall be the highest legislative organ of the State, to be constituted of members (or Legislators) elected by the people. It shall exercise legislative power on behalf of the people.

**Article 63. (Powers)**

The Legislature 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. (ELECTING OF LEGISLATORS<sup>12</sup>)**

Members of the Legislature 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 shall be five for each province or municipality with a population of not more than 3,000,000, one additional member

**第六十二條（最高立法機關）**

立法院為國家最高立法機關，由人民選舉之立法委員組織之，代表人民行使立法權。

**第六十三條（立法院職權）**

立法院有議決法律案、預算案、戒嚴案、大赦案、宣戰案、媾和案、條約案及國家其他重要事項之權。

**第六十四條（立委選舉）**

立法院立法委員依左列規定選出之：

- 一、各省、各直轄市選出者，其人口在三百萬以下者五人，其人口超過三百萬者，每滿一百萬人增選一人。

<sup>12</sup> Replaced by Article 4, Para.1 of the Amendment, *infra*.

shall be elected for each additional 1,000,000 in a 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 Legislature and the number of those to be elected in accordance with Subpara. 2 to Subpara. 6 of the preceding paragraph shall be prescribed by law. The number of women to be elected under the various Subparagraphs enumerated in the preceding paragraph shall be prescribed by law.

### Article 65. (Legislators' Term<sup>13</sup>)

Members of the Legislature shall serve a term of three years, and may be re-elected term by term. The election of Legislators shall be completed within three months prior to the expiration of each term.

二、蒙古各盟旗選出者。

三、西藏選出者。

四、各民族在邊疆地區選出者。

五、僑居國外之國民選出者。

六、職業團體選出者。

立法委員之選舉及前項第二款至第六款立法委員名額之分配，以法律定之。婦女在第一項各款之名額，以法律定之。

### 第六十五條（立委任期）

立法委員之任期為三年，連選得連任，其選舉於每屆任滿前三個月內完成之。

<sup>13</sup> Replaced by Article 4, Para.1 of the Amendment, *infra*.

### Article 66. (Chief and Deputy Legislators)

The Legislature shall have a President (or Chief Legislator) and a Vice President (or Deputy-Chief Legislator), who shall be elected by and from among the fellow-Members.

### Article 67. (Committees and Invites)

The Legislature may set up various committees.

The committees may invite government officials and private citizens concerned to be present at their meetings to answer questions (proposed by the Legislators).

### Article 68. (Sessions)

The Legislature shall assemble spontaneously at least twice in every year, the first session shall last from February to the end of May, and the second, from September to the end of December. The session may be prolonged for such a time whenever necessary.

### Article 69. (Extraordinary Session)

The Legislature may hold an extraordinary session under one of the following circumstances:

1. At the request of the President of

### 第六十六條（正副院長之選舉）

立法院設院長、副院長各一人，由立法委員互選之。

### 第六十七條（委員會之設置）

立法院得設各種委員會。

各種委員會得邀請政府人員及社會上有關係人員到會備詢。

### 第六十八條（常會）

立法院會期，每年兩次，自行集會，第一次自二月至五月底，第二次自九月至十二月底，必要時得延長之。

### 第六十九條（臨時會）

立法院遇有左列情事之一時，得開臨時會：

- 一、總統之咨請。

the Republic;

2. Upon the request of not less than one-fourth of its Members.

二、立法委員四分之一以上之請求。

### Article 70. (Expenditures Increase)

The Legislature shall not make proposals for an increase in the expenditures in the budgetary bill presented by the Executive.

### 第七十條（增加支出預算提議之限制）

立法院對於行政院所提預算案，不得為增加支出之提議。

### Article 71. (Presence of Branch Chiefs)

At the meetings of the Legislature, the Chiefs of other Branches concerned and their Principal Officers may be present to express their views.

### 第七十一條（關係院首長列席）

立法院開會時，關係院院長及各部會首長得列席陳述意見。

### Article 72. (Promulgation of Law)

Statutory bills passed by the Legislature shall be presented to the President of the Republic and to the Executive. The President shall, within ten days after receipt thereof, have them to be promulgated as such; or he may deal with them in accordance with the provisions of Article 57 of the Constitution.

### 第七十二條（公布法律）

立法院法律案通過後，移送總統及行政院，總統應於收到後十日內公布之，但總統得依照本憲法第五十七條之規定辦理。

### Article 73. (Privilege of Immunity)

No Member of the Legislature shall be held responsible outside the Legislature for opinions expressed and/or votes

### 第七十三條（論免責權）

立法院委員在院內所為之言論及表決，對院外不負責任。

cast within the Legislature.

**Article 74. (rivilege of Insusceptibility to Arrest or Detention<sup>14</sup>)**

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

**Article 75. (Prohibition)**

No Member of the Legislature shall concurrently hold a government post.

**Article 76. (Organization)**

The organization of the Legislature shall be prescribed by law.

**Chapter VII.  
Judiciary**

**Article 77. (Scope of Authority)**

The Judicial Yuan (hereinafter referred as ‘Judiciary’) shall be the highest judicial organ of the State in charge of the trial of civil, criminal, and administrative cases, and imposition of disciplinary measures against public functionaries.

**第七十四條（不逮捕特權）**

立法委員除現行犯外，非經立法院許可，不得逮捕或拘禁。

**第七十五條（立委兼任官吏之禁止）**

立法委員不得兼任官吏。

**第七十六條（法院組織法之制定）**

立法院之組織，以法律定之。

**第七章  
司法**

**第七十七條（司法院之地位及職權）**

司法院為國家最高司法機關，掌理民事、刑事、行政訴訟之審判，及公務員之懲戒。

<sup>14</sup> Ceased to be applicable by Article 4, Para.8 of the Amendment, *infra*.

**Article 78. (Authority to Interpret)**

The Judiciary shall interpret the Constitution and shall have the authority to unify the interpretation of laws and orders.

**Article 79. (Justices<sup>15</sup>)**

The Judiciary shall have a President (or Chief Justice) and a Vice President (or Deputy-Chief Justice), to be nominated and, upon the confirmation of the Control, appointed by the President of the Republic.

The Judiciary shall have a certain number of Grand Justices (or Justices) who take charge of matters specified in Article 78 of the Constitution, and shall be nominated and, upon the confirmation of the Control, appointed by the President of the Republic.

**Article 80. (Independent Trial)**

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

**第七十八條（司法院之法律解釋權）**

司法院解釋憲法，並有統一解釋法律及命令之權。

**第七十九條（正副院長及大法官之任命）**

司法院設院長、副院長各一人，由總統提名，經監察院同意任命之。

司法院設大法官若干人，掌理本憲法第七十八條規定事項，由總統提名，經監察院同意任命之。

**第八十條（法官依法獨立審判）**

法官須超出黨派以外，依據法律獨立審判，不受任何干涉。

<sup>15</sup> Replaced by Article 5, Para.1 of the Amendment, *infra*.

<sup>16</sup> Specially excluded from its application to the Justice who is not possessed of qualification as a judge transferred from the bench by Article 5, Para.1 of the Amendment, *infra*.

### Article 81. (Lifetime Tenure<sup>16</sup>)

Judges shall hold office for life. No judge shall be removed from office unless is found guilty of a criminal offense, 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. (Organization)

The organization of the Judiciary and of the law courts of various instance shall be prescribed by law.

### Chapter VIII. Examination

### Article 83. (Scope of Authority<sup>17</sup>)

The Examination Yuan (hereinafter referred as ‘Examination’) shall be the highest examination organ of the State and in charge of matters relating to examination, employment, registration, service rating, scale of salaries, promotion and transfer, tenure protection, commendation, pecuniary aid in case of death, retirement and old age pension.

### 第八十一條（法官之保障）

法官為終身職，非受刑事或懲戒處分，或禁治產之宣告，不得免職。非依法律，不得停職、轉任或減俸。

### 第八十二條（法院組織法之制定）

司法院及各級法院之組織，以法律定之。

### 第八章 考 試

### 第八十三條（考試院之地位及職權）

考試院為國家最高考試機關，掌理考試、任用、銓敘、考績、級俸、陞遷、保障、褒獎、撫卹、退休、養老等事項。

<sup>17</sup> Replaced by Article 6, Para.1 of the Amendment, *infra*.

**Article 84. (Examiner<sup>18</sup>)**

The Examination shall have a President (or Chief Examiner) and a Vice President (or Deputy-Chief Examiner) and a certain number of Members (or Examiners), to be nominated and, upon the confirmation of the Control, appointed by the President of the Republic.

**Article 85. (Selection of Public Functionary)**

For selection of public functionaries, a system of open competitive examination shall be set up and put into operation. A prescribed number of persons shall be selected according to various provinces and regions thru the examination to be held in different parts of nation.<sup>19</sup> No person shall be appointed to a public office unless he is qualified by passing the examination.

**Article 86. (Qualification)**

The following qualifications must be determined by passing the examination held by the Examination in accordance with law:

**第八十四條（正副院長及考試委員之任命）**

考試院設院長、副院長各一人，考試委員若干人，由總統提名，經監察院同意任命之。

**第八十五條（公務員之考選）**

公務人員之選拔，應實行公開競爭之考試制度，並應按省區分別規定名額，分區舉行考試。非經考試及格者，不得任用。

**第八十六條（應受考銓之資格）**

左列資格，應經考試院依法考選銓定之：

<sup>18</sup> Replaced by Article 6, Para.2 of the Amendment, *infra*.

<sup>19</sup> The provision regarding the selection of public functionaries based upon the province or region, namely the second sentence of the Article, is ceased to be applicable by Article 6, Para.3 of the Amendment, *infra*.

1. Qualification for appointment as public functionaries; and
2. Qualification for practice in specialized professions or as technicians.

一、公務人員任用資格。

二、專門職業及技術人員執業資格。

### Article 87. (Statutory Bill)

The Examination may, with respect to matters under its charge, present statutory bills to the Legislature.

### 第八十七條（法律案之提出）

考試院關於所掌事項，得向立法院提出法律案。

### Article 88. (Fulfillment of Duties)

The Examiners shall be above partisanship and independently fulfill their duties in accordance with law.

### 第八十八條（依法獨立行使職權）

考試委員須超出黨派以外，依據法律獨立行使職權。

### Article 89. (Organization)

The organization of the Examination shall be prescribed by law.

### 第八十九條（考試院組織法之制定）

考試院之組織，以法律定之。

## Chapter IX. Control

## 第九章 監察

### Article 90. (Powers<sup>20</sup>)

The Control shall be the highest control organ to be vested with the powers of confirmation, impeachment, censure and

### 第九十條（監察院之地位與職權）

監察院為國家最高監察機關，行使同意、彈劾、糾舉及審計權。

<sup>20</sup> The Provision regarding impeachment is partially replaced by Article 4, Para.7 of the Amendment, infra, and thus inapplicable in case of impeachment of the President and Vice President; the Provision regarding confirmation is totally replaced by Article 5, Para.1 and Article 6, Para.2 of the Amendment, infra, and thus inapplicable in case of confirmation of the Justices and Ombudsmen.

auditing.

### Article 91. (Election of Ombudsman<sup>21</sup>)

The Control shall be composed of Members (hereinafter referred as ‘Ombudsmen’) to 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 from each province;
2. Two from each municipality under the direct jurisdiction of the Executive;
3. Eight from Mongolian Leagues and Banners;
4. Eight from Tibet; and
5. Eight from Chinese citizens residing abroad.

### Article 92. (Election of Chief and Deputy Chief<sup>22</sup>)

The Control shall have a President (or Chief Ombudsman) and a Vice President (or Deputy-Chief Ombudsman), to be elected by and from among the fellow-Ombudsmen.

### 第九十一條（監委之選舉）

監察院設監察委員，由各省市議會、蒙古西藏地方議會及華僑團體選舉之。其名額分配，依左列之規定：

一、每省五人。

二、每直轄市二人。

三、蒙古各盟旗共八人。

四、西藏八人。

五、僑居國外之國民八人。

### 第九十二條（正副院長之選舉）

監察院設院長、副院長各一人，由監察委員互選之。

<sup>21</sup> Ibid.

<sup>22</sup> Ibid.

### Article 93. (Term<sup>23</sup>)

The Ombudsmen shall serve a term of six years and may be re-elected term by term.

### Article 94. (Power of Confirmation<sup>24</sup>)

When the Control exercises the power of confirmation in accordance with the Constitution, it shall do so by resolution of a majority of the Ombudsmen present at the meeting.

### Article 95. (Power of Investigation)

The Control may, in the exercise of its powers of control, request the Executive and its Ministries and Commissions to submit to it for perusal the original orders issued by them and all other relevant documents.

### Article 96. (Setting up Committees)

The Control may, taking into account the Functions of the Executive and its various Ministries and Commissions, set up a number of committees to investigate their activities with a view to ascertaining whether or not any law is violated or any duty neglected.

### 第九十三條（監委任期）

監察委員之任期為六年，連選得連任。

### 第九十四條（同意權之行使）

監察院依本憲法行使同意權時，由出席委員過半數之議決行之。

### 第九十五條（調查權之行使）

監察院為行使監察權，得向行政院及其各部會調閱其所發布之命令及各種有關文件。

### 第九十六條（委員會之設置）

監察院得按行政院及其各部會之工作，分設若干委員會，調查一切設施，注意其是否違法或失職。

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<sup>23</sup> Ibid.

<sup>24</sup> Ibid.

### Article 97. (Exercise of Impeachment, Censure and Audit)

The Control may, based upon its committee's investigations and resolutions, propose corrective measures to the Executive and its Ministries and Commissions concerned, for their attention to effecting improvements so proposed.

The Control, whenever finding that a public functionary either in the Central Government or in a local government neglects his duty or violates the law, may propose corrective measures or institute an impeachment (against the said public functionary). If it involves a criminal offense, the case shall be turned over a court of law.

### Article 98. (Impeachment Against Public Functionary<sup>25</sup>)

Impeachment by the Control against a public functionary either in the Central Government or in a local government shall only be instituted upon the proposal of one or more than one Ombudsman and the decision reached by a committee composed of not less than nine Ombudsmen after their due deliberation.

### 第九十七條（糾正權、糾舉權及彈劾權之行使）

監察院經各該委員會之審查及決議，得提出糾正案，移送行政院及其有關部會，促其注意改善。

監察院對於中央及地方公務人員，認為有失職或違法情事，得提出糾舉案或彈劾案，如涉及刑事，應移送法院辦理。

### 第九十八條（彈劾權之提出）

監察院對於中央及地方公務人員之彈劾案，須經監察委員一人以上之提議，九人以上之審查及決定，始得提出。

<sup>26</sup> Replaced by Article 7, Para.3 of the Amendment, *infra*.

**Article 99. (Impeachment Against the Judiciary and Examination Personnel<sup>26</sup>)**

In case of impeachment by the Control against the personnel of the Judiciary or of the Examination on the ground of their neglect of duty or violation of law, the provisions of Articles 95, 97 and 98 of the Constitution shall be applicable.

**Article 100. (Impeachment Against President and Vice President<sup>27</sup>)**

Impeachment by the Control Against 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 the Ombudsmen, and the resolution reached by the majority of the whole body of the Ombudsmen after their due deliberation, then having the same to be presented to the Assembly.

**Article 101. (Privilege of Immunity<sup>28</sup>)**

No Member of the Control shall be held responsible outside the Control for opinions expressed and/or votes cast within the Control.

**第九十九條（司法考試人員之彈劾）**

監察院對於司法院或考試院人員失職或違法之彈劾，適用本憲法第九十五條、第九十七條及第九十八條之規定。

**第一百條（總統、副總統之彈劾）**

監察院對於總統、副總統之彈劾案，須有全體監察委員四分之一以上之提議，全體監察委員過半數之審查及決議，向國民大會提出之。

**第一百零一條（言論免責權）**

監察委員在院內所為之言論及表決，對院外不負責任。

<sup>26</sup> Ibid.

<sup>27</sup> Replaced by Article 2, Para.10 and Article 4, Para.7 of the Amendment, *infra*.

<sup>28</sup> Ceased to be applicable by Article 7, Para.6 of the Amendment, *infra*.

**Article 102. (Privilege of Insusceptibility to Arrest and Detention<sup>29</sup>)**

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

**Article 103. (Prohibition)**

No Member of the Control shall concurrently hold a public office or engage in any profession.

**Article 104. (Auditor General)**

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

**Article 105. (Auditing Report)**

The Auditor General shall, within three months after presentation by the Executive of the final accounts of revenues and expenditures, complete the auditing thereof in accordance with law, and submit an auditing report to the Legislature.

**第一百零二條（不逮捕特權）**

監察委員除現行犯外，非經監察院許可，不得逮捕或拘禁。

**第一百零三條（監委兼職之禁止）**

監察委員不得兼任其他公職或執行業務。

**第一百零四條（審計長之任命）**

監察院設審計長，由總統提名，經立法院同意任命之。

**第一百零五條（決算之審核及報告）**

審計長應於行政院提出決算後三個月內，依法完成其審核，並提出審核報告於立法院。

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<sup>29</sup> Ibid.

**Article 106. (Organization)**

The organization of the Control shall be prescribed by law.

**第一百零六條（監察院組織法之制度）**

監察院之組織，以法律定之。

**Chapter X.**

**Powers of the Central and Local Governments**

**Article 107. (Jurisdiction of Central Government)**

The matters over which the Central Government shall have exclusive jurisdiction, including but not limited to the power of legislation and administration, are as follows:

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;

**第十章**

**中央與地方之權限**

**第一百零七條（中央立法並執行事項）**

左列事項，由中央立法並執行之：

一、外交。

二、國防與國防軍事。

三、國籍法、及刑事、民事、商事之法律。

四、司法制度。

五、航空、國道、國有鐵路、航政、郵政及電政。

六、中央財政與國稅。

七、國稅與省稅、縣稅之劃分。

八、國營經濟事業。

九、幣制及國家銀行。

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 the Constitution.

十、度量衡。  
十一、國際貿易政策。  
十二、涉外之財政經濟事項。

十三、其他依本憲法所定關於中央之事項。

### **Article 108. (Jurisdiction of Central Government)**

The matters over which the Central Government shall have jurisdiction, including but not limited to the power of legislation and administration, or may have the power of administration to be delegated to the provincial and hsien governments, are as follows:

1. General principles of provincial and hsien self-government<sup>30</sup>;
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

### **第一百零八條（中央立法事項）**

左列事項，由中央立法並執行之，或交由省縣執行之：

- 一、省縣自治通則。
- 二、行政區劃。
- 三、森林、工礦及商業。
- 四、教育制度。
- 五、銀行及交易所制度。
- 六、航業及海洋漁業。
- 七、公用事業。
- 八、合作事業。
- 九、二省以上之水陸交通運輸。

<sup>30</sup> Restricted from its application by Article 9 of the Amendment, *infra*.

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 relics 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.

十、二省以上之水利、河道及農牧事業。

十一、中央及地方官吏之銓敘、任用、糾察及保障。

十二、土地法。

十三、勞動法及其他社會立法。

十四、公用徵收。

十五、全國戶口調查及統計。

十六、移民及墾殖。

十七、警察制度。

十八、公共衛生。

十九、振濟、撫卹及失業救濟。

二十、有關文化之古籍、古物及古蹟之保存。

前項各款，省於不抵觸國家法律內，得制定單行法規。

### Article 109. (Jurisdiction of Province<sup>31</sup>)

The matters over which the provinces shall have jurisdiction, including the power of legislation and administration, or have the power of administration to be delegated to the hsien, are as follows:

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.

### 第一百零九條（省立法事項）

左列事項，由省立法並執行之，或交由縣執行之：

- 一、省教育、衛生、實業及交通。
- 二、省財產之經營及處分。
- 三、省市政。
- 四、省公營事業。
- 五、省合作事業。
- 六、省農林、水利、漁牧及工程。
- 七、省財政及省稅。
- 八、省債。
- 九、省銀行。
- 十、省警政之實施。
- 十一、省慈善及公益事項。
- 十二、其他依國家法律賦予之事項。

<sup>31</sup> Restricted from its application by Article 9 of the Amendment, *infra*.

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.

The province, in undertaking matters listed in any of the items of the first paragraph, and finding no sufficient funds may request, by resolution of the Legislature, for subsidies from the National Treasury.

#### Article 110. (Jurisdiction of Hsien)

The matters over which the hsien shall have jurisdiction, including the power of legislation and administration, are as follows:

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;

前項各款，有涉及二省以上者，除法律別有規定外，得由有關各省共同辦理。

各省辦理第一項各款事務，其經費不足時，經立法院議決，由國庫補助之。

#### 第一百十條（縣立法並執行事項）

左列事項，由縣立法並執行之：

- 一、縣教育、衛生、實業及交通。
- 二、縣財產之經營及處分。
- 三、縣公營事業。
- 四、縣合作事業。
- 五、縣農林、水利、漁牧及工程。
- 六、縣財政及縣稅。
- 七、縣債。
- 八、縣銀行。
- 九、縣警衛之實施。

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 hsiens, may be undertaken jointly by the hsiens concerned.

### Article 111. (Matters Reserved)

Any matter not enumerated in Articles 107, 108, 109 and 110 above 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 merely concerns the hsien. In case of dispute, it shall be settled by the Legislature.

### Chapter XI. System of Local Government Section 1. The Province

### Article 112. (Provincial Assembly)<sup>32</sup>

A province may convoke a provincial

十、縣慈善及公益事業。

十一、其他依國家法律及省自治法賦予之事項。

前項各款，有涉及二縣以上者，除法律別有規定外，得由有關各縣共同辦理。

### 第一百十一條（中央與地方權限分配）

除第一百零七條、第一百零八條、第一百零九條及第一百十條列舉事項外，如有未列舉事項發生時，其事務有全國一致之性質者屬於中央，有全省一致之性質者屬於省，有一縣之性質者屬於縣。遇有爭議時，由立法院解決之。

### 第十一章 地方制度 第一節 省

### 第一百十二條（省民代表大會之組織與權限）

省得召集省民代表大會，依據省縣

<sup>32</sup> Restricted from its application by Article 9, Para.1 of the Amendment, *infra*.

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 its delegates shall be prescribed by law.

### Article 113. (Provincial SelfGovernment Regulation<sup>33</sup>)

The Provincial Self-Government Regulation shall include the following provisions:

1. The province shall have a council, the members of which shall be elected by the people of the province.
2. The province shall have a government with a governor to 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. (Review by Judiciary<sup>34</sup>)

The Provincial Self-Government

自治通則，制定省自治法，但不得與憲法牴觸。

省民代表大會之組織及選舉，以法律定之。

### 第一百十三條（省自治法與立法權）

省自治法應包含左列各款：

一、省設省議會，省議會議員由省民選舉之。

二、省設省政府，置省長一人。  
省長由省民選舉之。

三、省與縣之關係。

屬於省之立法權，由省議會行之。

### 第一百十四條（省自治法之司法審查）

省自治法制定後，須即送司法

<sup>33</sup> Ibid.

<sup>34</sup> Ibid.

Regulation shall, after enactment, be forthwith submitted to the Judiciary. The Judiciary, if it finds any part thereof unconstitutional, shall declare null and void as to the said part.

### Article 115. (Committee for Solution<sup>35</sup>)

In case any article or articles of the Provincial Self-Government Regulations are found to be difficult in enforcement, the Judiciary shall first summon the parties concerned to present their views; and thereupon the presidents of the Executive, Legislature, Judiciary, Examination and Control shall form a Committee, with the president of the Judiciary as Chairman, to propose a formula for solution.

### Article 116. (Validity of Provincial Regulation)

Provincial rules and regulations in conflict with national laws shall be null and void.

### Article 117. (Interpretation)

When doubt arises as to whether or not there is a conflict between provincial rules or regulations and national laws, it

院。司法院如認為有違憲之處，應將違憲條文宣布無效。

### 第一百十五條（自治法施行中障礙之解決）

省自治法施行中，如因其中某條發生重大障礙，經司法院召集有關方面陳述意見後，由行政院院長、立法院院長、司法院院長、考試院院長及監察院院長組織委員會，以司法院院長為主席，提出方案解決之。

### 第一百十六條（省法規與國家法律之關係）

省法規與國家法律抵觸者無效。

### 第一百十七條（省法規抵觸法律之解釋）

省法規與國家法律有無抵觸發生疑義時，由司法院解釋之。

<sup>35</sup> Ibid.

shall be petitioned to the Judiciary for interpretation.

### **Article 118. (Special Municipality)**

The self-government of municipalities under the direct jurisdiction of the Executive shall be prescribed by law.

### **Article 119. (Mongolian Banners)**

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

### **Article 120. (Self-Government of Tibet)**

The self-government system of Tibet shall be safeguarded.

## Section 2. The Hsien

### **Article 121. (Self-Government of Hsien)**

The self-government system shall be enforced in hsien.

### **Article 122. (Hsien Self-Government Regulation<sup>36</sup>)**

A hsien may convoke a hsien assembly to enact, in accordance with the Gen-

### **第一百十八條（直轄市之自治）**

直轄市自治，以法律定之。

### **第一百十九條（蒙古盟旗之自治）**

蒙古各盟旗地方自治制度，以法律定之。

### **第一百二十條（西藏自治之保障）**

西藏自治制度，應予以保障。

## 第二節 縣

### **第一百二十一條（縣自治）**

縣實行縣自治。

### **第一百二十二條（縣民代表大會與縣自治法之制度）**

縣得召集縣民代表大會，依據縣自治通則，制定縣自治法，但不得與憲法

<sup>36</sup> Ibid.

eral Principles of Provincial and Hsien Self-Government, hsien self-government regulation, provided the said regulation is not in conflict with the Constitution or the provincial self-government regulation.

及省自治法抵觸。

### Article 123. (Rights of Initiative and Referendum)

The people of the hsien shall, in accordance with law, exercise the rights of initiative and referendum in matters within the scope 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 officers.

### 第一百二十三條（縣民參政權）

縣民關於縣自治事項，依法律行使創制複決之權，對於縣長及其他縣自治人員，依法律行使選舉罷免之權。

### Article 124. (Hsien Council)

The hsien shall have a council, the members of which shall be elected by the people of the hsien.

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

### 第一百二十四條（縣議會組成及職權）

縣設縣議會，縣議會議員由縣民選舉之。

屬於縣之立法權，由縣議會行之。

### Article 125. (Validity of Hsien Regulation)

Hsien rules and regulations in conflict with national laws or provincial rules and regulations, shall be null and void.

### 第一百二十五條（縣規章與法律或省法規之關係）

縣單行規章，與國家法律或省法規抵觸者無效。

### Article 126. (Government and Magistrate)

The hsien shall have a government with a magistrate to be elected by the people of the hsien.

### 第一百二十六條（縣長之選舉）

縣設縣政府，置縣長一人。縣長由縣民選舉之。

### Article 127. (Powers of Magistrate)

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

### 第一百二十七條（縣長之職權）

縣長辦理縣自治，並執行中央及省委辦事項。

### Article 128. (To apply *mutatis mutandis*)

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

### 第一百二十八條（市自治）

市準用縣之規定。

## Chapter XII. Election, Recall, Initiative and Referendum

### Article 129. (Direct Suffrage)

The various kinds of elections prescribed in this Constitution, except as otherwise provided by the Constitution, shall be by universal, equal, and direct suffrage and by secret ballot.

## 第十二章 選舉、罷免、創制、複決

### 第一百二十九條（選舉之方法）

本憲法所規定之各種選舉，除本憲法別有規定外，以普通、平等、直接及無記名投票之方法行之。

### Article 130. (Right of Election and/or Being Elected)

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. (Open Campaign)

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

### Article 132. (Intimidation and Inducement)

Intimidation or inducement shall be strictly forbidden in elections. Suits arising in connection with elections shall be tried by the court of law.

### Article 133. (Recall)

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

### Article 134. (Pre-Determined Number of Women)

In the various kinds of elections, the number of women to be elected shall be pre-determined, and measures pertaining

### 第一百三十條（選舉及被選舉年齡）

中華民國國民年滿二十歲者，有依法選舉之權。除本憲法及法律別有規定者外，年滿二十三歲者，有依法被選舉之權。

### 第一百三十一條（競選公開原則）

本憲法所規定各種選舉之候選人，一律公開競選。

### 第一百三十二條（選舉公正之維護）

選舉應嚴禁威脅利誘。選舉訴訟，由法院審判之。

### 第一百三十三條（罷免權）

被選舉人得由原選舉區依法罷免之。

### 第一百三十四條（婦女名額保障）

各種選舉，應規定婦女當選名額，其辦法以法律定之。

thereto shall be prescribed by law.

**Article 135. (The Number of Delegates to the Assembly<sup>37</sup>)**

The number of delegates to the Assembly and the manner of their election from people in inland areas, who have their own conditions of living and habits, shall be prescribed by law.

**Article 136. (Right of Initiative and Referendum)**

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. (Defense Objection)**

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.

**第一百三十五條（內地生活習慣特殊國代之選舉）**

內地生活習慣特殊之國民代表名額及選舉，其辦法以法律定之。

**第一百三十六條（創制、複決權之行使）**

創制複決兩權之行使，以法律定之。

**第十三章  
基本國策  
第一節 國防**

**第一百三十七條（國防目的及組織）**

中華民國之國防，以保衛國家安全，維護世界和平為目的。國防之組織，以法律定之。

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<sup>37</sup> Replaced by Article 1 of the Amendment, *infra*.

**Article 138. (Armed Forces)**

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. (Use of Armed Forces)**

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

**Article 140. (No Civil Office)**

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

**Section 2. Foreign Policy****Article 141. (Objective of Foreign Policy)**

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-neighbourliness 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 inter-national

**第一百三十八條（軍隊國家化－軍人超然）**

全國陸海空軍，須超出個人、地域及黨派關係以外，效忠國家，愛護人民。

**第一百三十九條（軍隊國家化－軍隊不干政）**

任何黨派及個人不得以武裝力量為政爭之工具。

**第一百四十條（軍人兼任文官之禁止）**

現役軍人不得兼任文官。

**第二節 外交****第一百四十一條（外交宗旨）**

中華民國之外交，應本獨立自主之精神，平等互惠之原則，敦睦邦交，尊重條約及聯合國憲章，以保護僑民權益，促進國際合作，提倡國際正義，確保世界和平。

cooperation, advance international justice and ensure world peace.

### Section 3. National Economy

#### **Article 142. (Principle of People Livelihood)**

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. (Land Policy)**

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 its use restricted by law. Privately-owned land shall be liable to taxation according to its value, and the Government may purchase 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.

### 第三節 國民經濟

#### **第一百四十二條（國民經濟基本原則）**

國民經濟應以民生主義為基本原則，實施平均地權，節制資本，以謀國計民生之均足。

#### **第一百四十三條（土地改革）**

中華民國領土內之土地屬於國民全體。人民依法取得之土地所有權，應受法律之保障與限制。私有土地應照價納稅，政府並得照價收買。

附著於土地之礦，及經濟上可供公眾利用之天然力，屬於國家所有，不因人民取得土地所有權而受影響。

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-tilling 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)

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. (Encouragement to Co-operative and Productive Enterprise)

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.

土地價值非因施以勞力資本而增加者，應由國家徵收土地增值稅，歸人民共享之。

國家對於土地之分配與整理，應以扶植自耕農及自行使用土地人為原則，並規定其適當經營之面積。

#### 第一百四十四條（獨占性企業公營原則）

公用事業及其他有獨佔性之企業，以公營為原則，其經法律許可者，得由國民經營之。

#### 第一百四十五條（私人資本之節制與扶助）

國家對於私人財富及私營事業，認為有妨害國計民生之平衡發展者，應以法律限制之。

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. (Development of Resources)**

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. (Aid to Province and Hsien)**

The Central Government, in order to attain a balanced economic development among the provinces, shall give appropriate aid to needy or underproductive provinces.

The provinces, in order to attain a balanced economic development among the hsien, shall give appropriate aid to needy or underproductive hsien.

合作事業應受國家之獎勵與扶助。

國民生產事業及對外貿易，應受國家之獎勵、指導及保護。

#### **第一百四十六條（發展農業）**

國家應運用科學技術，以興修水利，增進地力，改善農業環境，規劃土地利用，開發農業資源，促成農業之工業化。

#### **第一百四十七條（地方經濟之平衡發展）**

中央為謀省與省間之經濟平衡發展，對於貧瘠之省，應酌予補助。

省為謀縣與縣間之經濟平衡發展，對於貧瘠之縣，應酌予補助。

**Article 148. (Unobstructed Transportation of Goods)**

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

**Article 149. (Financial Institutions)**

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

**Article 150. (Job to the Indigent)**

The State shall extensively establish financial institutions for the indigent people, with a view to relieving them of unemployment.

**Article 151. (Aid to Oversea Chinese)**

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

**Section 4. Social Security****Article 152. (Job Opportunity)**

The State shall provide suitable job opportunity for the people who are able to work.

**第一百四十八條（貨暢其流）**

中華民國領域內，一切貨物應許自由流通。

**第一百四十九條（金融機構之管理）**

金融機構，應依法受國家之管理。

**第一百五十條（普設平民金融機構）**

國家應普設平民金融機構，以救濟失業。

**第一百五十一條（發展僑民經濟事業）**

國家對於僑居國外之國民，應扶助並保護其經濟事業之發展。

**第四節 社會安全****第一百五十二條（人盡其才）**

人民具有工作能力者，國家應予以適當之工作機會。

### Article 153. (Law and Policy for the Underprivileged)

The State, in order to improve the livelihood of laborers and farmers and to improve their productive skill, shall enact laws therefore 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. (Relation Between Capital and Labor)

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. (Social Insurance and Relief)

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.

### 第一百五十三條（勞工及農民之保護）

國家為改良勞工及農民之生活，增進其生產技能，應制定保護勞工及農民之法律，實施保護勞工及農民之政策。

婦女兒童從事勞動者，應按其年齡及身體狀態，予以特別之保護。

### 第一百五十四條（勞資關係）

勞資雙方應本協調合作原則，發展生產事業。勞資糾紛之調解與仲裁，以法律定之。

### 第一百五十五條（社會保險與救助之實施）

國家為謀社會福利，應實施社會保險制度。人民之老弱殘廢，無力生活，及受非常災害者，國家應予以適當之扶助與救濟。

**Article 156. (Protection to Women and Children)**

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. (Medical Service)**

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. (Objective of Education)**

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. (Equal Education)**

All citizens shall have equal opportunity to receive an education.

**第一百五十六條（婦幼福利政策之實施）**

國家為奠定民族生存發展之基礎，應保護母性，並實施婦女兒童福利政策。

**第一百五十七條（衛生保健事業之推行）**

國家為增進民族健康，應普遍推行衛生保健事業及公醫制度。

**第五節 教育文化****第一百五十八條（教育文化之目標）**

教育文化，應發展國民之民族精神，自治精神，國民道德，健全體格，科學及生活智能。

**第一百五十九條（教育機會平等原則）**

國民受教育之機會，一律平等。

### Article 160. (Free Education)

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. (Scholarship to Good Students)

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. (Supervision of Educational Institution)

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

### Article 163. (Balanced Development of Education)

The State shall pay due attention to the balanced development of education in

### 第一百六十條（基本教育與補習教育）

六歲至十二歲之學齡兒童，一律受基本教育，免納學費。其貧苦者，由政府供給書籍。

已逾學齡未受基本教育之國民，一律受補習教育，免納學費，其書籍亦由政府供給。

### 第一百六十一條（獎學金之設置）

各級政府應廣設獎學金名額，以扶助學行俱優無力升學之學生。

### 第一百六十二條（教育文化機關之監督）

全國公私立之教育文化機關，依法律受國家之監督。

### 第一百六十三條（教育文化事業之推動）

國家應注重各地區教育之均衡發展，並推行社會教育，以提高一般國民

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 underdeveloped areas to help them meet their educational and cultural expenses. The Central Government may either itself enter into the more important educational and cultural undertakings in such regions or give them financial assistance.

#### **Article 164. (Minimum Educational Expenditures)**

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. (Protection of Educator, Scientist and Artist)**

The State shall safeguard the lively-

之文化水準，邊遠及貧瘠地區之教育文化經費，由國庫補助之。其重要之教育文化事業，得由中央辦理或補助之。

#### **第一百六十四條（教育、科學、文化經費之比例與專款之保障）**

教育、科學、文化之經費，在中央不得少於其預算總額百分之十五，在省不得少於其預算總額百分之二十五，在市縣不得少於其預算總額百分之三十五，其依法設置之教育文化基金及產業，應予以保障。

#### **第一百六十五條（教育、科學、藝術工作者之保障）**

國家應保障教育、科學、藝術工作

hood 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. (Protection of Invention and Relics)**

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

**Article 167. (Encouragement to Educators and Inventors)**

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 standing by private individuals;
2. Educational enterprises which have been operated with good standing by Chinese citizens residing abroad;
3. Persons who have made discoveries or inventions in the fields of learning and technology; and

者之生活，並依國民經濟之進展，隨時提高其待遇。

**第一百六十六條（科學發明與創造之保障、古蹟古物之保護）**

國家應獎勵科學之發明與創造，並保護有關歷史文化藝術之古蹟古物。

**第一百六十七條（教育文化事業之獎助）**

國家對於左列事業或個人，予以獎勵或補助：

一、國內私人經營之教育事業成績優良者。

二、僑居國外國民之教育事業成績優良者。

三、於學術或技術有發明者。

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

四、從事教育久於其職而成績優良者。

## Section 6. Frontier Regions

### **Article 168. (Protection of Racial Groups)**

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. (Development for Racial Groups)**

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.

## 第六節 邊疆地區

### **第一百六十八條（邊疆民族地位之保障）**

國家對於邊疆地區各民族之地位，應予以合法之保障，並於其地方自治事業，特別予以扶植。

### **第一百六十九條（邊疆事業之扶助）**

國家對於邊疆地區各民族之教育、文化、交通、水利、衛生及其他經濟、社會事業，應積極舉辦，並扶助其發展，對於土地使用，應依其氣候、土壤性質，及人民生活習慣之所宜，予以保障及發展。

**Chapter XIV.**  
**Enforcement and Amendment of the**  
**Constitution**

**Article 170. (Definition of Law)**

The term “Law” as used in the Constitution, shall denote any legislative bill that shall have been passed by the Legislature and promulgated by the President of the Republic.

**Article 171. (Validity of Law)**

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, it shall be petitioned to the Judiciary for interpretation.

**Article 172. (Validity of Ordinance)**

Ordinances, Regulations, or Rules that are in conflict with the Constitution or with laws shall be null and void.

**Article 173. (Interpretation of Constitution)**

The Constitution shall be interpreted by the Judiciary.

**第十四章**  
**憲法之施行及修改**

**第一百七十條（法律之定義）**

本憲法所稱之法律，謂經立法院通過，總統公布之法律。

**第一百七十一條（法律之位階性）**

法律與憲法抵觸者無效。

法律與憲法有無抵觸發生疑義時，由司法院解釋之。

**第一百七十二條（法律之位階性）**

命令與憲法或法律抵觸者無效。

**第一百七十三條（憲法之解釋）**

憲法之解釋，由司法院為之。

## Article 174. (Amendment Procedure<sup>38</sup>)

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 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 Legislature and by a resolution of three-fourths of the Members present at a meeting having a quorum of three-fourths of the total Members of the Legislature, an amendment may be drawn up and submitted to the Assembly by way of referendum. Such a proposed amendment to the Constitution shall be publicly published half a year before the Assembly convenes.

## 第一百七十四條（修憲程序）

憲法之修改，應依左列程序之一為之：

- 一、由國民大會代表總額五分之一之提議，三分之二之出席，及出席代表四分之三之決議，得修改之。
- 二、由立法院立法委員四分之一之提議，四分之三之出席，及出席委員四分之三之決議，擬定憲法修正案，提請國民大會複決。此項憲法修正案，應於國民大會開會前半年公告之。

<sup>38</sup> Restricted from being applicable by Article 1 of the Amendment, *infra*.

**Article 175. (Enforcement Procedure)**

Enforcement procedures in regard to any matters prescribed in this Constitution shall be separately provided by law, whenever necessary.

The preparatory procedures for the enforcement of this Constitution shall be decided upon by the same Assembly which establishes the Constitution.

**第一百七十五條（憲法實施程序與準備程序之制定）**

本憲法規定事項，有另定實施程序之必要者，以法律定之。

本憲法施行之準備程序，由制定憲法之國民大會議定之。