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# **Constitution**

## **Promulgated on January 1, 1947**

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

#### **Article 1**

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

#### **Article 2**

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

#### **Article 3**

Persons 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 Obligations 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**

The people's right to personal liberty and security shall be guaranteed. Except in case of *flagrante delicto* as provided by statute, no person shall be arrested or detained otherwise than by a judicial or a police authority in accordance with the procedure prescribed by statute. No person shall be tried or punished otherwise than by a court of law in accordance with the procedure prescribed by statute. Any arrest, detention, trial, or punishment not conducted in accordance with the procedure prescribed by statute may be rejected.

When a person is arrested or detained on suspicion of having committed a crime, the authority making the arrest or detention shall in writing inform the said person and his/her designated relative or friend of the grounds for his/her arrest or detention, and shall, within twenty-four hours, turn him/her over to a court with jurisdiction for trial. The said person, or any other person, may petition the competent court that a *habeas corpus* writ be served within twenty-four hours on the arresting authority.

The court shall not reject the *habeas corpus* petition provided for in the preceding paragraph, nor shall it order the arresting or detaining authority to report the result of investigation to the court first. The arresting or detaining authority shall not refuse to comply, or delay in complying, with the *habeas corpus* writ.

When a person is unlawfully arrested or detained by any authority, he/she or any other person may petition a court to call that authority to account. The court shall not reject such a petition, and shall, within twenty-four hours, investigate the action of the arresting or detaining authority and hold it accountable in accordance with law.

### **Article 9**

Except those in active military service, no person shall be subject to a court-

martial trial.

### **Article 10**

The people shall have freedoms of residence and of migration.

### **Article 11**

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

### **Article 12**

The people shall have freedom of secrecy of correspondence.

### **Article 13**

The people shall have freedom of religion.

### **Article 14**

The people shall have freedoms of assembly and of association.

### **Article 15**

The people's right to existence, right to work, and right to property shall be guaranteed.

### **Article 16**

The people shall have the right to petition, the right to administrative appeal, and the right to judicial remedy.

### **Article 17**

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

### **Article 18**

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

### **Article 19**

The people shall have the obligation of paying taxes in accordance with

statute.

#### **Article 20**

The people shall have the obligation of performing military service in accordance with statute.

#### **Article 21**

The people shall have the right to and the obligation of receiving compulsory basic education.

#### **Article 22**

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

#### **Article 23**

All the freedoms and rights enumerated in the preceding Articles shall not be restricted except such restriction is authorized by a statute and is necessary to preventing infringement upon the freedoms of other persons, to averting an imminent danger, to maintaining social order, or to advancing public interest.

#### **Article 24**

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

### **Chapter III. 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 county, 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 county or municipalities shall be prescribed by statute;
- (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 statute;
- (4) The number of Delegates to be elected by various racial groups in frontier regions shall be prescribed by statute;
- (5) The number of Delegates to be elected by Chinese citizens residing abroad shall be prescribed by statute;
- (6) The number of Delegates to be elected by occupational groups shall be prescribed by statute; and
- (7) The number of Delegates to be elected by women's organizations shall be prescribed by statute.

## 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;
- (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 Subparagraphs 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 counties and municipalities of the whole country.

### **Article 28**

The Delegates of the National Assembly shall be elected every six years.

The term of office of the Delegates of each National Assembly shall cease on the date upon which the next National Assembly convenes.

No incumbent government official shall, in the electoral area where he holds office, be elected Delegate of the National Assembly.

### **Article 29**

The National Assembly shall be convoked by the President to meet ninety 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 of the National Assembly.

When an extraordinary session is to be convoked in accordance with Subparagraph 1 or Subparagraph 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 Subparagraph 3 or Subparagraph 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 of 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 of 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 the Delegates of the National Assembly, and the procedure whereby the National Assembly is to carry out its functions, shall be prescribed by statute.

## **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 statutes and issue mandates with the countersignature of the Premier of the Executive Yuan or with the countersignatures of both the Premier of the Executive Yuan and the heads of all ministries and 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 Act 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 Yuans other than those concerning

which there are relevant provisions in this Constitution, the President may call a meeting of the Heads of the Yuans 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 forty years may be elected President or Vice President.

#### **Article 46**

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

#### **Article 47**

The President and the Vice President shall serve a term of six years, and may be re-elected for the 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 Premier 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 Premier 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 Premier of the Executive Yuan shall act for the President.

### **Article 51**

The period during which the Premier 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. Execution**

### **Article 53**

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

### **Article 54**

The Executive Yuan shall have a Premier, a Vice Premier, a certain number of the heads of ministries and commissions, and a certain number of ministers without portfolio.

### **Article 55**

The Premier 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 Premier of the Executive Yuan should resign or if his office should become vacant, his functions shall be exercised by the Vice Premier of the Yuan, acting on his behalf, but the President of the Republic shall, within forty days, request a meeting of the Legislative Yuan to confirm his nominee for the vacancy. Pending such confirmation, the Vice Premier of the Executive Yuan shall temporarily exercise the functions of the Premier of the said Yuan.

### **Article 56**

The Vice Premier of the Executive Yuan, the heads of ministries and commissions, and ministers without portfolio shall be appointed by the President of the Republic upon the recommendation of the Premier 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 obligation 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, the Members of the Legislative Yuan shall have the right to question the Premier and the heads of all ministries and 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 Premier of the Executive Yuan shall either abide by the resolution or resign from office.

(3) If the Executive Yuan deems difficult to implement a resolution on a statutory, budgetary, or treaty bill passed by the Legislative Yuan, it may, with the approval of the President of the Republic and within ten days after the said resolution is transmitted 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 Premier of the Executive Yuan shall either abide by the said resolution or resign from office.

### **Article 58**

The Executive Yuan shall have an Executive Yuan Council, to be composed of its Premier, Vice Premier, heads of ministries and commissions, and ministers without portfolio, with its Premier 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 Premier and the heads of all ministries and 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 statute.

## **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**

The 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 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 the Members of the Legislative Yuan and the number of those to be elected in accordance with Subparagraphs 2 to 6 of the preceding paragraph shall be prescribed by statute. The number of women to be elected under the various subparagraphs enumerated in the first paragraph shall be

prescribed by statute.

### **Article 65**

The Members of the Legislative Yuan shall serve a renewable term of three years. The election of the Members of the Legislative Yuan shall be held 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 Heads of the various Yuans

concerned and the heads of all ministries and 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 statute.

## **Chapter VII. Judiciary**

### **Article 77**

The Judicial Yuan is the highest judicial institution of the State and vested with the judicial power over civil, criminal, and administrative cases and cases on concerning discipline of public functionaries.

### **Article 78**

The Judicial Yuan shall interpret the Constitution and shall have the power to unify the interpretations of statutes and regulations.

### **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 consists of Justices who have jurisdiction over the matters specified in Article 78 of the Constitution and 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 statute, hold trials independently, free from any interference.

### **Article 81**

Judges shall hold office for life. No judge shall be removed from office unless he/she 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 statute, be suspended or transferred or have his salary reduced.

### **Article 82**

The organization of the Judicial Yuan and courts of all levels shall be prescribed by statute.

## **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**

The Members of the Examination Yuan shall be above partisanship and shall independently exercise their functions in accordance with statute.

## **Article 89**

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

# **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 for each Province;
- (2) Two Members for each municipality under the direct jurisdiction of the Executive Yuan;
- (3) Eight Members for the Mongolian Leagues and Banners;
- (4) Eight Members for Tibet; and
- (5) Eight Members for 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**

The Members of the Control Yuan shall serve a renewable term of six years.

### **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 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 statute.

## **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 county 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 county governments:

- (1) General principles of provincial and county 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 subparagraphs enumerated in the preceding paragraph, the provinces may enact separate ordinances, 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 county;

- (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 subparagraphs 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 subparagraphs 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 county shall have the power of legislation and administration:

- (1) County education, public health, industries and communications;
- (2) Management and disposal of county property;
- (3) County-operated enterprises;
- (4) County cooperative enterprises;
- (5) County agriculture and forestry, water conservancy, fishery, animal husbandry and public works;
- (6) County finance and revenues;
- (7) County debts;
- (8) County banks;
- (9) Administration of county police and defense;
- (10) County charitable and public welfare works; and
- (11) Other matters delegated to the county 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 county, may be undertaken jointly by the county 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 county, if it concerns the county. In case of dispute, it shall be settled by the Legislative Yuan.

## **Chapter XI. Local Governments**

### **Section 1. The Province**

#### **Article 112**

A province may convoke a provincial assembly to enact, in accordance with the General Principles of Provincial and County 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 statute.

#### **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 county. 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 Heads of the Executive Yuan, Legislative Yuan, Judicial Yuan, Examination Yuan and Control Yuans shall form a Committee, with the President of the Judicial Yuan as Chairman, to propose a formula for solution.

### **Article 116**

Provincial ordinances 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 ordinances and national legislation, it is subject to the interpretation by the Judicial Yuan.

### **Article 118**

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

### **Article 119**

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

## **Article 120**

The self-government system of Tibet shall be safeguarded.

### **Section 2. The County**

## **Article 121**

The county shall enforce county self-government.

## **Article 122**

A county may convoke a county assembly to enact, in accordance with the General Principles of Provincial and County Self-Government, county 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 county shall, in accordance with statute, exercise the rights of initiative and referendum in matters within the sphere of county self-government, and shall, in accordance with statute, exercise the rights of election and recall of the magistrate and other county self-government officials.

## **Article 124**

In the county, there shall be a county council. Members of the county council shall be elected by the people of the county.

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

## **Article 125**

County ordinances that are in conflict with national laws, or with provincial ordinances, shall be null and void.

## **Article 126**

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

### **Article 127**

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

### **Article 128**

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

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

### **Article 129**

The various kinds of 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 twenty years shall have the right of election in accordance with law. Except as otherwise provided by this Constitution or by statute, any citizen who has attained the age of twenty-three 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**

The elected officials may be recalled by voters in their constituency in accordance with the statutes.

### **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 statute.

### **Article 135**

The number of the Delegates of 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 statute.

### **Article 136**

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

## **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 statute.

#### **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 overseas nationals, 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 statute, they may be operated by private citizens.

#### **Article 145**

With respect to private wealth and privately-operated enterprises, the State shall restrict them by statute 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 county, shall give appropriate aid to poor or unproductive county.

#### **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 statutes 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 statute.

#### **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 twelve 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 statute, 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 county, less than 35 percent of the total municipal or county 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 “statute,” as used in this Constitution, shall denote any legislation that shall have been passed by the Legislative Yuan and promulgated by the President of the Republic.

### **Article 171**

Statutes that are in conflict with the Constitution shall be null and void. When doubt arises as to whether or not a statute is in conflict with the Constitution, it is subject to interpretation by the Judicial Yuan.

### **Article 172**

Ordinances that are in conflict with the Constitution or with statutes 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 of 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 statute.

The preparatory procedures for the enforcement of this Constitution shall be decided upon by the Constitutional Convention which shall have adopted this Constitution.

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## **Additional Articles of the Constitution**

### **Amended and Promulgated on June 10, 2005**

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#### **Article 1**

The electors of the free area of the Republic of China shall cast ballots at a referendum within three months of the expiration of a six-month period following the public announcement of a proposal passed by the Legislative Yuan on the amendment of the Constitution or alteration of the national territory. The provisions of Article 4 and Article 174 of the Constitution shall not apply.

The provisions of Articles 25 through 34 and Article 135 of the Constitution shall cease to apply.

#### **Article 2**

The President and the Vice President shall be directly elected by the entire populace of the free area of the Republic of China. This shall be effective from the election for the Ninth President and Vice President in 1996. The presidential and the vice presidential candidates shall register jointly and be listed as a pair on the ballot. The pair that receives the highest number of votes shall be elected. Citizens of the free area of the Republic of China residing abroad may return to the R.O.C to exercise their electoral rights and this shall be stipulated by statute.

No countersignature of the Premier of the Executive Yuan is required for the Presidential orders to appoint or remove the Premier of the Executive Yuan or personnel appointed with the confirmation of the Legislative Yuan in accordance with the Constitution, and to dissolve the Legislative Yuan. Article 37 of the Constitution shall not apply to the above orders.

The President may, by resolution of the Executive Yuan Meeting, issue emergency decrees and take all necessary measures to avert imminent danger affecting the security of the State or of the people or to cope with any serious

financial or economic crisis, the restrictions in Article 43 of the Constitution notwithstanding. However, such decrees shall, within ten days of issuance, be presented to the Legislative Yuan for approval. Should the Legislative Yuan withhold its approval, the said emergency decrees shall forthwith cease to be valid.

To determine major policies for national security, the President may establish a national security council and a subsidiary national security bureau. The organization of the said authorities shall be stipulated by statutes.

The President may, within ten days following passage by the Legislative Yuan of a no-confidence vote against the Premier of the Executive Yuan, declare the dissolution of the Legislative Yuan after consulting with its President. However, the President shall not dissolve the Legislative Yuan while martial law or an emergency decree is in effect. Following the dissolution of the Legislative Yuan, an election for Legislators shall be held within sixty days. The new Legislative Yuan shall convene of its own accord within ten days after the results of the said election have been confirmed, and the term of the said Legislative Yuan shall be reckoned from that date.

The terms of office for both the President and the Vice President shall be four years. The President and the Vice President may only be re-elected to serve one consecutive term; and the provisions of Article 47 of the Constitution shall not apply.

Should the office of the Vice President become vacant, the President shall nominate a candidate(s) within three months, and the Legislative Yuan shall elect a new Vice President, who shall serve the remainder of the original term until its expiration.

Should the offices of both the President and the Vice President become vacant, the Premier of the Executive Yuan shall exercise the powers of the President and the Vice President. A new President and a new Vice President shall be elected in accordance with Paragraph 1 of this article and shall serve out each respective original term until its expiration. The pertinent provisions of Article 49

of the Constitution shall not apply.

Recall of the President or the Vice President shall be initiated upon the proposal of one-fourth of all Members of the Legislative Yuan, and also passed by two-thirds of all the Members. The final recall must be passed by more than one-half of the valid ballots in a vote in which more than one-half of the electorate in the free area of the Republic of China takes part.

Should a motion to impeach the President or the Vice President initiated by the Legislative Yuan and presented to the Justices of the Judicial Yuan for adjudication be upheld by the Constitutional Tribunal, the impeached person shall forthwith be relieved of his duties.

### **Article 3**

The Premier of the Executive Yuan shall be appointed by the President. Should the Premier of the Executive Yuan resign or the office become vacant, the Vice Premier of the Executive Yuan shall temporarily act as the Premier of the Executive Yuan pending a new appointment by the President. The provisions of Article 55 of the Constitution shall cease to apply.

The Executive Yuan shall be responsible to the Legislative Yuan in accordance with the following provisions; the provisions of Article 57 of the Constitution shall cease to apply:

- (1) The Executive Yuan has the duty to present to the Legislative Yuan a statement on its administrative policies and a report on its administration. While the Legislative Yuan is in session, its Members shall have the right to interpellate the Premier of the Executive Yuan and the heads of ministries and commissions under the Executive Yuan.
- (2) Should the Executive Yuan deem a statutory, budgetary, or treaty bill passed by the Legislative Yuan difficult to execute, the Executive Yuan may, with the approval of the President of the Republic and

within ten days of the bill's submission to the Executive Yuan, request the Legislative Yuan to reconsider the bill. The Legislative Yuan shall reach a resolution on the returned bill within fifteen days after it is received. Should the Legislative Yuan be in recess, it shall convene of its own accord within seven days and reach a resolution within fifteen days after the session begins. Should the Legislative Yuan not reach a resolution within the said period of time, the original bill shall become invalid. Should more than one-half of the total number of Legislative Yuan Members uphold the original bill, the Premier of the Executive Yuan shall immediately accept the said bill.

- (3) With the signatures of more than one-third of the total number of Legislative Yuan Members, the Legislative Yuan may propose a no-confidence vote against the Premier of the Executive Yuan. Seventy-two hours after the no-confidence motion is made, an open-ballot vote shall be taken within forty-eight hours. Should more than one-half of the total number of Legislative Yuan Members approve the motion, the Premier of the Executive Yuan shall tender his resignation within ten days, and at the same time may request that the President dissolve the Legislative Yuan. Should the no-confidence motion fail, the Legislative Yuan may not initiate another no-confidence motion against the same Premier of the Executive Yuan within one year.

The powers, procedures of establishment, and total number of personnel of each national authority shall be subject to standards set forth by statute.

The structure, system, and number of personnel of government authorities shall be determined according to the policies or operations of each authority and in accordance with the statutes as referred to in the preceding paragraph.

#### **Article 4**

Beginning with the Seventh Legislative Yuan, the Legislative Yuan shall

have 113 Members, who shall serve a term of four years, which is renewable after re-election. The election of the Members of the Legislative Yuan shall be completed within three months prior to the expiration of each term, in accordance with the following provisions, the restrictions in Article 64 and Article 65 of the Constitution notwithstanding:

- (1) Seventy-three Members shall be elected from the Special Municipalities, counties, and cities in the free area. At least one Member shall be elected from each county and city.
- (2) Three Members each shall be elected from among the lowland and highland aborigines in the free area.
- (3) A total of thirty-four Members shall be elected from the nationwide constituency and among citizens residing abroad.

Members for the seats set forth in Subparagraph 1 of the preceding paragraph shall be elected in proportion to the population of each Special Municipality, county, or city, which shall be divided into electoral constituencies equal in number to the number of Members to be elected. Members for the seats set forth in Subparagraph 3 shall be elected from the lists of political parties in proportion to the number of votes won by each party that obtains at least five percent of the total vote, and the number of elected female Members on each party's list shall not be less than one-half of the total number.

When the Legislative Yuan convenes each year, it may hear a report on the state of the nation by the President.

Following the dissolution of the Legislative Yuan by the President and prior to the inauguration of its new Members, the Legislative Yuan shall be regarded as in recess.

The territory of the Republic of China, defined by its existing national boundaries, shall not be altered unless initiated upon the proposal of one-fourth of the total Members of the Legislative Yuan, passed by at least three-fourths of the Members present at a meeting attended by at least three-fourths of the total

Members of the Legislative Yuan, and sanctioned by electors in the free area of the Republic of China at a referendum held upon expiration of a six-month period of public announcement of the proposal, wherein the number of valid votes in favor exceeds one-half of the total number of electors.

Should the President issue an emergency decree after dissolving the Legislative Yuan, the Legislative Yuan shall convene of its own accord within three days to vote on the approval of the decree within seven days after the session begins. However, should the emergency decree be issued after the election of new Members of the Legislative Yuan, the new Members shall vote on the approval of the decree after their inauguration. Should the Legislative Yuan withhold ratification, the emergency decree shall forthwith be void.

Impeachment of the President or the Vice President by the Legislative Yuan shall be initiated upon the proposal of more than one-half of the total Members of the Legislative Yuan and passed by more than two-thirds of the total Members of the Legislative Yuan, whereupon it shall be presented to the Justices of the Judicial Yuan for adjudication. The provisions of Article 90 and Article 100 of the Constitution and Article 7, Paragraph 1 of the Additional Articles of the Constitution shall not apply.

No Member of the Legislative Yuan may be arrested or detained without the permission of the Legislative Yuan, when that body is in session, except in case of *flagrante delicto*. The provisions of Article 74 of the Constitution shall cease to apply.

## **Article 5**

The Judicial Yuan shall consists of fifteen Justices. The fifteen Justices, including a President and a Vice President of the Judicial Yuan to be selected from amongst them, shall be nominated and, with the consent of the Legislative Yuan, appointed by the President of the Republic. This shall take effect from the year 2003, and the provisions of Article 79 of the Constitution shall not apply. The

provisions of Article 81 of the Constitution and pertinent regulations on the lifetime holding of office and payment of salary do not apply to Justices who did not transfer from the post of a judge.

Each Justice of the Judicial Yuan shall serve for eight years on his/her own term, and shall not serve consecutive terms. The guarantee of the fixed term in the preceding paragraph shall not apply to the office of the President and Vice President of the Judicial Yuan.

Among the Justices nominated by the President in the year 2003, eight members, including the President and the Vice President of the Judicial Yuan, shall serve for four years. The remaining Justices shall serve for eight years. The provisions of the preceding paragraph regarding term of office shall not apply.

The Justices of the Judicial Yuan shall, in addition to discharging their duties in accordance with Article 78 of the Constitution, form a Constitutional Tribunal to adjudicate matters relating to the impeachment of the President or the Vice President and the dissolution of unconstitutional political parties.

A political party shall be considered unconstitutional if its goals or activities endanger the existence of the Republic of China or the free democratic constitutional order.

The proposed budget submitted annually by the Judicial Yuan may not be eliminated or reduced by the Executive Yuan; however, the Executive Yuan may indicate its opinions on the budget and include it in the Central Government's proposed budgetary bill for submission to the Legislative Yuan for deliberation.

## **Article 6**

The Examination Yuan shall be the highest examination organ of the State and shall be responsible for the following matters; and the provisions of Article 83 of the Constitution shall not apply:

- (1) Holding of examinations;
- (2) Matters relating to the qualification screening, security of tenure,

pecuniary aid in case of death, and retirement of civil servants; and

(3) Legal matters relating to the employment, discharge, performance evaluation, scale of salaries, promotion, transfer, commendation, and award of civil servants.

The Examination Yuan shall have a President, a Vice President, and several Members, all of whom shall be nominated and, with the consent of the Legislative Yuan, appointed by the President of the Republic; and the provisions of Article 84 of the Constitution shall not apply.

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

## **Article 7**

The Control Yuan shall be the highest control organ of the State and shall exercise the powers of impeachment, censure, and audit; and the pertinent provisions of Article 90 and Article 94 of the Constitution concerning the exercise of the power of consent shall not apply.

The Control Yuan shall have twenty-nine Members, including a President and a Vice President, all of whom shall serve a term of six years. All Members shall be nominated and, with the consent of the Legislative Yuan, appointed by the President of the Republic. The provisions of Article 91 through Article 93 of the Constitution shall cease to apply.

Impeachment proceedings by the Control Yuan against a public functionary in the Central Government, or local governments, or against personnel of the Judicial Yuan or the Examination Yuan, shall be initiated by two or more Members of the Control Yuan, and be investigated and voted upon by a committee of not less than nine of its Members, the restrictions in Article 98 of the Constitution notwithstanding.

In the case of impeachment by the Control Yuan of Control Yuan personnel

for dereliction of duty or violation of the law, the provisions of Article 95 and Article 97, Paragraph 2 of the Constitution, as well as the preceding paragraph, shall apply.

The Members of the Control Yuan shall be beyond party affiliation and independently exercise their powers and discharge their responsibilities in accordance with the law.

The provisions of Article 101 and Article 102 of the Constitution shall cease to apply.

## **Article 8**

The remuneration or pay of the Members of the Legislative Yuan shall be prescribed by statute. Except for general annual adjustments, individual provisions on increase of remuneration or pay shall take effect starting with the subsequent Legislative Yuan.

## **Article 9**

The system of self-government in the provinces and counties shall include the following provisions, which shall be established by the enactment of appropriate statutes, the restrictions in Article 108, Paragraph 1, Subparagraph 1; Article 109; Article 112 through Article 115; and Article 122 of the Constitution notwithstanding:

- (1) A province shall have a provincial government of nine members, one of whom shall be the provincial governor. All members shall be nominated by the Premier of the Executive Yuan and appointed by the President of the Republic.
- (2) A province shall have a provincial advisory council made up of a number of members, who shall be nominated by the Premier of the Executive Yuan and appointed by the President of the Republic.
- (3) A county shall have a county council, members of which shall be elected by the people of the said county.

- (4) The legislative powers vested in a county shall be exercised by the county council of the said county.
- (5) A county shall have a county government headed by a county magistrate who shall be elected by the people of the said county.
- (6) The relationship between the central government and the provincial and county governments.
- (7) A province shall execute the orders of the Executive Yuan and supervise matters governed by the counties.

The modifications of the functions, operations, and organization of the Taiwan Provincial Government may be specified by statute.

## **Article 10**

The State shall encourage the development of and investment in science and technology, facilitate industrial upgrading, promote modernization of agriculture and fishery, emphasize exploitation and utilization of water resources, and strengthen international economic cooperation.

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

The State shall assist and protect the survival and development of private small and medium-sized enterprises.

The State shall manage government-run financial organizations, in accordance with the principles of business administration. The management, personnel, proposed budgets, final budgets, and audits of the said organizations may be specified by statute.

The State shall promote universal health insurance and promote the research and development of both modern and traditional medicines.

The State shall protect the dignity of women, safeguard their personal safety, eliminate sexual discrimination, and further substantive gender equality.

The State shall guarantee insurance, medical care, obstacle-free

environments, education and training, vocational guidance, and support and assistance in everyday life for physically and mentally handicapped persons, and shall also assist them to attain independence and to develop.

The State shall emphasize social relief and assistance, welfare services, employment for citizens, social insurance, medical and health care, and other social welfare services. Priority shall be given to funding social relief and assistance, and employment for citizens.

The State shall respect military servicemen for their contributions to society, and guarantee studies, employment, medical care, and livelihood for retired servicemen.

Priority shall be given to funding education, science, and culture, and in particular funding for compulsory education, the restrictions in Article 164 of the Constitution notwithstanding.

The State affirms cultural pluralism and shall actively preserve and foster the development of aboriginal languages and cultures.

The State shall, in accordance with the will of the ethnic groups, safeguard the status and political participation of the aborigines. The State shall also guarantee and provide assistance and encouragement for aboriginal education, culture, transportation, water conservation, health and medical care, economic activity, land, and social welfare, measures for which shall be established by statute. The same protection and assistance shall be given to the people of the Penghu, Kinmen, and Matsu areas.

The State shall accord to nationals of the Republic of China residing overseas protection of their rights of political participation.

## **Article 11**

Rights and obligations between the people of the Chinese mainland area and those of the free area, and the disposition of other related affairs may be specified by statute.

## **Article 12**

Amendment of the Constitution shall be initiated upon the proposal of one-fourth of the total Members of the Legislative Yuan, passed by at least three-fourths of the Members present at a meeting attended by at least three-fourths of the total Members of the Legislative Yuan, and sanctioned by electors in the free area of the Republic of China at a referendum held upon expiration of a six-month period of public announcement of the proposal, wherein the number of valid votes in favor exceeds one-half of the total number of electors. The provisions of Article 174 of the Constitution shall not apply.

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## **Judicial Yuan Organization Act (Excerpt)**

### **Last Amended and Promulgated on February 4, 2015**

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#### **Article 1**

This Act is enacted in accordance with Article 82 of the Constitution.

#### **Article 2**

The Judicial Yuan shall exercise the powers granted by the Constitution.

#### **Article 3**

The Judicial Yuan consists of fifteen Justices. The exercise of powers of the Justices shall be prescribed by a separate statute.

#### **Article 4**

A candidate for Justice shall have one of the following qualifications:

- (1) Having served as tenured judge for at least fifteen years with outstanding performance;
- (2) Having served as tenured public prosecutor for at least fifteen years with outstanding performance;
- (3) Having practiced as lawyer for at least twenty-five years with an outstanding reputation;
- (4) Having served as professor in a university or an independent college that is accredited by the Ministry of Education for at least twelve years, having lectured on the primary subjects as provided for in Article 5, Paragraph 4 of the Judges Act for at least eight years, and having published professional writing;
- (5) Having served as Judge in an international court, or having worked as researcher of public law or comparative law in an academic institution and having authoritative professional writing.
- (6) Having researched in law and having political experiences with an

outstanding reputation

The number of Justices with a qualification as provided in any of the Subparagraphs in the preceding Paragraph shall not exceed one-third of the total number of Justices.

Whether a candidate is qualified as provided for in Paragraph 1 shall be determined on the date of his/her nomination.

## **Article 5**

The Justices shall exercise their powers independently from any political party and from any interference.

Justices who were tenured judges before taking the office of Justice and have completed their terms of office as Justice are deemed as judges of senior status. They shall not be counted as part of the personnel quota of the organization and are entitled to two-thirds of the total remuneration as provided in Article 72, Paragraphs 1 and 2 of the Judges Act. The Statute Governing the Pensions of Politically Appointed Officials shall apply *mutatis mutandis*.

The preceding Paragraph shall apply *mutatis mutandis* to Justices who were tenured public prosecutors before taking the office of Justice and have completed their terms of office as Justice.

## **Article 7**

The President of the Judicial Yuan is in charge of general administration and the supervision of the Judicial Yuan and its subordinate authorities.

In the event that the President of the Judicial Yuan is unable to carry out his/her duties in the office, the Vice President shall act on his/her behalf.

In the event that the office of President of the Judicial Yuan is vacant, the Vice President shall serve as the acting President up to the day that a successor is nominated and appointed by the President of the Republic with confirmation by the Legislative Yuan.

In the event that the office of Vice President of the Judicial Yuan is vacant,

the office should remain vacant until the day that a successor is nominated and appointed by the President of the Republic with confirmation by the Legislative Yuan.

In the event that the offices of President and Vice President of the Judicial Yuan are both vacant, the President of the Republic shall designate one of the remaining Justices to serve as the acting President up to the day that the succeeding President and Vice President are nominated and appointed by the President of the Republic with confirmation by the Legislative Yuan.

#### **Articles 8 to 12 [omitted]**

#### **Article 13**

The Judicial Yuan, whenever finding it necessary, may transfer a judge of any level to the Judicial Yuan to assist in administrative affairs.

The Judicial Yuan, whenever the Justices are in need of assistance in deciding cases, may transfer judges to the Judicial Yuan to assist Justices in reviewing the cases on the merits, analyzing the issues, and drafting decisions.

#### **Article 14**

The Judicial Yuan shall have fifteen clerks for the Justices. Professionals of various backgrounds may be employed as clerks in accordance with relevant laws. Under the supervision of the Justices, clerks may assist in verifying the procedural requirements of a petition, producing a preliminary analysis of issues, and searching for the reference materials.

The service years of a clerk for the Justices shall be computed into his/her professional seniority, if he or she has a professional license.

The regulations governing the selection, training, work assignments, management and performance assessment of clerks for the Justices shall be prescribed by the Judicial Yuan.

#### **Article 19**

The Judicial Yuan shall establish the Judges Academy, the organization of

which shall be prescribed by a separate statute.

**Article 22**

This Act shall become effective as of the date of its promulgation.

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## **Constitutional Court Procedure Act**

**Promulgated on February 3, 1993**

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### **Chapter I. General Principles**

#### **Article 1**

This Act is enacted in accordance with Article 6 of the Judicial Yuan Organization Act.

#### **Article 2**

The Justices of the Judicial Yuan (hereinafter “Court”) shall exercise the Judicial Yuan’s power to decide, in the form of conference, the cases on constitutional interpretation and uniform interpretation of statutes and regulations; the Court shall adjudicate, in the form of constitutional tribunal, the cases on the dissolution of unconstitutional political parties.

#### **Article 3**

In the case of whether a Justice shall disqualify himself or herself, the Administrative Court Procedure Act shall apply *mutatis mutandis*.

### **Chapter II. Procedures for Constitutional Interpretation and Uniform Interpretation**

#### **Article 4**

The subject matters of constitutional interpretation by the Court include the following:

- (1) Matters on doubts concerning the application of the Constitution;
- (2) Matters on the constitutionality of statutes or regulations; and
- (3) Matters on the constitutionality of laws on provincial self-government, laws on county self-government, provincial ordinances, and county ordinances.

The subject matters of constitutional interpretation shall be limited to those specifically enumerated by the Constitution.

## **Article 5**

Petitions for constitutional interpretation may be filed on the following grounds:

- (1) When an authority of the central or local government, in exercising its powers, has doubts about the meaning of a constitutional provision at issue; or has disputes with other authorities in the application of a constitutional provision; or has doubts about the constitutionality of a statute or regulation at issue;
- (2) When an individual, a legal entity, or a political party, whose constitutional right is unlawfully violated and after exhaustion of ordinary judicial remedies, has doubts about the constitutionality of the statute or regulation applied by a final court decision of last resort; or
- (3) When one-third or more of the incumbent Legislators, in exercising their powers, have doubts about the meaning of a constitutional provision at issue, or have doubts about the constitutionality of a statute at issue.

Either the Supreme Court or the Supreme Administrative Court may halt the court proceedings and petition the Court for constitutional interpretation if it firmly believes the applicable statute or regulation is in conflict with the Constitution.

Petitions for constitutional interpretation shall be dismissed if not meeting the requirements set forth in the preceding two Paragraphs.

## **Article 6**

Article 5 of this Act shall apply *mutatis mutandis* to petitions arising under Article 4, Paragraph 1, Subparagraph 3, except those arising under Article 114 of the Constitution.

## **Article 7**

Petitions for uniform interpretation may be filed on the following grounds:

- (1) When an authority of the central or local government, in exercising its powers, has an interpretation on a statute or regulation at issue different from an existing interpretation rendered by the same or another government authority in its application of the said statute or regulation, except that the petitioning authority shall be bound by its own existing opinion or by the opinions of other government authorities, or the petitioning authority may change such opinions.
- (2) When an individual, a legal entity, or a political party, whose right is unlawfully violated, believes that the opinion of a final court decision regarding the application of a statute or regulation is different from a past decision made by another judicial body regarding the same statute or regulation, except that the petitioned case is still appealable or the prior decision has been overturned by the subsequent decision.

Petitions under Subparagraph 2 of the preceding Paragraph shall be submitted within three months after the court decision becomes final.

Petitions for uniform interpretation shall be dismissed if not meeting the requirements set forth in the preceding two Paragraphs.

## **Article 8**

Petitions for constitutional interpretation shall be submitted to the Judicial Yuan in writing, including the following contents:

- (1) Purpose of the petition for constitutional interpretation;
- (2) Nature and factual background of doubts or disputes and the related constitutional provisions;
- (3) Grounds of petition for constitutional interpretation and the positions and arguments taken by the petitioner on the pending case; and
- (4) Names and number of Exhibits.

Petitions for uniform interpretation shall be submitted to the Judicial Yuan in writing, including the following contents:

- (1) Purpose of the petition for uniform interpretation;
- (2) Factual background regarding the different opinions of statutes or regulations and the involved statutes or regulations;
- (3) Grounds of petition for uniform interpretation and the positions and arguments taken by the petitioner on the pending case; and
- (4) Names and number of Exhibits.

### **Article 9**

When the petitioning authority is subordinate to another superior authority, its petition shall be submitted, via the administrative hierarchy, by its superior authority. The superior authority shall not submit the petition if it does not consider the petition to meet the prescribed requirements, or if it shall resolve the case *ex officio*.

### **Article 10**

A submitted petition shall first be reviewed by a panel of three Justices designated by the Court. If a petition does not meet the requirements of this Act and shall be dismissed, the panel shall present it to the Court with reasons. For those petitions to be decided on the merits, the panel shall report them to the Court for further deliberations.

Upon assigning a petition to the said panel review, a submission deadline for Court deliberation may be designated.

### **Article 11**

For those petitions submitted for Court deliberation under the preceding Article, the Court shall discuss and decide the conclusion of the holding first, and then assign a Justice to prepare a draft interpretation. Such draft interpretation shall be circulated to all Justices before Court meetings, so that it may be voted on after deliberation.

## **Article 12**

Voting of the Court shall be conducted either by a show of hands or by a roll call.

## **Article 13**

For interpretation of a petition, the Court shall refer to materials about the enactment and amendment of the Constitution, as well as the legislative history of a statute or regulation. Based on the petitioner's motion or *sua sponte*, the Court may request the petitioners, the interested parties, or authorities concerned to present briefs. The Court may also conduct its own investigation. The Court, when necessary, may hold oral arguments in open court.

In case of oral arguments held under the preceding Paragraph, the provisions governing the oral arguments of the Constitutional Tribunal shall apply *mutatis mutandis*.

## **Article 14**

Adoption of a constitutional interpretation requires the consent of two-thirds of Justices present at a meeting with a quorum of two-thirds of the total number of incumbent Justices. Adoption of an interpretation declaring a regulation unconstitutional requires the consent by a simple majority of Justices present at a meeting.

Adoption of a uniform interpretation of statutes or regulations requires the consent of a simple majority of Justices present at a meeting with a quorum of a majority of the total number of incumbent Justices.

## **Article 15**

The Justices shall hold three meetings each week and may hold extraordinary meetings when necessary.

## **Article 16**

The President of the Judicial Yuan shall chair the formal conferences of the Court. If the President is unable to chair such conferences, the Vice President shall

be the chairperson. In the case that both the President and Vice President are unable to chair the formal conferences, the most senior Justice present at that conference shall be the chairperson. In the case of several Justices with the same seniority, the oldest one shall chair.

The deliberation conferences shall be convened by the Justice serving as the monthly executive and chaired by each Justice in rotation.

### **Article 17**

An interpretation delivered by the Court shall include the holding and the reasoning and be published by the Judicial Yuan together with the concurring and dissenting opinions. The Court shall also notify the petitioner and other parties concerned of the rendition of the Interpretation.

The Court may instruct the authorities concerned on how to implement its Interpretations, including the types and means of implementation.

### **Article 18**

The Secretary-General of the Judicial Yuan shall attend, as a nonvoting member, the formal conferences of the Court.

## **Chapter III. Procedures for Dissolution of Unconstitutional Political Parties**

### **Article 19**

When a political party's purpose or conduct endangers the existence of the Republic of China or the free democratic constitutional order, the competent authorities may petition the Constitutional Tribunal of the Judicial Yuan for dissolution of the said party.

Petitions under the preceding Paragraph shall be submitted to the Judicial Yuan in writing, including the following contents:

- (1) The petitioning authority and the name of its representative;
- (2) The name and address of the political party to be dissolved, the name, gender, age, and residence or domicile of the said party's representative,

as well as the representative's relationship to the said party;

- (3) Reasons for dissolution of the political party;
- (4) Facts and evidence supporting the dissolution of the political party;  
and
- (5) Date of the petition.

## **Article 20**

The most senior Justice shall be the presiding justice during the procedures of the Constitutional Tribunal. In case of several Justices with the same seniority, the oldest one shall preside.

## **Article 21**

The Constitutional Tribunal shall hold oral arguments before rendering its judgment, unless it does not consider a petition to warrant an oral argument and decides to dismiss it straightforwardly.

## **Article 22**

For the oral arguments under the preceding Article, either party may appoint no more than three legal counsels, who shall be either attorneys or law professors.

Appointment of legal counsels shall be approved by the Constitutional Tribunal in advance.

## **Article 23**

For fact-finding, the Constitutional Tribunal may request the prosecutor or direct the judicial police to conduct searches and seizures.

The relevant provisions of the Code of Criminal Procedure and the Statute for Directing the Judicial Police shall apply *mutatis mutandis* to the searches and seizures conducted under the preceding Paragraph and direction of the judicial police.

## **Article 24**

For oral arguments of the Constitutional Tribunal, there shall be at least three-fourths of the total number of incumbent Justices present. Those Justices not present in the oral arguments shall not participate in the deliberation of the judgment.

Within one month after the closing of oral arguments, the Constitutional Tribunal shall designate a date to pronounce its judgment.

### **Article 25**

A judgment of the Constitutional Tribunal on the dissolution of an unconstitutional political party shall be made with a vote for the dissolution by at least two-thirds of the Justices present in the oral arguments.

The Constitutional Tribunal shall rule against the dissolution if votes for dissolution are less than two-thirds of the Justices as provided in the preceding Paragraph.

An order of the Constitutional Tribunal on a petition for dissolution of an unconstitutional political party or a decision made pursuant to the proviso of Article 21 shall be made with the consent of a majority of the Justices present at a meeting having a quorum of three-fourths of the total number of incumbent Justices.

### **Article 26**

When the Constitutional Tribunal finds a petition sustainable on the merits, it shall declare unconstitutional the defendant political party and dissolve it by a judgment; when the Constitutional Tribunal finds a petition not sustainable on the merits, it shall dismiss the petition by a judgment.

### **Article 27**

Judgments shall be in writing, including the following contents:

- (1) The petitioning authority;
- (2) The name and address of the defendant political party;
- (3) The name and residence or domicile of the party's representative, as

well as the relationship of the said representative to the party;

- (4) The name and residence or domicile of the legal counsels, if any;
- (5) Holding;
- (6) Facts;
- (7) Reasoning;
- (8) The Constitutional Tribunal of the Judicial Yuan; and
- (9) The announcement date of the judgment.

The Constitutional Tribunal may designate a government authority to execute its judgment and specify the means of execution.

Judgments shall be signed by all participating Justices.

## **Article 28**

In addition to being announced in open court or served, judgments of the Constitutional Tribunal shall be published, together with the concurring and dissenting opinions, if any.

Judgments of the Constitutional Tribunal shall be served on the petitioning authority, the defendant political party, and the designated authority to execute the judgment. Other authorities concerned shall be notified as well.

## **Article 29**

Judgments of the Constitutional Tribunal are not appealable.

## **Article 30**

Once a political party is dissolved, it shall terminate all activities and shall not establish any substitute organization for the same purposes. Its representatives elected based on the party-list proportional system shall be deprived of their membership in the representative bodies immediately at the time when the judgment becomes effective.

All government authorities shall take necessary measures to carry out the mandates of the Constitutional Tribunal's judgements.

The provisions of the Civil Code regarding the legal entity shall apply

*mutatis mutandis* to the liquidation of property after a political party is dissolved.

### **Article 31**

If, during its trial on the dissolution of an unconstitutional political party, the Constitutional Tribunal finds that the conduct of the defendant political party may have endangered national security or the social order and deems it necessary to terminate part or all of the defendant political party's activities, it, upon motion of the petitioning authority and by court order, may command the defendant political party to do so before the Tribunal renders the judgment.

### **Article 32**

Except as otherwise provided in this Act, the provisions of Administrative Court Procedure Act shall apply *mutatis mutandis* to the trials of the Constitutional Tribunal on the dissolution of unconstitutional political parties. The rules of procedure of the Constitutional Tribunal shall be made by the Judicial Yuan.

### **Article 33**

Except as otherwise provided in this Act, the provisions of the Court Organization Act shall apply *mutatis mutandis* to the following matters of the Constitutional Tribunal: its yearly terms and business management, the opening and closing of court sessions, court orders, the languages used in the court, and the deliberation of court decisions.

The court dress of Justices and the seat arrangement of the Constitutional Tribunal shall be decided by the Judicial Yuan.

## **Chapter IV. Appendix**

### **Article 34**

The enforcement rules of this Act shall be made by the Judicial Yuan.

### **Article 35**

This Act shall become effective as of the date of its promulgation.

## Justices of the Constitutional Court



Tzong-Li HSU (許宗力)

Chief Justice of the Constitutional Court & President of the Judicial Yuan  
(Nov. 2016-)



Jeong-Duen TSAI (蔡烱燦)  
Justice of the Constitutional Court &  
Vice President of the Judicial Yuan  
(Nov. 2016-)



Horng-Shya HUANG (黃虹霞)  
Justice of the Constitutional Court  
(Oct. 2015-)



Chen-Huan WU (吳陳環)  
Justice of the Constitutional Court  
(Oct. 2015-)



Ming-Cheng TSAI (蔡明誠)  
Justice of the Constitutional Court  
(Oct. 2015-)



Jiun-Yi LIN (林俊益)  
Justice of the Constitutional Court  
(Oct. 2015-)



Chih-Hsiung HSU (許志雄)  
Justice of the Constitutional Court  
(Nov. 2016-)



Chong-Wen CHANG (張瓊文)  
Justice of the Constitutional Court  
(Nov. 2016-)



Jui-Ming HUANG (黃瑞明)  
Justice of the Constitutional Court  
(Nov. 2016-)



Sheng-Lin JAN (詹森林)  
Justice of the Constitutional Court  
(Nov. 2016-)



Jau-Yuan HWANG (黃昭元)  
Justice of the Constitutional Court  
(Nov. 2016-)



Ming-Yan SHIEH (謝銘洋)  
Justice of the Constitutional Court  
(Oct. 2019-)



Tai-Lang LU (呂太郎)  
Justice of the Constitutional Court  
(Oct. 2019-)



Hui-Chin YANG (楊惠欽)  
Justice of the Constitutional Court  
(Oct. 2019-)



Tzung-Jen TSAI (蔡宗珍)  
Justice of the Constitutional Court  
(Oct. 2019-)



Justices of the Constitutional Court (Photographed in Oct. 2019)

## Former Presidents of the Judicial Yuan

The constitutional amendment of 1997 brought major institutional changes to the Constitutional Court, and the new rules took effect in October 2003. Before 2003, both the President and Vice President of the Judicial Yuan were not Justices of the Constitutional Court, though the President chaired the formal conferences of the Constitutional Court. From October 2003 on, both of them were required to be appointed as Justices of the Constitutional Court, which is now among the necessary qualifications for the President and Vice President of the Judicial Yuan. According to Article 5 of the Additional Articles of the Constitution, the appointment process for Justices serving as the President and the Vice President of the Judicial Yuan is the same as that of other Justices. But the constitutional guarantee of the eight-year fixed term for the Justices does not apply to the offices of both the President and Vice President of the Judicial Yuan.



Judicial Yuan



Chung-Hui WANG (王寵惠)  
(Jul. 1948-Mar. 1958)



Guan-Sheng HSIEH (謝冠生)  
(Jun. 1958-Dec. 1971)



Chung-Chin TIEN (田炯錦)  
(Dec. 1971-Mar. 1977)



Yien-Huei TAI (戴炎輝)  
(Apr. 1977-Jul. 1979)



Shao-Ku HWANG (黃少谷)  
(Jul. 1979-May 1987)



Yang-Kang LIN (林洋港)  
(May 1987-Sep. 1994)



Chi-Yang SHIH (施啓揚)  
(Sep. 1994-Feb. 1999)



Yueh-Sheng WENG (翁岳生)  
(Feb. 1999-Sep. 2007)



In-Jaw LAI (賴英照)  
(Oct. 2007-Jul. 2010)



Hau-Min RAI (賴浩敏)  
(Oct. 2010-Oct. 2016)

## Former Vice Presidents of the Judicial Yuan



Chih-Chuan SHI (石志泉)  
(Jul. 1948-May 1950)



Guan-Sheng HSIEH (謝冠生)  
(May 1950-Jun. 1958)



Bin-Chang FU (傅秉常)  
(Jun. 1958-Jul. 1965)



Ying-Chou HSIEH (謝瀛洲)  
(Jul. 1966-Apr. 1972)



Yen-Hui TAI (戴炎輝)  
(Jul. 1972-Apr. 1977)



Chung-Mo HAN (韓忠謨)  
(Apr. 1977-Jul. 1979)



Shou-Nang HONG (洪壽南)  
(Jul. 1979-May 1987)



Dau-Yuan WANG (汪道淵)  
(May 1987-May 1993)



You-Wen LU (呂有文)  
(May 1993-Aug. 1998)



Chung-Mo CHENG (城仲模)  
(Feb. 1999-Apr. 2006)



Tsay-Chuan HSIEH (謝在全)  
(Oct. 2007-Jul. 2010)



Yeong-Chin SU (蘇永欽)  
(Oct. 2010-Sep. 2016)

## Former Justices of the Constitutional Court The First Constitutional Court (1948-1958)

The Constitution only provides for the powers and the appointment process of the Justices. It leaves blank the number, qualifications, and terms of office of the Justices. The Judicial Yuan Organization Act, enacted in March 1947, stipulated that there were to be nine Justices with life tenure, apparently modeled after the U.S. Supreme Court. In December of the same year, the Judicial Yuan Organization Act was revised to the effect that there were to be seventeen Justices, each serving a fixed and renewable nine-year term. The first ten Justices were sworn in as members of the First Constitutional Court in July 1948 and held their first meeting in September 1948. After rendering the first two J.Y. Interpretations in Nanjing, China, in January 1949, the First Constitutional Court soon ceased to function because of the outbreak of war in China. Although the acting President once appointed eight new Justices in March 1949, as of the end of 1951 there were only two Justices remaining in office in Taiwan. In other words, the Constitutional Court was not in operation for around three years between February 1949 and March 1952. In April 1952, seven newly-appointed Justices joined the Constitutional Court, which then had nine Justices and finally met the quorum of a majority of seventeen members. This re-organized First Constitutional Court

continued to exercise its powers until the end of its term in September 1958. As a result of the above chaotic developments, photos of some Justices of the First Constitutional Court are not available.



Justices of the First Constitutional Court &  
Heads of the Judicial Yuan (Apr. 1952)



Yu-Chang HUANG (黃右昌)  
(Jul. 1948-Sep. 1949)



Pou-Yeh HU (胡伯岳)  
(Jul. 1948-Sep. 1958)



Bin LIN (林彬)  
(Jul. 1948-Mar. 1951)



Shi-Shun SU (蘇希洵)  
(Apr. 1949-Sep. 1958)



Cheng-Ming HUANG (黃正銘)  
(Apr. 1952-Sep. 1958)



Pu-Yuan HSU (徐步垣)  
(Apr. 1952-Sep. 1958)



Fong-Hsiung WANG (王鳳雄)  
(Apr. 1952-Sep. 1958)



Shau-Shun TSENG (曾効勳)  
(Apr. 1952-Sep. 1958)



Chang-Lin TSAI (蔡章麟)  
(Apr. 1952-Sep. 1958)



Jun-Jei HAN (韓駿傑)  
(Apr. 1952-Sep. 1958)



Wei HO (何蔚)  
(Apr. 1952-Sep. 1958)

Shu-Tang YUAN (燕樹棠)  
(Jul. 1948-Sep. 1949)

Shi-Yi CHANG (張式彝)  
(Jul. 1948-Nov. 1948)

Pou-Shen LEE (李伯申)  
(Jul. 1948-1951)

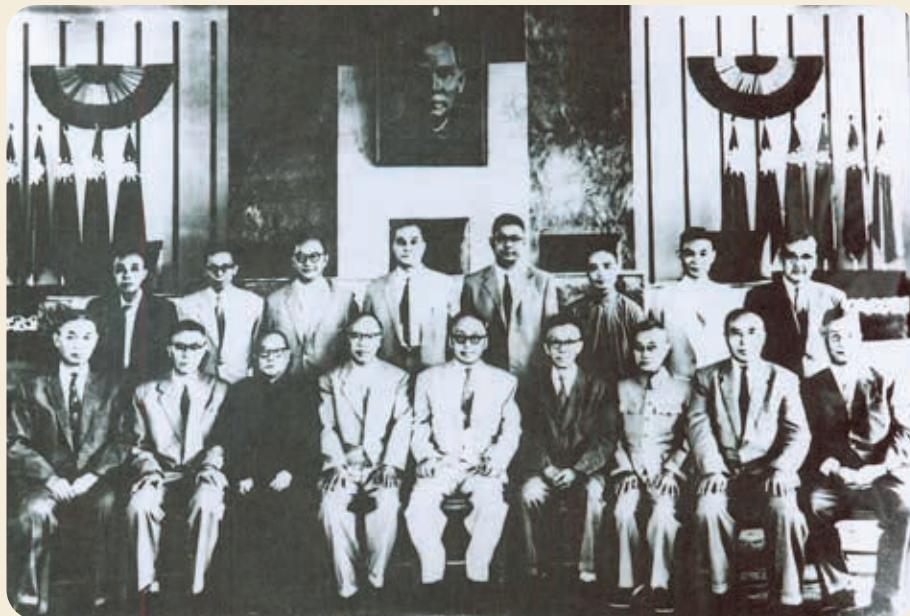
Wen-Lan HONG (洪文灝)  
(Jul. 1948- Sep. 1958)

Yu-Shun CHANG (張子淳)  
(Jul. 1948-1951)

Ker-Jun LIOU (劉克雋)  
(Jul. 1948-1949)

Jia-Yi SHEN (沈家彝)  
(Jul. 1948-1949)

## The Second Constitutional Court (1958-1967)



Justices of the Second Constitutional Court & Heads of the Judicial Yuan  
(Photographed in Sep. 1958)



Ji-Dong LIN (林紀東)  
(Sep. 1958-Sep. 1967)



Pu-Yuan HSU (徐步垣)  
(Sep. 1958-Sep. 1967)



Pou-Yeh HU (胡伯岳)  
(Sep. 1958-Sep. 1967)



Cheng-Ming HUANG (黃正銘)  
(Sep. 1958-Sep. 1967)



Shau-Shun TSENG (曾劭勳)  
(Sep. 1958-Jan. 1964)



Ji-Jong WANG (王之傑)  
(Sep. 1958-Sep. 1967)



Ying-Jau HONG (洪應灶)  
(Sep. 1958-Sep. 1967)



Shi-Ding CHIN (金世鼎)  
(Sep. 1958-Sep. 1967)



Jou-Kang JING (景佐綱)  
(Sep. 1958-Sep. 1967)



Fan-Kang TSENG (曾繁康)  
(Sep. 1958-Sep. 1967)



Yien-Wou HUANG (黃演渥)  
(Sep. 1958-Sep. 1967)



Shang-Kuan SHIH (史尚寬)  
(Sep. 1958-Sep. 1967)



Han HU (胡翰)  
(Jul. 1962-Sep. 1967)



Yien-Cheng SHIH (史延程)  
(Sep. 1958-Sep. 1967)



Lu CHUGER (諸葛魯)  
(Sep. 1958-Sep. 1967)



Liang HUANG (黃亮)  
(Sep. 1964-Sep. 1967)



Chang-Hua WANG (王昌華)  
(Sep. 1964-Sep. 1967)

## The Third Constitutional Court (1967-1976)



Justices of the Third Constitutional Court & Heads of the Judicial Yuan  
(Photographed in Oct. 1967)



Ji-Dong LIN (林紀東)  
(Oct. 1967-Sep. 1976)



Shi-Ding CHIN (金世鼎)  
(Oct. 1967-Sep. 1976)



Liang HUANG (黃亮)  
(Oct. 1967-Sep. 1976)



Ji-Jong WANG (王之儕)  
(Oct. 1967-Sep. 1976)



Shueh-Teng LEE (李學燈)  
(Oct. 1967-Sep. 1976)



Cheng-Ming HUANG (黃正銘)  
(Oct. 1967-Sep. 1971)



Ou KUAN (管歐)  
(Oct. 1967-Sep. 1976)



Jin-Lan CHANG (張金蘭)  
(Oct. 1967-Sep. 1976)



Ying-Jau HONG (洪應灶)  
(Oct. 1967-Sep. 1976)



Teh-Kuang CHEN (程瀘光)  
(Dec. 1967-Sep. 1969)



Fan-Kang TSENG (曾繁康)  
(Oct. 1967-Sep. 1976)



Yien-Wou HUANG (黃演渥)  
(Mar. 1967-Sep. 1971)



Pou-Yeh HU (胡伯岳)  
(Oct. 1967-Sep. 1976)



Jou-Kang JING (景佐綱)  
(Oct. 1967-Sep. 1976)



Jing-Yu OUYANG (歐陽經宇)  
(Oct. 1967-Sep. 1976)



Chung-Chin TIEN (田炯錦)  
(Jul. 1971-Dec. 1971)



Yien-Huei TAI (戴炎輝)  
(Jul. 1971-Jul. 1972)



Pu-Shen CHEN (陳樸生)  
(Jul. 1972-Sep. 1976)



Shun-Shiang FAN (范馨香)  
(Jul. 1972-Sep. 1976)



Shih-Ron CHEN (陳世榮)  
(Jul. 1972-Sep. 1976)



Yueh-Sheng WENG (翁岳生)  
(Jul. 1972-Sep. 1976)

## The Fourth Constitutional Court (1976-1985)



Justices of the Fourth Constitutional Court & Heads of the Judicial Yuan  
(Photographed in Oct. 1976)



Ji-Dong LIN (林紀東)  
(Oct. 1976-Sep. 1985)



Pu-Shen CHEN (陳樸生)  
(Oct. 1976-Sep. 1985)



Yueh-Sheng WENG (翁岳生)  
(Oct. 1976-Sep. 1985)



Shau-Hsien CHAI (翟紹先)  
(Oct. 1976-Sep. 1985)



Heng-Tsang LIANG (梁恆昌)  
(Oct. 1976-Sep. 1985)



Shun-Shiang FAN (范馨香)  
(Oct. 1976-Sep. 1985)



Shih-Ron CHEN (陳世榮)  
(Oct. 1976-Sep. 1985)



Yu-Po CHENG (鄭玉波)  
(Oct. 1976-Sep. 1985)



Rei-Kuang YIAU (姚瑞光)  
(Oct. 1976-Sep. 1985)



Huai-Yin TU (涂懷鑑)  
(Oct. 1976-Sep. 1985)



Ruen-Yi LEE (李潤沂)  
(Oct. 1976-Oct. 1982)



Chang-Wei CHIANG (蔣昌煒)  
(Oct. 1976-Sep. 1985)



Shun-Shin HONG (洪遜欣)  
(Oct. 1976-Dec. 1981)



Yu-Ling YANG (楊與齡)  
(Oct. 1976-Sep. 1985)



Zu-Zan YANG (楊日然)  
(Jun. 1982-Sep. 1985)



Chien-Hua YANG (楊建華)  
(Jun. 1982-Sep. 1985)



Chung-Sheng LEE (李鐘聲)  
(Jun. 1982-Sep. 1985)



Herbert Han-Pao MA (馬漢寶)  
(Jun. 1982-Sep. 1985)

## The Fifth Constitutional Court (1985-1994)



Justices of the Fifth Constitutional Court & Heads of the Judicial Yuan  
(Photographed in Oct. 1985)



Justices of the Fifth Constitutional Court & Heads of the Judicial Yuan  
(Photographed in 1987)



Justices of the Fifth Constitutional Court & Heads of the Judicial Yuan  
(Photographed in 1994)



Shun-Shiang FAN (范馨香)  
(Oct. 1985-Nov. 1987)



Yueh-Sheng WENG (翁岳生)  
(Oct. 1985-Sep. 1994)



Shau-Hsien CHAI (翟紹先)  
(Oct. 1985-Sep. 1994)



Yu-Ling YANG (楊與齡)  
(Oct. 1985-Sep. 1994)



Herbert Han-Pao MA (馬漢寶)  
(Oct. 1985-Sep. 1994)



Chien-Hua YANG (楊建華)  
(Oct. 1985-Sep. 1994)



Chung-Sheng LEE (李鐘聲)  
(Oct. 1985-Sep. 1994)



Geng WU (吳庚)  
(Oct. 1985-Sep. 1994)



Chien-Tsai CHENG (鄭建才)  
(Oct. 1985-Sep. 1994)



Zu-Zan YANG (楊日然)  
(Oct. 1985-Jul. 1994)



Tieh-Cheng LIU (劉鐵錚)  
(Oct. 1985-Sep. 1994)



Shen-An SHIH (史錫恩)  
(Oct. 1985-Sep. 1994)



Rui-Tang CHEN (陳瑞堂)  
(Oct. 1985-Sep. 1994)



Chih-Peng LEE (李志鵬)  
(Oct. 1985-Sep. 1994)



Cheng-Tao CHANG (張承韜)  
(Oct. 1985-Sep. 1994)



Teh-Sheng CHANG (張特生)  
(Oct. 1985-Sep. 1994)

## The Sixth Constitutional Court (1994-2003)



Justices of the Sixth Constitutional Court & Heads of the Judicial Yuan  
(Photographed in Oct. 1994)



Justices of the Sixth Constitutional Court & Head of the Judicial Yuan  
(Photographed in 1999)



Yueh-Sheng WENG (翁岳生)  
(Oct. 1994-Feb. 1999)



Tieh-Cheng LIU (劉鐵錚)  
(Oct. 1994-Sep. 2003)



Geng WU (吳庚)  
(Oct. 1994-Sep. 2003)



Ho-Hsiung WANG (王和雄)  
(Oct. 1994-Sep. 2003)



Tze-Chien WANG (王澤艦)  
(Oct. 1994-Sep. 2003)



Young-Mou LIN (林永謀)  
(Oct. 1994-Sep. 2003)



Kuo-Hsien LIN (林國賢)  
(Oct. 1994-Mar. 1997)



Vincent SZE (施文森)  
(Oct. 1994-Sep. 2003)



Chung-Mo CHENG (城仲模)  
(Oct. 1994-Jul. 1998)



Sen-Yen SUN (孫森焱)  
(Oct. 1994-Sep. 2003)



Chi-Nan CHEN (陳計男)  
(Oct. 1994-Sep. 2003)



Hua-Sun TSENG (曾華松)  
(Oct. 1994-Sep. 2003)



Hsiang-Fei TUNG (董翔飛)  
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Tong-Schung TAI (戴東雄)  
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Jyun-Hsiung SU (蘇俊雄)  
(Oct. 1994-Sep. 2003)



Tueh-Chin HWANG (黃越欽)  
(Feb. 1999-Sep. 2003)



In-Jaw LAI (賴英照)  
(Feb. 1999-Sep. 2003)



Tsay-Chuan HSIEH (謝在全)  
(Feb. 1999-Sep. 2003)

## Justices of the Constitutional Court Since October 1, 2003

October 2003 was a watershed in the history of the Constitutional Court in terms of its institutional design. A constitutional amendment adopted in 1997 addressing the number, terms of office, and appointment process of the Constitutional Court Justices took effect in October 2003. Article 5 of the Additional Articles of the Constitution reduces the number of Justices from seventeen to fifteen. The Justices, including the ones serving as the President and Vice President of the Judicial Yuan, are appointed by the President with confirmation of the Legislative Yuan. Except for those seven Justices appointed to serve for four years in 2003, all of the other Justices, then and thereafter, serve a non-renewable, eight-year term on a staggered basis.



Yueh-Sheng WENG (翁岳生)  
Justice of the  
Constitutional Court &  
President of the Judicial Yuan  
(Oct. 2003-Sep. 2007)



Chung-Mo CHENG (城仲模)  
Justice of the  
Constitutional Court &  
Vice President of the Judicial Yuan  
(Oct. 2003-Apr. 2006)



Young-Mou LIN (林永謀)  
(Oct. 2003-Sep. 2007)



Ho-Hsiung WANG (王和雄)  
(Oct. 2003-Sep. 2007)



Tsay-Chuan HSIEH (謝在全)  
(Oct. 2003-Sep. 2007)



In-Jaw LAI (賴英照)  
(Oct. 2003-Sep. 2007)



Syue-Ming YU (余雪明)  
(Oct. 2003-Sep. 2007)



Yih-Nan LIAW (廖義男)  
(Oct. 2003-Sep. 2007)



Yu-Tien TSENG (曾有田)  
(Oct. 2003-Sep. 2007)



Jen-Shou YANG (楊仁壽)  
(Oct. 2003-Feb. 2006)



Feng-Zhi PENG (彭鳳至)  
(Oct. 2003-Sep. 2008)



Pi-Hu HSU (涂璧湖)  
(Oct. 2003-Sep. 2011)



Tzu-Yi LIN (林子儀)  
(Oct. 2003-Sep. 2011)



Tzong-Li HSU (許宗力)  
(Oct. 2003-Sep. 2011)



Yu-Hsiu HSU (許玉秀)  
(Oct. 2003-Sep. 2011)



Justices of the Constitutional Court (Photographed in Nov. 2003)



The Meeting of the Justices of the Constitutional Court  
(Photographed in Nov. 2003)



Sea-Yau LIN (林錫堯)  
(Oct. 2007-Sep. 2015)



Chi-Ming CHIH (池啓明)  
(Oct. 2007-Sep. 2015)



Chen-Shan LI (李震山)  
(Oct. 2007-Sep. 2015)



Ching-You TSAY (蔡清遊)  
(Oct. 2007-Sep. 2015)



Justices of the Constitutional Court (Photographed in Nov. 2007)



Mao-Zong Huang (黃茂榮)  
(Nov. 2008-Oct. 2016)



Ming CHEN (陳敏)  
(Nov. 2008-Oct. 2016)



Pai-Hsiu YEH (葉百修)  
(Nov. 2008-Oct. 2016)



Chun-Sheng CHEN (陳春生)  
(Nov. 2008-Oct. 2016)



Shin-Min CHEN (陳新民)  
(Nov. 2008-Oct. 2016)



Justices of the Constitutional Court (Photographed in Nov. 2008)



Hau-Min RAI (賴浩敏)  
Justice of the Constitutional Court &  
President of the Judicial Yuan  
( Oct. 2010-Oct. 2016)



Yeong-Chin SU (蘇永欽)  
Justice of the Constitutional Court &  
Vice President of the Judicial Yuan  
( Oct. 2010-Sep. 2016)



Justices of the Constitutional Court (Photographed in Nov. 2010)



Beyue SU CHEN (陳碧玉)  
(Oct. 2011-Sep. 2019)



Hsi-Chun HUANG (黃璽君)  
(Oct. 2011-Sep. 2019)



Chang-fa LO (羅昌發)  
(Oct. 2011-Sep. 2019)



Dennis Te-Chung TANG (湯德宗)  
(Oct. 2011-Sep. 2019)



Justices of the Constitutional Court (Photographed in Oct. 2011)

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## Complete Lists of J.Y. Interpretations

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The following two tables list the numbers of J.Y. Interpretations rendered by the TCC in respective periods, as of October 25, 2019. Table 1 covers those Interpretations made by the First through the Sixth Constitutional Court, when the Justices served a renewable, nine-year term. Table 2 covers those Interpretations made after October 1, 2003, when the non-renewable, staggered, eight-year term system was introduced. In Table 1, the Interpretations are presented by each Term of the TCC, while Table 2 lists the numbers of Interpretations by year.

Table 1: Numbers of Interpretations in Each Term (Jul. 1948-Sep. 2003)

Constitutional Court	Term of Office	Interpretation Nos.
The First	Jul. 1948-Sep. 1958 <sup>1</sup>	Nos. 1-79
The Second	Sep. 1958-Sep. 1967	Nos. 80-122
The Third	Oct. 1967-Sep. 1976	Nos. 123-146
The Fourth	Oct. 1976-Sep. 1985	Nos. 147-199
The Fifth	Oct. 1985-Sep. 1994	Nos. 200-366
The Sixth	Oct. 1994-Sep. 2003	Nos. 367-566

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<sup>1</sup> The first ten Justices of the First Constitutional Court took office in July 1948 in Nanjing, China. In 1949, the First Constitutional Court ceased to function because of the outbreak of war in China. As of the end of 1951, there were only two Justices remaining in office in Taiwan. In other words, the Constitutional Court was not in operation for approximately three years. In April 1952, seven newly-appointed Justices joined the Constitutional Court. This re-organized First Constitutional Court continued to exercise its powers until the end of its term in September 1958. (Ap4)附錄

Table 2: Numbers of Interpretations in Each Year (Oct. 1, 2003-Oct. 25, 2019)

Year	Interpretation Nos.	Year	Interpretation Nos.
Oct. 2003-Dec. 2003	Nos. 567-570	2012	Nos. 696-707
2004	Nos. 571-587	2013	Nos. 708-716
2005	Nos. 588-607	2014	Nos. 717-726
2006	Nos. 608-622	2015	Nos. 727-734
2007	Nos. 623-635	2016	Nos. 735-743
2008	Nos. 636-653	2017	Nos. 744-759
2009	Nos. 654-669	2018	Nos. 760-773
2010	Nos. 670-683	2019 (as of October 25)	Nos. 774-784
2011	Nos. 684-695		

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