

# THE CONSTITUTION OF THE R.O.C. 【中華民國憲法】

Full text of the Constitution of the Republic of China  
plus complementary material:

Temporary Provisions Effective  
During the Period of Communist Rebellion

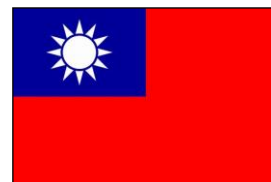
Additional Articles

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# The Constitution of the Republic of China



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## Introduction

The current Constitution of the Republic of China (*Zhonghua Minguo xianfa* 中華民國憲法) was devised when the territory of the Republic of China (*Zhonghua Minguo* 中華民國, abbrev. ROC) still comprised continental Mainland China and Taiwan. Since 1949, the territory factually controlled by the ROC is reduced to the Taiwan area. After martial law was lifted in the ROC in July 1987, the ROC Constitution was amended several times, but a discussion on whether the old constitution should be scrapped altogether and replaced with a new one has been going on for years. This file shows the full texts of the 1947 ROC Constitution, the 1948 Temporary Provisions Effective During the Period of Communist Rebellion and the seven revisions in English and Chinese, complete and unabridged.

### Chronology of the ROC Constitution

- 1912, Jan. 1: The ROC is formally established, capital: Nanjing 南京  
 March 11: The ROC Provisional Constitution (*Zhonghua minguo linshi yuefa* 中華民國臨時約法) is promulgated
- 1914, May 1: Yuan Shikai 袁世凱 annuls the provisional ROC Constitution and dissolves the parliament
- 1931, June 1: The Provisional Constitution for the Period of Political Tutelage (*Zhonghua minguo xunzheng shiqi linshi yuefa* 中華民國訓政時期臨時約法) is promulgated
- 1946, Dec. 25: The First National Assembly (*guomin dabui* 國民大會, abbrev. NA) of the ROC approves a new constitution (*xianfa* 憲法) [promulgated on Jan. 1, 1947, went into effect on Dec. 25, 1947]
- 1948, April 18: The First NA adds to the Constitution a set of “Temporary Provisions Effective During the Period of Communist Rebellion” (*dongyuan kanluan shiqi linshi tiaokuan* 動員戡亂時期臨時條款)
- 1949, Oct. 1: The leaders of the Chinese Communist Party (*Zhongguo gongchandang* 中國共產黨, abbrev. *Zhonggong* 中共 in Chinese and CCP in English) formally announce the establishment of the People’s Republic of China (*Zhonghua renmin gongheguo* 中華人民共和國, abbrev. PRC) on the mainland, capital: Beijing 北京  
 Dec. 7: The ROC central government relocates to Taipei 台北 (Taiwan 台灣)
- 1960, March 11: The ROC NA adopts an amendment (*zengxiu tiaowen* 增修條文) to the Constitution’s “Temporary Provisions Effective During the Period of Communist Rebellion” stipulating that during the period of communist rebellion the president (*zongtong* 總統) and VP may be reelected without being subject to the two-term restriction prescribed in the ROC Constitution
- 1966, Feb. 7: The Temporary Provisions are amended by the extraordinary session of the NA  
 March 19: The Temporary Provisions are amended by the NA
- 1972, Feb. 7: The Temporary Provisions are amended by the NA
- 1987, July 15: Martial law is lifted in Taiwan and Penghu
- 1991, April 22: At its sixth plenary meeting, the second extraordinary session of the ROC’s First NA approves the abolishment of the Temporary Provisions [effective on May 1, 1991] and passes the first amendment to the Constitution [amendment goes into effect on May 1, 1991]  
 Dec. 21: Elections for the ROC’s Second NA are held in Taiwan
- 1992, May 27: In a special session the ROC’s Second NA passes the second amendment to the Constitution, which deals with the functions of the NA as well as the term of and holding popular vote for the ROC president [amendments go into effect on May 30, 1992]
- 1994, July 28: The fourth extraordinary session of the ROC’s Second NA passes the third amendment to the ROC Constitution (which concerns the NA and the popular vote of the ROC president and parliament); the amendment goes into effect on Aug. 1, 1994
- 1996, March 23: The first free and direct presidential elections ever are held in the ROC; elections for the ROC’s Third NA are held alongside the presidential election
- 1997, July 18: The Second Plenary Session of the ROC’s Third NA approves the fourth amendment to the Constitution (concerning the premier and parliament); the amendment goes into effect on July 21
- 1999, Sept. 3: The Fourth Plenary Session of the ROC’s Third NA decides on the fifth amendment to the Constitution [goes into effect on Sept. 15, 1999, declared invalid by the ROC Council of Grand Justices in Judicial Yuan Interpretation No. 499 (*shizi sijiujin bao* 釋字 499 號) on March 24, 2000]
- 2000, April 24: The Fifth Plenary Session of the ROC’s Third NA passes the sixth amendment to the Constitution, transferring a major part of its functions to the Legislative Yuan (*lifa yuan* 立法院); the amendment goes

- into effect the following day
- 2004, Aug. 23: The ROC Legislative Yuan passes constitutional amendments that abolish the ROC NA, reduce the number of legislators from 225 to 113, and change the voting system for legislative elections
- 2005, June 7: During its final meeting, Taiwan's *ad hoc* NA votes in favour of constitutional amendments passed by the ROC Legislative Yuan the previous August, which implement a new voting system and the abolishment of the NA
- 2006, Nov. 2: ROC President Chen Shui-bian 陳水扁 says Taiwan should 'freeze' (*dongjie* 凍結) its current Constitution and adopt a new one
- 2007, March 4: ROC President Chen Shui-bian says Taiwan should pursue independence, write a new Constitution and change its official name from "Republic of China" to Taiwan, the US State Department later calls these comments 'unhelpful'

### Revisions of the ROC Constitution—an overview

| Revision No.     | Adopted on     | Adopted by  | Promulgated on |
|------------------|----------------|---|----------------|
| First revision   | April 22, 1991 | Second extraordinary session, First National Assembly | May 1, 1991    |
| Second revision  | May 27, 1992   | Special session, Second National Assembly             | May 28, 1992   |
| Third revision   | July 28, 1994  | Fourth extraordinary session, First National Assembly | Aug. 1, 1994   |
| Fourth revision  | July 18, 1997  | Second plenary session, Third National Assembly       | July 21, 1997  |
| Fifth revision   | Sept. 3, 1999  | Fourth plenary Session, Third National Assembly       | Sept. 15, 1999 |
| Sixth revision   | April 24, 2000 | Fifth plenary session, Third National Assembly        | April 25, 2000 |
| Seventh revision | Aug. 23, 2004  | Fifth Legislative Yuan                                | —              |
|                  | June 7, 2005   | Final meeting, <i>ad hoc</i> -National Assembly       | June 10, 2005  |

## EXPLANATIONS TO THE ROC CONSTITUTION AND ITS REVISIONS

**Note:** The following remarks were provided by the ROC Presidential Office (*zongtongfu* 總統府).

### Enactment and features

The ROC Constitution was adopted on December 25, 1946, by the National Assembly convened in Nanking. It was promulgated by the National Government on January 1, 1947, and put into effect on December 25 of the same year. In addition to the preamble, the Constitution comprises 175 articles in 14 chapters. In essence the Constitution embodies the ideal of "sovereignty of the people", guarantees human rights and freedoms, provides for a central government with five branches and a local self-government system, ensures a balanced division of powers between the central and local governments, and stipulates fundamental national policies.

### Temporary Provisions

In the face of the Chinese communist threat, the National Assembly on April 18, 1948, added to the Constitution a set of Temporary Provisions Effective during the Period of Communist Rebellion. Promulgated by the National Government on May 10 of the same year, the Temporary Provisions which superseded the Constitution were designed to enhance presidential power during the emergency period of communist uprising. For example, the president was empowered during the Period of Communist Rebellion to take emergency measures to avert imminent danger to the security of the nation or of the people, establish an organ for making major policy decisions concerned with national mobilization and suppression of the Communist rebellion, make adjustments in the administrative and personnel organs of the central government, and initiate regulations governing the elections for additional seats in the three parliamentary bodies. In addition, the Temporary Provisions allowed for the president and the vice president to be re-elected without being subject to the two-term restriction prescribed in Article 47 of the Constitution.

Following a radically changed domestic situation and reduced tension in the Taiwan Strait in the late 1980s, the National Assembly on April 22, 1991, resolved to abolish the Temporary Provisions with a view toward fostering the healthy development of constitutional democracy and enhancing social harmony and progress. On April 30 of the same year, President Lee Teng-hui 李登輝 announced that the Period of Communist Rebellion would be terminated on May 1.

### **First revision**

Notwithstanding the termination of the Period of Communist Rebellion, some of the articles in the Constitution remained inapplicable to the Taiwan area. To meet the current demands of constitutional rule before national unification, the First National Assembly, at its second extraordinary session in April 1991, adopted ten amendments to the Constitution. Promulgated by the president on May 1 of the same year, the highlights of these additional articles are: (1) to provide for regular elections for the Legislative Yuan and the National Assembly; (2) to authorize the president to issue emergency decrees to avert imminent danger to the security of the nation or of the people; (3) to stipulate that rights and obligations between people on the two sides of the Taiwan Strait may be specially regulated by law.

### **Second revision**

After the Second National Assembly was elected in December 1991, it met for its first extraordinary session from March to May of the following year. On May 27, 1992, eight amendments were adopted by the Assembly and promulgated by the president on May 28. The highlights of these additional articles are as follows: (1) when the National Assembly convenes, it may hear a report on the state of the nation by the president. Beginning with the Third National Assembly, delegates to the National Assembly shall be elected every four years; (2) the president and the vice president shall be elected by the people in the free area of the Republic of China for, at most, two terms of four years each; (3) local self-government is granted a legal basis and the provincial governor and municipal mayors shall be elected by popular vote; (4) members of the Control Yuan, heretofore elected by the provincial and municipal councils, shall be nominated by the president, and presidential nominations to the Examination Yuan, Judicial Yuan, and Control Yuan shall be subject to the consent of the National Assembly; (5) the focus of fundamental national policies is expanded to include promotion of culture, science and technology, environmental protection, and economic development, and to safeguard the interests of women, aborigines, the handicapped, and the people of offshore islands; and (6) the grand justices of the Judicial Yuan shall form a constitutional tribunal to adjudicate on the dissolution of political parties for constitutional violations.

### **Third revision**

In July 1994, during its fourth extraordinary session, the Second National Assembly adopted ten new amendments to replace the aforementioned eighteen amendments. Promulgated by the president on August 1 of the same year, among other matters these ten articles stipulate that: (1) beginning with the Third National Assembly, the National Assembly shall have a speaker and a deputy speaker; (2) the president and vice president shall be elected by direct popular vote, while a recall of the president and the vice president must be proposed by the National Assembly and such proposal shall be decided by a vote of the people; and (3) presidential orders to appoint or remove from office personnel appointed with the confirmation of the National Assembly or Legislative Yuan in accordance with the Constitution do not require the counter-signature of the premier.

### **Fourth revision**

During its second session, the Third National Assembly adopted eleven new amendments in June and July of 1997 to replace the above-mentioned ten amendments. Promulgated by the president on July 21 of the same year, the most important stipulations are: (1) the president of the Executive Yuan shall be appointed by the president, requiring no consent of the Legislative Yuan; (2) the president may, within ten days following the passage by the Legislative Yuan of a no-confidence vote against the president of the Executive Yuan, declare the dissolution of the Legislative Yuan after consulting with its president; (3) the power to impeach the president or the vice president shall be transferred from the Control Yuan to the Legislative Yuan, and such action shall be initiated for high treason or rebellion only; (4) the Executive Yuan may request the Legislative Yuan to reconsider the passage of a bill that it deems difficult to execute; but, should more than one-half, rather than two-thirds, of the total number of Legislative Yuan members uphold the original passage of the bill, the president of the Executive Yuan shall immediately accept said bill; (5) the Legislative Yuan shall have 225 members starting with the Fourth Legislative Yuan; (6) beginning from the year 2003, the Judicial Yuan shall have 15 grand justices, including a president and a vice president of the Judicial Yuan. Each grand justice of the Judicial Yuan shall serve a term of eight years, independent of the order of appointment to office, and shall not serve consecutive terms; (7) the budget of the Judicial Yuan shall be independent, no longer requiring the approval of the Executive Yuan; (8) Taiwan provincial elections shall be suspended; Taiwan province shall have a provincial government and a provincial advisory council; the members of the provincial government, one of whom shall be the provincial governor, shall be nominated by the president of

the Executive Yuan and appointed by the president of the Republic; (9) the State shall assist and protect the survival and development of small and medium enterprises; and (10) the requirement of minimum funding for education, science and culture shall be abolished.

### **Fifth revision**

On September 3, 1999, the Third National Assembly adopted amendments to Articles 1, 4, 9, and 10 in its fourth session. Promulgated by the president on September 15 of the same year, the amendments provide as follows: (1) The Fourth National Assembly shall have 300 delegates, and beginning with the Fifth National Assembly, the National Assembly shall have 150 delegates, who shall be elected by proportional representation based on the composition of the Legislative Yuan. The seats shall be distributed among the participating political parties, in accordance with the proportion of votes won by the candidates nominated by each party and those members of the parties running as independent candidates. (2) Should an election of the Legislative Yuan be held during the National Assembly's tenure, the National Assembly shall also be re-elected. A delegate who is re-elected may serve consecutive terms. The term of office of the Third National Assembly shall be extended to the day when the term of office of the Fourth Legislative Yuan expires. The provisions of Paragraph 1 of Article 28 of the Constitution shall not apply. (3) The term of office of the Fourth Legislative Yuan shall be extended to June 30, 2002. The Fifth Legislative Yuan shall serve a four-year term of office, beginning on July 1, 2002. A delegate who is re-elected may serve consecutive terms. The election of a new Legislative Yuan shall be held within sixty days before the expiration of the term of office or sixty days after the dissolution of the Legislative Yuan. (4) The State shall emphasize social welfare services. Priority shall be given to funding social relief and assistance, and employment for citizens. (5) The State shall guarantee the welfare and livelihood of retired military servicemen. (6) In addition to the people of Kinmen and Matsu, the State shall now additionally protect and assist the people of Penghu.

### **Sixth revision**

In April 2000, the fifth session of the Third National Assembly amended the Additional Articles of the Constitution on a comprehensive basis. The amendments were approved on April 24, 2000 and were promulgated by the President the next day. Highlights of the amendments were as follows. (1) The National Assembly shall have 300 delegates, who shall be elected by proportional representation within six months following the Legislative Yuan's publication of its proposal to amend the Constitution or change the nation's territorial boundaries, or three months following its proposal to impeach the president or vice president. The process of proportional representation election shall be prescribed by law. (2) A provisional National Assembly is to vote on the Legislative Yuan's proposal to amend the Constitution, change the nation's territorial boundaries or impeach the president or vice president. (3) The National Assembly shall be convened within ten days after the election outcome is confirmed. The session shall last no more than one month and the tenure of the delegates shall terminate on the day when the session ends. The tenure of the members of the Third National Assembly shall expire on May 19, 2000. (4) Should the office of the vice president become vacant, the power to elect a new vice president shall be transferred to the Legislative Yuan. (5) The recall of the president or the vice president shall be transferred to the Legislative Yuan and voted upon by the entire populace. (6) The Legislative Yuan shall hear a report on the state of the nation by the President during its annual session. (7) The territory of the nation according to its existing national boundaries shall not be altered except by resolution of the Legislative Yuan and consent of the National Assembly. (8) Article 81 of the Constitution and the relevant regulations regarding holding office for life shall not be applicable for a grand justice of the Judicial Yuan unless he has been transferred from the post of judge. (9) The power of consent to confirm the appointment of personnel to the Judicial Yuan, Examination Yuan and Control Yuan nominated by the President shall be transferred to the Legislative Yuan.

### **Seventh revision**

On August 23, 2004, the Fifth Legislative Yuan passed its first proposed revision of the Constitution of the Republic of China since the Constitution was implemented. The Legislative Yuan announced its proposal on August 26, 2004. On June 7, 2005, the National Assembly approved the Legislature's proposed revision to Articles 1, 2, 4, 5, 8, as well as the addition of Article 12 to the Constitution of the ROC. The revision, which came as the 7th revision of the Constitution, was ratified by the president on June 10, 2005. The revised content is as follows:

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.

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.

Beginning with the Seventh Legislative Yuan, the Legislative Yuan shall have 113 members, who shall serve a term of four years.

Members to fill the legislative seats shall be elected as follows: (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. These areas shall be divided into electoral constituencies equal in number to the number of members to be elected. (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. (4) Members to fill the seats shall be elected from the lists of political parties in proportion to the number of votes won by each party that obtains at least 5 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.

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 grand justices of the Judicial Yuan for adjudication.

The five main points of the seventh revision are as follows:

- Halving the number of seats in the legislature, from 225 to 113.
- Changing the legislative term of office from three to four years.
- Establishing a single-constituency, two-ballot system.
- Abolishing the National Assembly and transferring the power to vote on constitutional amendments from the National Assembly to the voters of Taiwan.
- Transferring the power to impeach the president and the vice president to the grand justices.

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# The Constitution of the Republic of China

*(Adopted by the National Assembly on December 25, 1946, promulgated by the National Government on January 1, 1947, and effective from December 25, 1947.)*

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

## Chapter I. General Provisions

- Article 1 The Republic of China, founded on the Three Principles of the People, shall be a democratic republic of the people, to be governed by the people and for the people.
- Article 2 The sovereignty of the Republic of China shall reside in the whole body of citizens.
- Article 3 Persons possessing the nationality of the Republic of China shall be citizens of the Republic of China.
- Article 4 The territory of the Republic of China according to its existing national boundaries shall not be altered except by resolution of the National Assembly.
- Article 5 There shall be equality among the various racial groups in the Republic of China.

Article 6 The national flag of the Republic of China shall be of red ground with a blue sky and a white sun in the upper left corner.

## Chapter II. Rights and Duties of the People

Article 7 All citizens of the Republic of China, irrespective of sex, religion, race, class, or party affiliation, shall be equal before the law.

Article 8 Personal freedom shall be guaranteed to the people. Except in case of flagrante delicto as provided by law, no person shall be arrested or detained otherwise than by a judicial or a police organ in accordance with the procedure prescribed by law. No person shall be tried or punished otherwise than by a law court in accordance with the procedure prescribed by law. Any arrest, detention, trial, or punishment which is not in accordance with the procedure prescribed by law may be resisted.

When a person is arrested or detained on suspicion of having committed a crime, the organ making the arrest or detention shall in writing inform the said person, and his designated relative or friend, of the grounds for his arrest or detention, and shall, within 24 hours, turn him over to a competent court for trial. The said person, or any other person, may petition the competent court that a writ be served within 24 hours on the organ making the arrest for the surrender of the said person for trial.

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

When a person is unlawfully arrested or detained by any organ, he or any other person may petition the court for an investigation. The court shall not reject such a petition, and shall, within 24 hours, investigate the action of the organ concerned and deal with the matter in accordance with law.

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

Article 10 The people shall have freedom of residence and of change of residence.

Article 11 The people shall have freedom of speech, teaching, writing and publication.

Article 12 The people shall have freedom of privacy of correspondence.

Article 13 The people shall have freedom of religious belief.

Article 14 The people shall have freedom of assembly and association.

Article 15 The right of existence, the right to work and the right of property shall be guaranteed to the people.

Article 16 The people shall have the right of presenting petitions, lodging complaints, or instituting legal proceedings.

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

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

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

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

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

Article 22 All other freedoms and rights of the people that are not detrimental to social order or public welfare shall be guaranteed under the Constitution.

Article 23 All the freedoms and rights enumerated in the preceding Articles shall not be restricted by law except such as may be necessary to prevent infringement upon the freedoms of other persons, to avert an imminent crisis, to maintain social order or to advance public welfare.

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

## Chapter III. The National Assembly

Article 25 The National Assembly shall, in accordance with the provisions of this Constitution, exercise political powers on behalf of the whole body of citizens.

- Article 26 The National Assembly shall be composed of the following delegates:
- One delegate shall be elected from each hsien, municipality, or area of equivalent status. In case its population exceeds 500,000, one additional delegate shall be elected for each additional 500,000. Areas equivalent to hsien or municipalities shall be prescribed by law;
  - Delegates to represent Mongolia shall be elected on the basis of four for each league and one for each Special banner;
  - The number of delegates to be elected from Tibet shall be prescribed by law;
  - The number of delegates to be elected by various racial groups in frontier regions shall be prescribed by law;
  - The number of delegates to be elected by Chinese citizens residing abroad shall be prescribed by law;
  - The number of delegates to be elected by occupational groups shall be prescribed by law;
  - The number of delegates to be elected by women's organizations shall be prescribed by law.
- Article 27 The function of the National Assembly shall be as follows:
- To elect the President and the Vice President;
  - To recall the President and the Vice President;
  - To amend the Constitution; and
  - To vote on proposed Constitutional amendments submitted by the Legislative Yuan by way of referendum.
- With respect to the rights of initiative and referendum, except as is provided in Items 3 and 4 of the preceding paragraph, the National Assembly shall make regulations pertaining thereto and put them into effect after the above-mentioned two political rights shall have been exercised in one half of the hsien and municipalities of the whole country.
- Article 28 Delegates to the National Assembly shall be elected every six years.
- The term of office of the delegates to each National Assembly shall terminate on the day on which the next National Assembly convenes.
  - No incumbent government official shall, in the electoral area where he holds office, be elected delegate to the National Assembly.
- Article 29 The National Assembly shall be convoked by the President to meet 90 days prior to the date of expiration of each presidential term.
- Article 30 An extraordinary session of the National Assembly shall be convoked in any one of the following circumstances:
- When, in accordance with the provisions of Article 49 of this Constitution, a new President and a new Vice President are to be elected;
  - When, by resolution of the Control Yuan, an impeachment of the President or the Vice President is instituted;
  - When, by resolution of the Legislative Yuan, an amendment to the Constitution is proposed; and
  - When a meeting is requested by not less than two-fifths of the delegates to the National Assembly.
- When an extraordinary session is to be convoked in accordance with Item 1 or Item 2 of the preceding paragraph, the President of the Legislative Yuan shall issue the notice of convocation; when it is to be convoked in accordance with Item 3 or Item 4, it shall be convoked by the President of the Republic.
- Article 31 The National Assembly shall meet at the seat of the Central Government.
- Article 32 No delegate to the National Assembly shall be held responsible outside the Assembly for opinions expressed or votes cast at meetings of the Assembly.
- Article 33 While the Assembly is in session, no delegate to the National Assembly shall, except in case of flagrante delicto, be arrested or detained without the permission of the National Assembly.
- Article 34 The organization of the National Assembly, the election and recall of delegates to the National Assembly, and the procedure whereby the National Assembly is to carry out its functions, shall be prescribed by law.

## Chapter IV. The President

- Article 35 The President shall be the head of the State and shall represent the Republic of China in foreign relations.
- Article 36 The President shall have supreme command of the land, sea and air forces of the whole country.
- Article 37 The President shall, in accordance with law, promulgate laws and issue mandates with the counter-signature of the President of the Executive Yuan or with the counter-signatures of both the President of Executive Yuan and the Ministers or Chairmen of Commissions concerned.
- Article 38 The President shall, in accordance with the provisions of this Constitution, exercise the powers of concluding treaties, declaring war and making peace.
- Article 39 The President may, in accordance with law, declare martial law with the approval of, or subject to confirmation by, the Legislative Yuan. When the Legislative Yuan deems it necessary, it may by resolution request the President to terminate martial law.
- Article 40 The President shall, in accordance with law, exercise the power of granting amnesties, pardons, remission of sentences and restitution of civil rights.
- Article 41 The President shall, in accordance with law, appoint and remove civil and military officials.
- Article 42 The President may, in accordance with law, confer honors and decorations.
- Article 43 In case of a natural calamity, an epidemic, or a national financial or economic crisis that calls for emergency measures, the President, during the recess of the Legislative Yuan, may, by resolution of the Executive Yuan Council, and in accordance with the Law on Emergency Orders, issue emergency orders, proclaiming such measures as may be necessary to cope with the situation. Such orders shall, within one month after issuance, be presented to the Legislative Yuan for confirmation; in case the Legislative Yuan withholds confirmation, the said orders shall forthwith cease to be valid.
- Article 44 In case of disputes between two or more Yuan other than those concerning which there are relevant provisions in this Constitution, the President may call a meeting of the Presidents of the Yuan concerned for consultation with a view to reaching a solution.
- Article 45 Any citizen of the Republic of China who has attained the age of 40 years may be elected President or Vice President.
- Article 46 The election of the President and the Vice President shall be prescribed by law.
- Article 47 The President and the Vice President shall serve a term of six years. They may be re-elected for a second term.
- Article 48 The President shall, at the time of assuming office, take the following oath:  
 "I do solemnly and sincerely swear before the people of the whole country that I will observe the Constitution, faithfully perform my duties, promote the welfare of the people, safeguard the security of the State, and will in no way betray the people's trust. Should I break my oath, I shall be willing to submit myself to severe punishment by the State. This is my solemn oath."
- Article 49 In case the office of the President should become vacant, the Vice President shall succeed until the expiration of the original presidential term. In case the office of both the President and the Vice President should become vacant, the President of the Executive Yuan shall act for the President; and, in accordance with the provisions of Article 30 of this Constitution, an extraordinary session of the National Assembly shall be convoked for the election of a new President and a new Vice President, who shall hold office until the completion of the term left unfinished by the preceding President. In case the President should be unable to attend to office due to any cause, the Vice President shall act for the President. In case both the President and the Vice President should be unable to attend to office, the President of the Executive Yuan shall act for the President.
- Article 50 The President shall be relieved of his functions on the day on which his term of office expires. If by that time, the succeeding President has not yet been elected, or if the President-elect and the Vice-President-elect have not yet assumed office, the President of the Executive Yuan shall act for the President.
- Article 51 The period during which the President of the Executive Yuan may act for the President shall not exceed three months.

Article 52 The President shall not, without having been recalled, or having been relieved of his functions, be liable to criminal prosecution unless he is charged with having committed an act of rebellion or treason.

## Chapter V. Administration

Article 53 The Executive Yuan shall be the highest administrative organ of the state.

Article 54 The Executive Yuan shall have a President, a Vice President, a certain number of Ministers and Chairmen of Commissions, and a certain number of Ministers without Portfolio.

Article 55 The President of the Executive Yuan shall be nominated and, with the consent of the Legislative Yuan, appointed by the President of the Republic.

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

Pending such confirmation, the Vice President of the Executive Yuan shall temporarily exercise the functions of the President of the said Yuan.

Article 56 The Vice President of the Executive Yuan, Ministers and Chairmen of Commissions, and Ministers without Portfolio shall be appointed by the President of the Republic upon the recommendation of the President of the Executive Yuan.

Article 57 The Executive Yuan shall be responsible to the Legislative Yuan in accordance with the following provisions:

The Executive Yuan has the duty to present to the Legislative Yuan a statement of its administrative policies and a report on its administration. While the Legislative Yuan is in session, Members of the Legislative Yuan shall have the right to question the President and the Ministers and Chairmen of Commissions of the Executive Yuan;

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, request the Legislative Yuan for reconsideration. If, after reconsideration, two-thirds of the Members of the Legislative Yuan present at the meeting uphold the original resolution, the President of the Executive Yuan shall either abide by the same or resign from office;

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

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

Statutory or budgetary bills or bills concerning martial law, amnesty, declaration of war, conclusion of peace, treaties, and other important affairs, all of which are to be submitted to the Legislative Yuan, as well as matters that are of common concern to the various Ministries and Commissions, shall be presented by the President and various Ministers and Chairmen of Commissions of the Executive Yuan to the Executive Yuan Council for decision.

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

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

Article 61 The organization of the Executive Yuan shall be prescribed by law.

## Chapter VI. Legislation

- Article 62 The Legislative Yuan shall be the highest legislative organ of the State, to be constituted of members elected by the people. It shall exercise legislative power on behalf of the people.
- Article 63 The Legislative Yuan shall have the power to decide by resolution upon statutory or budgetary bills or bills concerning material law, amnesty, declaration of war, conclusion of peace or treaties, and other important affairs of the State.
- Article 64 Members of the Legislative Yuan shall be elected in accordance with the following provisions:  
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;  
Those to be elected from Mongolian Leagues and Banners;  
Those to be elected from Tibet;  
Those to be elected by various racial groups in frontier regions;  
Those to be elected by Chinese citizens residing abroad; and  
Those to be elected by occupational groups.  
The election of Members of the Legislative Yuan and the number of those to be elected in accordance with Items 2 to 6 of the preceding paragraph shall be prescribed by law. The number of women to be elected under the various items enumerated in the first paragraph shall be prescribed by law.
- Article 65 Members of the Legislative Yuan shall serve a term of three years, and shall be re-eligible. The election of Members of the Legislative Yuan shall be completed within three months prior to the expiration of each term.
- Article 66 The Legislative Yuan shall have a President and a Vice President, who shall be elected by and from among its Members.
- Article 67 The Legislative Yuan may set up various committees.  
Such committees may invite government officials and private persons concerned to be present at their meetings to answer questions.
- Article 68 The Legislative Yuan shall hold two sessions each year, and shall convene of its own accord. The first session shall last from February to the end of May, and the second session from September to the end of December. Whenever necessary a session may be prolonged.
- Article 69 In any of the following circumstances, the Legislative Yuan may hold an extraordinary session:  
At the request of the President of the Republic;  
Upon the request of not less than one-fourth of its members.
- Article 70 The Legislative Yuan shall not make proposals for an increase in the expenditures in the budgetary bill presented by the Executive Yuan.
- Article 71 At the meetings of the Legislative Yuan, the Presidents of the various Yuan concerned and the various Ministers and Chairmen of Commissions concerned may be present to give their views.
- Article 72 Statutory bills passed by the Legislative Yuan shall be transmitted to the President of the Republic and to the Executive Yuan. The President shall, within ten days after receipt thereof, promulgate them; or he may deal with them in accordance with the provisions of Article 57 of this Constitution.
- Article 73 No Member of the Legislative Yuan shall be held responsible outside the Yuan for opinions expressed or votes cast in the Yuan.
- Article 74 No Member of the Legislative Yuan shall, except in case of flagrante delicto, be arrested or detained without the permission of the Legislative Yuan.
- Article 75 No Member of the Legislative Yuan shall concurrently hold a government post.
- Article 76 The organization of the Legislative Yuan shall be prescribed by law.

## Chapter VII. Judiciary

- Article 77 The Judicial Yuan shall be the highest judicial organ of the State and shall have charge of civil, criminal, and administrative cases, and over cases concerning disciplinary measures against public functionaries.
- Article 78 The Judicial Yuan shall interpret the Constitution and shall have the power to unify the interpretation of laws and orders.
- Article 79 The Judicial Yuan shall have a President and a Vice President, who shall be nominated and, with the consent of the Control Yuan, appointed by the President of the Republic.  
The Judicial Yuan shall have a number of Grand Justices to take charge of matters specified in Article 78 of this Constitution, who shall be nominated and, with the consent of the Control Yuan, appointed by the President of the Republic.
- Article 80 Judges shall be above partisanship and shall, in accordance with law, hold trials independently, free from any interference.
- Article 81 Judges shall hold office for life. No judge shall be removed from office unless he has been guilty of a criminal offense or subjected to disciplinary measure, or declared to be under interdiction. No judge shall, except in accordance with law, be suspended or transferred or have his salary reduced.
- Article 82 The organization of the Judicial Yuan and of law courts of various grades shall be prescribed by law.

## Chapter VIII. Examination

- Article 83 The Examination Yuan shall be the highest examination organ of the State and shall have charge of matters relating to examination, employment, registration, service rating, scales of salary, 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 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 examination 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:  
Qualification for appointment as public functionaries; and  
Qualification for practice in specialized professions or as technicians.
- Article 87 The Examination Yuan may, with respect to matters under its charge, present statutory bills to the Legislative Yuan.
- Article 88 Members of the Examination Yuan shall be above partisanship and shall independently exercise their functions in accordance with law.
- Article 89 The organization of the Examination Yuan shall be prescribed by law.

## Chapter IX. Control

- Article 90 The Control Yuan shall be the highest control organ of the State and shall exercise the powers of consent, impeachment, censure, and auditing.
- Article 91 The Control Yuan shall be composed of Members who shall be elected by Provincial and Municipal Councils, the local Councils of Mongolia and Tibet, and Chinese citizens residing abroad. Their numbers shall be determined in accordance with the following provisions:  
Five Members for each Province;  
Two Members for each municipality under the direct jurisdiction of the Executive Yuan;

Eight Members for the Mongolian Leagues and Banners;  
Eight Members for Tibet; and  
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 Members of the Control Yuan shall serve a term of six years and shall be re-eligible.
- Article 94 When the Control Yuan exercises the power of consent in accordance with this Constitution, it shall do so by resolution of a majority of the Members present at the meeting.
- Article 95 The Control Yuan may, in the exercise of its power of control, request the Executive Yuan and its Ministries and Commissions to submit to it for perusal the original orders issued by them and all other relevant documents.
- Article 96 The Control Yuan may, taking into account the work of the Executive Yuan and its various Ministries and Commissions, set up a certain number of committees to investigate their activities with a view to ascertaining whether or not they are guilty of violation of law or neglect of duty.
- Article 97 The Control Yuan may, on the basis of the investigations and resolutions of its committees, propose corrective measures and forward them to the Executive Yuan and the Ministries and Commissions concerned, directing their attention to effecting improvements.
- When the Control Yuan deems a public functionary in the Central Government or in a local government guilty of neglect of duty or violation of law, it may propose corrective measures or institute an impeachment. If it involves a criminal offense, the case shall be turned over to a law court.
- Article 98 Impeachment by the Control Yuan of a public functionary in the Central Government or in a local government shall be instituted upon the proposal of one or more than one Member of the Control Yuan and the decision, after due consideration, by a committee composed of not less 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 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 have an Auditor General who shall be nominated and, with the consent of the Legislative Yuan, appointed by the President of the Republic.
- Article 105 The Auditor General shall, within three months after presentation by the Executive Yuan of the final accounts of revenues and expenditures, complete the auditing thereof in accordance with law and submit an auditing report to the Legislative Yuan.
- Article 106 The organization of the Control Yuan shall be prescribed by law.

## Chapter X. Powers of the Central and Local Governments

- Article 107 In the following matters, the Central Government shall have the power of legislation and administration:
- Foreign affairs;
  - National defense and military affairs concerning national defense;
  - Nationality law and criminal, civil, and commercial law;
  - Judiciary system;
  - Aviation, national highways, state-owned railways, navigation, postal and telecommunication services;

Central Government finance and national revenues;  
Demarcation of national, provincial, and hsien revenues;  
State-operated economic enterprises;  
Currency system and state banks;  
Weights and measures;  
Foreign trade policies;  
Financial and economic matters affecting foreigners or foreign countries; and  
Other matters relating to the Central Government as provided by this Constitution.

Article 108 In the following matters, the Central Government shall have the power of legislation and administration, but the Central Government may delegate the power of Administration to the provincial and hsien governments:

General principles of provincial and hsien self-government;  
Division of administrative areas;  
Forestry, industry, mining, and commerce;  
Educational system;  
Banking and exchange system;  
Shipping and deep-sea fishery;  
Public utilities;  
Cooperative enterprises;  
Water and land communication and transportation covering two or more provinces;  
Water conservancy, waterways, agriculture and pastoral enterprises covering two or more provinces;  
Registration, employment, supervision, and security of tenure of officials in Central and local governments;  
Land legislation;  
Labor legislation and other special legislation;  
Eminent domain;  
Census-taking and compilation of population statistics for the whole country;  
Immigration and land reclamation;  
Police system;  
Public health;  
Relief, pecuniary aid in case of death and aid in case of unemployment; and  
Preservation of ancient books and articles and sites of cultural value.

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

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

Provincial education, public health, industries, and communications;  
Management and disposal of provincial property;  
Administration of municipalities under provincial jurisdiction;  
Province-operated enterprises;  
Provincial cooperative enterprises;  
Provincial agriculture, forestry, water conservancy, fishery, animal husbandry, and public works;  
Provincial finance and revenues;  
Provincial debts;  
Provincial banks;  
Provincial police administration;  
Provincial charitable and public welfare works; and  
Other matters delegated to the provinces in accordance with national laws.

Except as otherwise provided by law, any of the matters enumerated in the various items of the preceding paragraph, in so far as it covers two or more provinces, may be undertaken jointly by the provinces concerned.

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

Treasury.

- Article 110 In the following matters, the hsien shall have the power of legislation and administration:
- Hsien education, public health, industries and communications;
  - Management and disposal of hsien property;
  - Hsien-operated enterprises;
  - Hsien cooperative enterprises;
  - Hsien agriculture and forestry, water conservancy, fishery, animal husbandry and public works;
  - Hsien finance and revenues;
  - Hsien debts;
  - Hsien banks;
  - Administration of hsien police and defense;
  - Hsien charitable and public welfare works; and
  - Other matters delegated to the hsien in accordance with national laws and provincial Self-Government Regulations.
- Except as otherwise provided by law, any of the matters enumerated in the various items of the preceding paragraph, in so far as it covers two or more hsien, may be undertaken jointly by the hsien concerned.
- Article 111 Any matter not enumerated in Articles 107, 108, 109, and 110 shall fall within the jurisdiction of the Central Government, if it is national in nature; of the province, if it is provincial in nature; and of the hsien, if it concerns the hsien. In case of dispute, it shall be settled by the Legislative Yuan.

## Chapter XI. System of Local Government

### SECTION 1. THE PROVINCE

- Article 112 A Province may convoke a Provincial Assembly to enact, in accordance with the General Principles of Provincial and Hsien Self-Government, regulations, provided the said regulations are not in conflict with the Constitution.
- The organization of the provincial assembly and the election of the delegates shall be prescribed by law.
- Article 113 The Provincial Self-Government Regulations shall include the following provisions:
- In the province, there shall be a provincial council. Members of the Provincial council shall be elected by the people of the province.
  - In the province, there shall be a provincial government with a Provincial Governor who be elected by the people of the Province.
  - Relationship between the province and the hsien.
  - The legislative power of the province shall be exercised by the Provincial Council.
- Article 114 The Provincial Self-Government Regulations shall, after enactment, be forthwith submitted to the Judicial Yuan. The Judicial Yuan, if it deems any part thereof unconstitutional, shall declare null and void the articles repugnant to the Constitution.
- Article 115 If, during the enforcement of Provincial Self-Government Regulations, there should arise any serious obstacle in the application of any of the articles contained therein, the Judicial Yuan shall first summon the various parties concerned to present their views; and thereupon the Presidents of the Executive Yuan, Legislative Yuan, Judicial Yuan, Examination Yuan and Control Yuan shall form a Committee, with the President of Judicial Yuan as Chairman, to propose a formula for solution.
- Article 116 Provincial rules and regulations that are in conflict with national laws shall be null and void.
- Article 117 When doubt arises as to whether or not there is a conflict between provincial rules or regulations and national laws, interpretation thereon shall be made by the Judicial Yuan.
- Article 118 The self-government of municipalities under the direct jurisdiction of the Executive Yuan shall be prescribed by law.
- Article 119 The local self-government of Mongolian Leagues and Banners shall be prescribed by law.
- Article 120 The self-government system of Tibet shall be safeguarded.

## SECTION 2. THE HSIEN

Article 121 The hsien shall enforce hsien self-government.

Article 122 A hsien may convoke a hsien assembly to enact, in accordance with the General Principles of Provincial and Hsien Self-Government, hsien self-government regulations, provide the said regulations are not in conflict with the Constitution or with provincial self-government regulations.

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

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

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

Article 125 Hsien rules and regulations that are in conflict with national laws, or with provincial rules and regulations, shall be null and void.

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

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

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

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

Article 129 The various kinds of elections prescribed in this Constitution, except as otherwise provided by this Constitution, shall be by universal, equal, and direct suffrage and by secret ballot.

Article 130 Any citizen of the Republic of China who has attained the age of 20 years shall have the right of election in accordance with law. Except as otherwise provided by this Constitution or by law, any citizen who has attained the age of 23 years shall have the right of being elected in accordance with law.

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

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

Article 133 A person elected may, in accordance with law, be recalled by his constituency.

Article 134 In the various kinds of election, quotas of successful candidates shall be assigned to women; methods of implementation shall be prescribed by law.

Article 135 The number of delegates to the National Assembly and the manner of their election from people in interior areas, who have their own conditions of living and habits, shall be prescribed by law.

Article 136 The exercise of the rights of initiative and referendum shall be prescribed by law.

## Chapter XIII. Fundamental National Policies

### SECTION 1. NATIONAL DEFENSE

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

The organization of national defense shall be prescribed by law.

Article 138 The land, sea, and air forces of the whole country shall be above personal, regional, and 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 the 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 interests of Chinese citizens residing abroad, promote international cooperation, advance international justice and ensure world peace.

## SECTION 3. NATIONAL ECONOMY

Article 142 National economy shall be based on the Principle of 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 purpose, be utilized for public benefit shall belong to the State, regardless of the fact that private individuals may have acquired ownership over such land.

If the value of a piece of land has increased, not through the exertion of labor or the employment of capital, the State shall levy thereon an increment tax, the proceeds of which shall be enjoyed by the people in common.

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

Article 144 Public utilities and other enterprises of a monopolistic nature shall, in principle, be under public operation. In cases permitted by law, they may be operated by private citizens.

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

Cooperative enterprises shall receive encouragement and assistance from the State.

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

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

Article 147 The Central Government, in order to attain a balanced economic development among the provinces, shall give appropriate aid to poor or unproductive provinces.

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

Article 148 Within the territory of the Republic of China, all goods shall be permitted to move freely from place to place.

Article 149 Financial institutions shall, in accordance with law, be subject to State control.

Article 150 The State shall extensively establish financial institutions for the common people, with a view to relieving unemployment.

Article 151 With respect to Chinese citizens residing abroad, the State shall foster and protect development of their economic enterprises.

## SECTION 4. SOCIAL SECURITY

Article 152 The State shall provide suitable opportunities 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 skills, shall enact laws and carry out policies for their protection.

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

- Article 154 Capital and labor shall, in accordance with the principles of harmony and cooperation, promote productive enterprises. Conciliation and arbitration of disputes between capital and labor shall be prescribed by law.
- Article 155 The State, in order to promote social welfare, shall establish a social insurance system. To the aged and the infirm who are unable to earn a living, and to victims of unusual calamities, the State shall give appropriate assistance and relief.
- Article 156 The State, in order to consolidate the foundation of national existence and development, shall protect motherhood and carry out a policy for the promoting of the welfare of women and children.
- Article 157 The State, in order to improve national health, shall establish extensive services for sanitation and health protection, and a system of public medical 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 ability to earn a living.
- Article 159 All citizens shall have an equal opportunity to receive an education.
- Article 160 All children of school age from 6 to 12 years shall receive free primary education. Those from poor families shall be supplied with book 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 government shall extensively establish scholarships to assist students of good scholastic standing and exemplary conduct who lack the means to continue their school education.
- Article 162 All public and private educational and cultural institutions in the country shall, in accordance with law, be subject to State supervision.
- Article 163 The State shall pay due attention to the balanced development of education in different regions, and shall promote social education in order to raise the cultural standards of the citizens in general. Grants from the National Treasury shall be made to frontier regions and economically poor areas to help them meet their education and cultural expanse. 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 service shall not be, in respect of the Central Government, not less than 15 per cent of the total national budget; in respect of each province, not less than 25 percent of the total provincial budget; and in respect of each municipality or hsien, less than 35 percent of the total municipal or hsien budget. Educational and cultural foundations established in accordance with law shall, together with their property, be protected.
- Article 165 The State shall safeguard the livelihood of those who work in the field 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:  
     Educational enterprises in the country which have been operated with good record by private individuals;  
     Educational enterprises which have been operated with good record by Chinese citizens residing abroad;  
     Persons who have made discoveries or inventions in the field of learning and technology; and  
     Persons who have rendered long and meritorious services in the field of education.

## SECTION 6. FRONTIER REGIONS

- Article 168 The State shall accord to various racial groups in the frontier regions legal protection of their status and shall give special assistance to their local self-government undertakings.
- Article 169 The State shall, in a positive manner, undertake and foster the develop of education, culture, communications, water conservancy, public health and other economic and social enterprises of the various racial group in the frontier regions. With respect to the utilization of land, the State shall, after

taking into account the climatic conditions, the nature of the soil, and the life and habits of the people, adopt measures to protect the land and to assist in its development.

## Chapter XIV. Enforcement and Amendment of the Constitution

Article 170 The term "law" as used in this Constitution, shall denote any legislative bill that have been passed by the Legislative Yuan and promulgated by the President of the Republic.

Article 171 Laws that are in conflict with the Constitution shall be null and void. When doubt arises as to whether or not a law is in conflict with the Constitution, interpretation thereon shall be made by the Judicial Yuan.

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

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

Article 174 Amendments to the Constitution shall be made in accordance with one of the following procedures:

Upon the proposal of one-fifth of the total number of delegates to the National Assembly and by a resolution of three-fourths of the delegates present at a meeting having a quorum of two-thirds of the entire Assembly, the Constitution may be amended.

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 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 announced half a year before the National Assembly convenes.

Article 175 Whenever necessary, enforcement procedures in regard to any matter prescribed in this Constitution shall be separately provided by law.

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

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## Temporary Provisions Effective During the Period of the Communist Rebellion

### ORIGINAL VERSION (1948)

*(Adopted by the National Assembly on April 18, 1948, and promulgated by the National Government on May 10, 1948)*

In accordance with the procedure prescribed in Item (1) of Article 174 of the Constitution, the following temporary provisions to be effective during the period of national crisis are hereby adopted:

The President during the period of national crisis may, by resolution of the Executive Yuan Council, take emergency measures to avert an imminent danger to the security of the State or of the people or to cope with any serious financial or economic crisis, without being subject to the procedural restrictions prescribed in Article 39 or Article 43 of the Constitution.

The emergency measures mentioned in the preceding paragraph may be modified or abrogated by the Legislative Yuan in accordance with Item (2) of Article 57 of the Constitution.

The period of national crisis may be declared terminated by the President on his own initiative or at the request of the Legislative Yuan.

The President shall convoke an extraordinary session of the first National Assembly on a date not later than December 25, 1950, to discuss all proposed amendments to the Constitution. If at that time the period of national crisis has not yet been declared terminated in accordance with foregoing provisions, that National Assembly in an extraordinary session shall decide whether the temporary provisions are to remain in force or to be abrogated.

### AMENDED VERSION (1960)

*(Adopted by the National Assembly on April 18, 1948, promulgated by the National Government on May 10, 1948, and amended by the National Assembly on March 11, 1960)*

In accordance with the procedure prescribed in Paragraph 1 of Article 174 of the Constitution, the following Temporary Provisions to be effective during the Period of Communist Rebellion are hereby enacted:

- 1) The President during the Period of Communist Rebellion may, by resolution of the Executive Yuan Council, take emergency measures to avert an imminent danger to the security of the State or of the people or to cope with any serious financial or economic crisis, without being subject to the procedural restrictions prescribed in Article 39 or Article 43 of the Constitution.
- 2) The emergency measures mentioned in the preceding paragraph may be modified or abrogated by the Legislative Yuan in accordance with Paragraph 2 of Article 57 of the Constitution.
- 3) During the Period of Communist Rebellion, the President and the Vice President may be reelected without being subject to the two-term restriction prescribed in Article 47 of the Constitution.
- 4) An organ shall be established after the conclusion of the third plenary session of the National Assembly to study and draft proposals relating to the exercise of the powers of initiative and referendum by the National Assembly. These, together with other proposals pertaining to constitutional amend-ment, shall be discussed by the National Assembly at an extraordinary session to be con-voked by the President.
- 5) The extraordinary session of the National Assembly shall be convoked by the third President elected under this Constitution, at an appropriate time during his term of office.
- 6) The termination of the Period of Communist Rebellion shall be declared by the President.
- 7) Amendment or abrogation of the Temporary Provisions shall be resolved by the National Assembly.

### AMENDED VERSION (1966)

*(Adopted by the National Assembly on April 18, 1948, promulgated by the National Government on May 10, 1948, amended by the National Assembly on March 11, 1960, amended by the extraordinary session of the National Assembly on February 7, 1966 and amended by the National Assembly on March 19, 1966)*

In accordance with the procedure prescribed in Paragraph 1 of Article 174 of the Constitution, the following Temporary Provisions to be effective during the Period of Communist Rebellion are hereby enacted:

1. The President during the Period of Communist Rebellion may, by resolution of the Executive Yuan Council, take emergency measures to avert an imminent danger to the security of the State or of the people, or to cope with any serious financial or economic crisis, without being subject to the procedural restrictions prescribed in Article 39 or Article 43 of the Constitution.
2. The emergency measures mentioned in the preceding paragraph may be modified or abrogated by the Legislative Yuan in accordance with Paragraph 2 of Article 57 of the Constitution.
3. During the Period of Communist Rebellion, the President and the Vice President may be reelected without being subject to the two-term restriction prescribed in Article 47 of the Constitution.
4. During the Period of Communist Rebellion, the President is authorized to establish, in accordance with the constitutional system, an organ for making major policy decisions concerned with national mobilization and suppression of the Communist rebellion and for assuming administrative control in war zones.
5. To meet the requirements of national mobilization and suppression of the Communist rebellion, the President may make adjustments in the administrative and personnel organs of the Central Government, and also may initiate and promulgate for enforcement regulations providing for elections to fill, according to law, those elective offices at the Central Government level which have become vacant for legitimate reasons, or for which additional representation is called for because of population increases, in areas that are free and/or newly recovered.
6. During the Period of Communist Rebellion, the National Assembly may enact measures to initiate principles concerning central government laws and submit central government laws to referendum without being subject to the restriction prescribed in Paragraph 2 of Article 27 of the Constitution.
7. During the Period of Communist Rebellion, the President may, when he deems necessary, convoke an extraordinary session of the National Assembly to discuss initiative or referendum measures.

8. The National Assembly shall establish an organ to study, during its recess, problems relating to constitutional rule.
9. The termination of the Period of Communist Rebellion shall be declared by the President.
10. Amendment or abrogation of the Temporary Provisions shall be resolved by the National Assembly.

### AMENDED, FINAL VERSION (1972)

*(Adopted by the National Assembly on April 18, 1948, promulgated by the National Government on May 10, 1948, amended by the National Assembly on March 11, 1960, Amended by the extraordinary session of the National Assembly on February 7, 1966, amended by the National Assembly at its ninth plenary meeting March 17, 1972)*

In accordance with the procedure prescribed in Paragraph 1 of Article 174 of the Constitution, the following Temporary Provisions to be effective during the Period of Communist Rebellion are hereby enacted:

1. The President during the Period of Communist Rebellion may, by resolution of the Executive Yuan Council, take emergency measures to avert any imminent danger to the security of the State or of the people or to cope with any serious financial or economic crisis, without being subject to the procedural restrictions prescribed in Article 39 or Article 43 of the Constitution.
2. The emergency measures mentioned in the preceding paragraph may be modified or abrogated by the Legislative Yuan in accordance with Paragraph 2 of Article 57 of the Constitution.
3. During the Period of the Communist Rebellion, the President and the Vice President may be reelected without being subject to the two-term restriction prescribed in Article 47 of the Constitution.
4. During the period of Communist Rebellion, the President is authorized to establish, in accordance with the constitutional system, an organ for making major policy decisions concerned with national mobilization and suppression of the Communist rebellion and for assuming administrative control in war zones.
5. To meet the requirements of national mobilization and suppression of the Communist rebellion, the President may make adjustments in the administrative and personnel organs of the Central Government, as well as their organizations.
6. During the period of national mobilization and the suppression of the Communist rebellion, the President may, in accordance with the following stipulations, initiate and promulgate for enforcement regulations providing for elections to strengthen elective offices at the Central Government level without being subject to the restrictions prescribed in Article 26, Article 64, or Article 91 of the Constitution:
  - (1) In free areas, additional members of the National Assembly, the Legislative Yuan, and the Control Yuan may be added through regular elections. Members of the Legislative Yuan and Control Yuan that must be elected by Chinese citizens living abroad who are unable to hold elections shall be chosen according to regulations established by the President of the Republic.
  - (2) Representatives elected to the National Assembly, Legislative Yuan, and Control Yuan in the first elections were chosen through popular vote by the people of the entire nation. These representatives exercise their powers of office in accordance with law; the same principle applies to the representatives elected to fill vacancies or provide additional representation.  
Elections for the National Assembly, Legislative Yuan, and Control Yuan shall be held on the Chinese mainland, one by one, as each area is recovered.
  - (3) Additional members elected to serve in the national Assembly, Legislative Yuan, and Control Yuan, shall exercise the same powers of office in accordance with law as the members elected in the first elections.  
Additional members of the National Assembly shall stand for reelection every six years; members of the Legislative Yuan, every three years; and members of the Control Yuan, every six years.
7. During the Period of Communist Rebellion, the National Assembly may enact measures to initiate principles concerning Central Government laws and submit Central Government laws to referendum without being subject to the restriction prescribed in Paragraph 2 of Article 27 of the Constitution.
8. During the Period of Communist Rebellion, the President may, when he deems necessary, convoke an extraordinary session of the National Assembly to discuss initiative or referendum measures.
9. The National Assembly shall establish an organ to study, during its recess, problems relating to constitutional rule.
10. The termination of the Period of Communist Rebellion shall be declared by the President.
11. Amendment or abrogation of the Temporary Provisions shall be resolved by the National Assembly.

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# The Additional Articles

Additional Articles to the Constitution of the Republic of China

FIRST REVISION, 1991

—obsolete—

*(Adopted by the National Assembly on April 22, 1991, promulgated by the President on May 1, 1991)*

## Preamble

To meet the requisites of national unification, the following additional articles are added to the ROC Constitution in accordance with Article 27, Paragraph 1, Item 3, and Article 174, Item 1:

### Article 1

Members of the National Assembly shall be elected according to the following regulations without being subject to the restrictions in Articles 26 and 135 of the Constitution:

1. Two members shall be elected from each Special Municipality, each county or city in the free area. However, where the population exceeds 100,000 persons, one member shall be added for each additional 100,000 persons.
2. Three members each shall be elected from lowland and highland aborigines in the free area.
3. Twenty members shall be elected from Chinese citizens living abroad.
4. Eighty members shall be elected from one nationwide constituency.

If the number of seats allotted to a Special Municipality, county or city covered under item one (1) above; or if the number of seats won by a political party under item three (3) or four (4) above is between five and ten, at least one of the seats must be reserved for a woman. Where the number exceeds ten, one seat out of each additional ten must be reserved for a woman.

### Article 2

Members of the Legislative Yuan shall be elected according to the following regulations without being subject to the restrictions in Article 64 of the Constitution:

1. Two members shall be elected from each province and each Special Municipality in the free area. Where the population exceeds 200,000 persons, however, one member will be added for each additional 100,000 persons; and where the population exceeds one million persons, one member will be added for each additional 200,000 persons.
2. Three members each shall be elected from lowland and highland aborigines in the free area.
3. Six members shall be elected from Chinese citizens living abroad.
4. Thirty members shall be elected from one nationwide constituency.

If the number of seats allotted to a province or Special Municipality covered under item one (1) above; or if the number of seats won by a political party under item three (3) or four (4) above is between five and ten, then one of the seats shall be reserved for a woman. Where the number exceeds ten, one seat out of each additional ten must be reserved for a woman.

### Article 3

Members of the Control Yuan shall be elected by provincial and municipal councils according to the following regulations without being subject to the restrictions in Article 91 of the Constitution:

1. Twenty-five members shall be elected from Taiwan Province of the free area.
2. Ten members shall be elected from each Special Municipality in the free area.
3. Two members shall be elected from Chinese citizens living abroad.
4. Five members shall be elected from one nationwide constituency.

If the number of seats allotted to Taiwan Province or from a Special Municipality covered under item one (1) or two (2) above; or if the number of seats won by a political party under item four (4) above is between five and ten, then one of the seats shall be reserved for a woman. Where the number of seats exceeds ten, one seat out of each additional ten must be reserved for a woman.

The number of Provincial Assembly members who can be elected to the Control Yuan is limited to two; the number of members from each municipal council who can be elected to the Control Yuan is limited to one.

#### **Article 4**

The election and recall of members of the National Assembly, Legislative Yuan, and Control Yuan shall be conducted in accordance with the regulations contained in the Public Officials Election and Recall Law. The members representing Chinese citizens living abroad and nationwide shall be elected by party-list proportional representation.

#### **Article 5**

Members of the Second National Assembly shall be elected before December 31, 1991. Their term of office begins on January 1, 1992, and expires on the day when members of the Third National Assembly meet, pursuant to Article 29 of the Constitution prior to the expiration date of the 8th Presidential term in 1996. This is not subject to restrictions imposed by Paragraph 1 of Article 28 of the Constitution.

Those additional members of the National Assembly elected in Taiwan pursuant to the Provisional Articles Effective during the Period of National Mobilization for Suppression of the Communist Rebellion shall exercise their powers together with members of the Second National Assembly until January 31, 1993.

Members of the Second Legislative Yuan and members of the Second Control Yuan shall be elected prior to January 31, 1993, and shall begin to exercise power on February 1, 1993.

#### **Article 6**

An extraordinary session of the National Assembly should be convened by the President within three months after the members of the Second National Assembly are elected so that the National Assembly may exercise powers granted by Article 27, Paragraph 1, Item 3 of the Constitution.

#### **Article 7**

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

#### **Article 8**

If the revision of laws originally in effect solely during the Period of National Mobilization for Suppression of the Communist Rebellion is not completed by the termination of the Period of National Mobilization for Suppression of the Communist Rebellion, these laws shall remain in effect until July 31, 1992.

#### **Article 9**

To determine major policies for national security, the President may set up the National Security Council and its subsidiary organ, the National Security Bureau.

The Executive Yuan may set up the Central Personnel Administration.

The organizations of the above two paragraphs shall be established according to law. Before the legislative process is completed, the former organizational statutes shall remain in force till December 31, 1993.

#### **Article 10**

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

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Additional Articles to the Constitution of the Republic of China

SECOND REVISION, 1992

—obsolete—

#### **Article 11**

In addition to the exercise of its powers and obligations pursuant to Article 27 of the Constitution, the National Assembly shall also exercise its right to confirm the appointment of personnel nominated by the President in

accordance with Additional Article 13, Paragraph 1; Additional Article 14, Paragraph 2; and Additional Article 15, Paragraph 2.

The aforementioned right of confirmation shall be exercised at an extraordinary session of the National Assembly convoked by the President and shall not be subject to the restrictions in Article 30 of the Constitution.

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

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

## **Article 12**

Effective from the 1996 election for the ninth-term President and Vice President, the President and the Vice President shall be elected by the entire electorate in the free area of the Republic of China.

The electoral method for the aforementioned election shall be formulated in the Additional Articles to the Constitution at an extraordinary session of the National Assembly to be convoked by the President before May 20, 1995.

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

Recall of the President and the Vice President shall be executed in accordance with the following provisions:

- 1) By a motion to recall put forward by one-fourth of all delegates to the National Assembly, and passed with the concurrence of two-thirds of such delegates.
- 2) By a resolution to impeach adopted by the Control Yuan, and passed as a resolution to recall by two-thirds of all delegates to the National Assembly.

Should the office of the Vice President become vacant, the President shall nominate a candidate within three months and convoke an extraordinary session of the National Assembly to elect a new Vice President, who shall serve out the original term until its expiration. Should the offices of both the President and the Vice President become vacant, the president of the Legislative Yuan shall serve notice on the National Assembly to convoke an extraordinary session within three months to elect a new President and a new Vice President, who shall serve out each respective original term until its expiration.

## **Article 13**

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

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

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

## **Article 14**

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

- 1) all examination-related matters,
- 2) all matters relating to the qualification screening, security of tenure, pecuniary aid in case of death, and retirement of civil servants; and
- 3) all legal matters relating to the employment, discharge, performance evaluation, scale of salaries, promotion, transfer, commendation and award for civil servants.

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

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

### **Article 15**

The Control Yuan shall be the highest control body of the state and shall exercise the powers of impeachment, censure and audit; and the provisions in Articles 90 and 94 of the Constitution concerning exercising the power of consent shall not apply.

The Control Yuan shall have 29 members, including a president and a vice president, all of whom shall serve a term of six years and shall be nominated, and with the consent of the National Assembly, appointed by the President. The provisions in Articles 91 through 93, and in Additional Articles 3 and 4, as well as Article 5, Paragraph 3 of the Constitution concerning the members of the Control Yuan shall cease to be applicable.

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

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 foregoing paragraph shall apply.

A motion by the Control Yuan impeaching the President or the Vice President must be initiated by more than half of all the members of the Control Yuan and passed by more than two-thirds of all such members for it to be submitted to the National Assembly notwithstanding the restrictions in Article 100 of the Constitution.

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

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

### **Article 16**

Provisions of Additional Article IS, Paragraph 2 shall take effect with the nomination of Second Control Yuan members.

The Second Control Yuan members shall assume their offices on February 1, 1993. Provisions of Additional Article 15, Paragraph 1, and Paragraphs 3 through 7 shall take effect on the same date.

Provisions of Additional Article 13, Paragraph 1 and Article 14, Paragraph 2 relating to the appointment of the personnel of the Judicial Yuan and the Examination Yuan shall take effect on February 1, 1993. Nominations of personnel made before January 31, 1993 shall still be approved by the Control Yuan before appointment by the President. Incumbent personnel, however, need not be renominated and reappointed before the expiration of their terms.

### **Article 17**

The system of local governments in the provinces and counties shall include the following provisions, which shall be established by the enactment of appropriate laws notwithstanding the restrictions in Article 108, Paragraph 1, Item 1; Articles 112 through 115; and Article 122 of the Constitution:

- 1) There shall be a provincial assembly in each province and a county council in each county. Members of the provincial assembly and the county council shall be elected by the people of the province and the people of the county, respectively.
- 2) The legislative power of a province and that of a county shall be exercised by the provincial assembly and the county council, respectively.
- 3) In a province, there shall be a provincial government with a provincial governor. In a county, there shall be a county government with a county magistrate. The provincial governor and the county magistrate shall be elected by the people of the province and the people of the county, respectively.
- 4) The relationship between the province and the county.
- 5) The self-governance of provinces is subject to supervision by the Executive Yuan, while the self-governance of counties is subject to supervision by the provincial government.

### **Article 18**

The State shall encourage development of and investment in science and technology, facilitate the upgrade of

industry, promote the modernization of agriculture and fishery, emphasize the exploitation and utilization of water resources, and intensify international economic cooperation.

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

The State shall inaugurate universal health insurance coverage 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 equality between the sexes.

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

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

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

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Additional Articles to the Constitution of the Republic of China

**THIRD REVISION, 1994**

**—obsolete—**

*The following Ten Additional Articles to the ROC Constitution were adopted by the fourth extraordinary session of the Second National Assembly on 28 July 1994, and promulgated by the president on 1 August 1994. They replaced the ten articles adopted in April 1991 (First Revision) and the eight articles adopted in May 1992 (Second Revision). These Ten Additional Articles were replaced by the Eleven Additional Articles adopted in July 1997 (Fourth Revision) and replaced most recently by the Eleven Additional Articles of the Seventh Revision in April 2000.*

To meet the requisites of the nation prior to national unification, the following articles of the Republic of China Constitution are added or amended to the Republic of China Constitution in accordance with Article 27, Paragraph 1, Item 3; and Article 174, Item 1:

### **Article 1**

(1) Delegates to the National Assembly shall be elected in accordance with the following provisions, the restrictions in Article 26 and Article 135 of the Constitution notwithstanding:

1. Two delegates shall be elected from each Special Municipality and each county or city in the free area. However, where the population exceeds 100,000, one delegate shall be added for each additional 100,000 persons.
2. Three delegates each shall be elected from among the lowland and highland aborigines in the free area.
3. Twenty delegates shall be elected from among the Chinese citizens who reside abroad.
4. Eighty delegates shall be elected from the nationwide constituency.

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

(3) The powers of the National Assembly shall be as follows, and the provisions of Article 27, Paragraph 1, Item 1 and Item 2 of the Constitution shall not apply:

1. To elect the vice president in accordance with Article 2, Paragraph 7 of the Additional Articles when the said office becomes vacant;
2. To recall the president or the vice president in accordance with Article 2, Paragraph 9 of the Additional Articles;
3. To pass a resolution on the impeachment of the President or Vice President instituted by the Control Yuan in accordance with Article Article 2, Paragraph 10 of the Additional Articles;

4. To amend the Constitution in accordance with Article 27, Paragraph 1, Item 3 and Article 174, Item 1 of the Constitution;
  5. To vote, in accordance with Article 27, Paragraph 1, Item 4 and Article 174, Item 2 of the Constitution, on the constitutional amendment proposals submitted by the Legislative Yuan; and
  6. To confirm, in accordance with Article 4, Paragraph 1; Article 5, Paragraph 2; and Article 6, Paragraph 2 of the Additional Articles, the appointment of personnel nominated by the president.
- (4) When the National Assembly meets in accordance with Item 1, or Item 4 through Item 6 of the preceding paragraph, or at the request of not fewer than two-fifths of its delegates, the session shall be convened by the president. When it meets in accordance with Item 2 or Item 3 of the preceding paragraph, the session shall be convoked by the speaker of the National Assembly or by the President of the Legislative Yuan prior to the establishment of the office of the speaker. The provisions of Article 29 and Article 30 of the Constitution shall not apply.
  - (5) When the National Assembly convenes, it shall hear a report on the state of the nation by the president, discuss national affairs, and offer counsel. In the event that the National Assembly has not convened for a period of one year, the president shall convoke an extraordinary session for the aforementioned purpose, the restrictions in Article 30 of the Constitution notwithstanding.
  - (6) Beginning with the Third National Assembly, delegates to the National Assembly shall be elected every four years. The provisions of Article 28, Paragraph 1 of the Constitution shall not apply.
  - (7) The term of office for the members of the Second National Assembly shall expire on 19 May 1996, and the term of office for the members of the Third National Assembly shall begin on 20 May 1996. The provisions in Article 28, Paragraph 2 of the Constitution shall not apply.
  - (8) Beginning with the Third National Assembly, the Assembly shall have a speaker and a deputy speaker who shall be elected by the delegates of the Assembly from amongst themselves. The speaker shall represent the National Assembly and preside over its meetings.
  - (9) The procedures for the exercise of powers by the National Assembly shall be determined by the Assembly itself. The provisions of Article 34 of the Constitution shall not apply.

## Article 2

- (1) 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-term president and the 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 ROC to exercise their electoral rights and this shall be stipulated by law.
- (2) Presidential orders to appoint or remove from office personnel appointed with the confirmation of the National Assembly or Legislative Yuan in accordance with the Constitution do not require the countersignature of the president of the Executive Yuan. The provisions of Article 37 of the Constitution shall not apply.
- (3) Orders to remove the president of the Executive Yuan from office shall take effect after the new nominee to this office has been confirmed by the Legislative Yuan.
- (4) The president may, by resolution of the Executive Yuan Council, issue emergency orders 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 orders shall, within ten days of issuance, be presented to the Legislative Yuan for ratification. Should the Legislative Yuan withhold ratification, the said emergency orders shall forthwith cease to be valid.
- (5) To determine major policies for national security, the president may establish a National Security Council and its subsidiary organ, the National Security Bureau. The organization of the said organs shall be stipulated by law.
- (6) Beginning with the ninth presidential term, the term of office for both the President and the Vice President shall be four years. The President and the Vice President may be reelected for a second term; and the provisions in Article 47 of the Constitution shall not apply.
- (7) Should the office of the vice president become vacant, the president shall nominate a candidate within three months and convoke the National Assembly to elect a new vice president, who shall serve out the original term until its expiration.
- (8) Should the offices of both the president and the vice president become vacant, the president of the Executive Yuan shall exercise the official powers of the president and the vice president. A new president and a new vice

president shall be elected in accordance with Paragraph 1 of this article and shall serve out each respective original term until its expiration. The pertinent provisions of Article 49 of the Constitution shall not apply.

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

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

### **Article 3**

(1) Members of the Legislative Yuan shall be elected according to the following provisions, the restrictions in Article 64 of the Constitution notwithstanding:

1. Two members shall be elected from each province and each Special Municipality in the free area. Where the population exceeds 200,000, however, one member will be added for each additional 100,000 persons; and where the population exceeds one million, one member will be added for each additional 200,000 persons.

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

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

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

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

### **Article 4**

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

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

(3) A political party shall be considered unconstitutional if its goals or activities endanger the existence of the Republic of China or the nation's free and democratic constitutional order.

### **Article 5**

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

1. All examination-related matters;

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

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

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

(3) 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 6**

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

(2) The Control Yuan shall have 29 members, including a president and a vice president, all of whom shall serve a term of six years. All members shall be nominated and, with the consent of the National Assembly, appointed by the president of the Republic. The provisions of Article 91 through Article 93 of the Constitution shall cease to apply.

(3) 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.

(4) In the case of impeachment by the Control Yuan of Control Yuan personnel for dereliction of duty or violation of the law, the provisions of Article 95 and Article 97, Paragraph 2 of the Constitution, as well as the preceding paragraph, shall apply.

(5) A motion by the Control Yuan impeaching the President or the Vice President must be initiated by more than half of all the members of the Control Yuan and passed by more than two-thirds of all such members for it to be submitted to the National Assembly notwithstanding the restrictions in Article 100 of the Constitution.

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

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

### **Article 7**

(1) The remuneration or pay of the delegates to the National Assembly and the members of the Legislative Yuan shall be regulated by law.

(2) Except for general annual adjustments, individual regulations on increase of remuneration or pay shall go into effect starting with the subsequent National Assembly or Legislative Yuan.

### **Article 8**

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

1. There shall be a provincial assembly in each province and a county council in each county. Members of the provincial assembly and the county council shall be elected by the people of the province and the people of the county, respectively.

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

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

4. The relationship between the province and the county.

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

### **Article 9**

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

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

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

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

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

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

(7) The State shall accord to the aborigines in the free area legal protection of their status and the right to political participation. It shall also provide assistance and encouragement for their education, cultural preservation, social

welfare and business undertakings. The same protection and assistance shall be given to the people of Kinmen and Matsu areas.

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

### **Article 10**

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

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Additional Articles to the Constitution of the Republic of China

**FOURTH REVISION, 1997**

**—obsolete—**

*Articles One through Eleven were adopted by the second session of the Third National Assembly at its 32nd plenary meeting on 18 July 1997 in a Fourth Revision of the Constitution, and promulgated by the president on 21 July 1997. These Articles replaced the Ten Additional Articles adopted in the 1994 Third Revision and were replaced by the Eleven Additional Articles adopted in 2000.*

To meet the requisites of the nation prior to national unification, the following articles of the Republic of China Constitution are added or amended to the Republic of China Constitution in accordance with Article 27, Paragraph 1, Item 3; and Article 174, Item 1:

### **Article 1**

Delegates to the National Assembly shall be elected in accordance with the following provisions, the restrictions in Article 26 and Article 135 of the Constitution notwithstanding:

1. Two delegates shall be elected from each Special Municipality and each county or city in the free area. However, where the population exceeds 100,000, one delegate shall be added for each additional 100,000 persons.
2. Three delegates each shall be elected from among the lowland and highland aborigines in the free area.
3. Twenty delegates shall be elected from among the citizens of the Republic of China who reside abroad.
4. Eighty delegates shall be elected from the nationwide constituency.

If the number of delegates to be elected in a Special Municipality, county or city under Item 1 of the preceding paragraph is not fewer than five and not more than ten, one shall be a female delegate; where the number exceeds ten, one of each additional ten shall be a female delegate. The number of delegates to be elected under Item 3 and Item 4 of the preceding paragraph shall be determined according to a formula for proportional representation among political parties; and for every four delegates allotted to a political party, one shall be a female delegate.

The powers of the National Assembly shall be as follows, and the provisions of Article 27, Paragraph 1, Item 1 and Item 2 of the Constitution shall not apply:

1. To elect the vice president in accordance with Article 2, Paragraph 7 of the Additional Articles when the said office becomes vacant;
2. To initiate a recall of the president or the vice president in accordance with Article 2, Paragraph 9 of the Additional Articles;
3. To deliberate, in accordance with Article 2, Paragraph 10 of the Additional Articles, a petition for the impeachment of the president or the vice president initiated by the Legislative Yuan;
4. To amend the Constitution in accordance with Article 27, Paragraph 1, Item 3 and Article 174, Item 1 of the Constitution;
5. To vote, in accordance with Article 27, Paragraph 1, Item 4 and Article 174, Item 2 of the Constitution, on the constitutional amendment proposals submitted by the Legislative Yuan; and
6. To confirm, in accordance with Article 5, Paragraph 1; Article 6, Paragraph 2; and Article 7, Paragraph 2 of the Additional Articles, the appointment of personnel nominated by the president.

When the National Assembly meets in accordance with Item 1, or Item 4 through Item 6 of the preceding paragraph, or at the request of not fewer than two-fifths of its delegates, the session shall be convened by the president. When it meets in accordance with Item 2 or Item 3 of the preceding paragraph, the session shall be convoked by the speaker of the National Assembly. The provisions of Article 29 and Article 30 of the Constitution shall not apply.

When the National Assembly convenes, it may hear a report on the state of the nation by the president, discuss national affairs, and offer counsel. In the event that the National Assembly has not convened for a period of one year, the president shall convoke a session for the aforementioned purpose, the restrictions in Article 30 of the Constitution notwithstanding.

Delegates to the National Assembly shall be elected every four years. The provisions of Article 28, Paragraph 1 of the Constitution shall not apply.

The National Assembly shall have a speaker and a deputy speaker who shall be elected by the delegates of the Assembly from amongst themselves. The speaker shall represent the National Assembly and preside over its meetings when that body is in session.

The procedures for the exercise of powers by the National Assembly shall be determined by the Assembly itself. The provisions of Article 34 of the Constitution shall not 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-term president and the 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 ROC to exercise their electoral rights and this shall be stipulated by law.

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

The president may, by resolution of the Executive Yuan Council, issue emergency orders 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 orders shall, within ten days of issuance, be presented to the Legislative Yuan for ratification. Should the Legislative Yuan withhold ratification, the said emergency orders 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 organs shall be stipulated by law.

The president may, within ten days following passage by the Legislative Yuan of a no-confidence vote against the president 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 order is in effect. Following the dissolution of the Legislative Yuan, an election for legislators shall be held within 60 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 reelected 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 convoke the National Assembly to elect a new vice president, who shall serve out the original term until its expiration.

Should the offices of both the president and the vice president become vacant, the president of the Executive Yuan shall exercise the official powers of the president and the vice president. A new president and a new vice president shall be elected in accordance with Paragraph 1 of this article and shall serve out each respective original term until its expiration. The pertinent provisions of Article 49 of the Constitution shall not apply.

Recall of the president or the vice president shall be motioned by one-fourth of all delegates to the National Assembly, proposed with the concurrence of two-thirds of such delegates, and passed by more than 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 and submitted to the National Assembly by the Legislative Yuan be passed by a two-thirds majority of all delegates to the National Assembly, the party impeached shall forthwith be dismissed from office.

### Article 3

The president of the Executive Yuan shall be appointed by the president. Should the president of the Executive Yuan resign or the office become vacant, the vice president of the Executive Yuan shall temporarily act as the president 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 president of the Executive Yuan and the heads of ministries and other organizations 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 15 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 15 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 president 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 president of the Executive Yuan. Seventy-two hours after the no-confidence motion is made, an open-ballot vote shall be taken within 48 hours. Should more than one-half of the total number of Legislative Yuan members approve the motion, the president 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 president of the Executive Yuan within one year.

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

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

### Article 4

Beginning with the Fourth Legislative Yuan, the Legislative Yuan shall have 225 members, who shall be elected in accordance with the following provisions, the restrictions in Article 64 of the Constitution notwithstanding:

1. One hundred and sixty-eight 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. Four members each shall be elected from among the lowland and highland aborigines in the free area.
3. Eight members shall be elected from among the Chinese citizens who reside abroad.
4. Forty-one members shall be elected from the nationwide constituency.

Members for the seats set forth in Item 3 and Item 4 of the preceding paragraph shall be elected according to a formula for proportional representation among political parties. Where the number of seats for each Special Municipality, county, and city as set forth in Item 1, and for each political party as set forth in Item 3 and Item 4, is not fewer than five and not more than ten, one seat shall be reserved for a female candidate. Where the number exceeds ten, one seat out of each additional ten shall be reserved for a female candidate.

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.

Should the president issue an emergency order after dissolving the Legislative Yuan, the Legislative Yuan shall convene of its own accord within three days and ratify the order within seven days after the session begins. However, should the emergency order be issued after the election of new members of the Legislative Yuan, the new members shall ratify the order after their inauguration. Should the Legislative Yuan withhold ratification, the emergency order shall forthwith cease to be valid.

Impeachment of the president or the vice president by the Legislative Yuan for treason or rebellion shall be initiated upon the proposal of more than one-half of all members of the Legislative Yuan and passed by more than two-thirds of all such members, whereupon it shall be submitted to the National Assembly. 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, except in case of flagrante delicto, be arrested or detained without the permission of the Legislative Yuan when that body is in session. The provisions of Article 74 of the Constitution shall cease to apply.

### **Article 5**

The Judicial Yuan shall have 15 grand justices. The 15 grand 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 National Assembly, appointed by the president of the Republic. This shall take effect from the year 2003, and the pertinent provisions of Article 79 of the Constitution shall not apply.

Each grand justice of the Judicial Yuan shall serve a term of eight years, independent of the order of appointment to office, and shall not serve a consecutive term. The grand justices serving as president and vice president of the Judicial Yuan shall not enjoy the guarantee of an eight-year term.

Among the grand 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 grand justices shall serve for eight years. The provisions of the preceding paragraph regarding term of office shall not apply.

The grand justices of the Judicial Yuan shall, in addition to discharging their duties in accordance with Article 78 of the Constitution, also form a Constitutional Court to adjudicate matters relating to 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 nation's free and 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 body 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 National Assembly, 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 body of the State and shall exercise the powers of impeachment, censure and audit; and the 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 29 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 National Assembly, 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.

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 delegates to the National Assembly and the members of the Legislative Yuan shall be regulated by law. Except for general annual adjustments, individual regulations on increase of remuneration or pay shall go into effect starting with the subsequent National Assembly or 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 laws, the restrictions in Article 108, Paragraph 1, Item 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 president 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 president 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 terms of office of the members of the Tenth Taiwan Provincial Assembly and of the first elected governor of Taiwan Province shall end on December 20, 1998. Elections for members of the Taiwan Provincial Assembly and for the governor of Taiwan Province shall be suspended following the conclusion of the terms of office of the members of the Tenth Taiwan Provincial Assembly and of the first elected governor of Taiwan Province.

Following the suspension of elections for members of the Taiwan Provincial Assembly and for the governor of Taiwan Province, modifications of the functions, operations, and organization of the Taiwan Provincial Government may be specified by law.

### **Article 10**

The State shall encourage 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 line with the principles of business administration. The management, personnel, budget proposals, final budgets, and audit of the said organizations may be specified by law.

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

Priority shall be given to funding for 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 this shall be established by law. The same protection and assistance shall be given to the people of the Kinmen and Matsu areas.

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

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Additional Articles to the Constitution of the Republic of China

### FIFTH REVISION, 1999

—void—

*Revised by the fourth session of the third National Assembly on September 3, 1999, and promulgated by the President on September 15, 1999*

The Council of Grand Justices, in its Constitutional Interpretation No. 499 made on March 24, 2000, announced that the *Additional Articles of the Constitution* approved on September 15, 1999, were void, effective immediately. The revised *Additional Articles* promulgated on July 21, 1997 would remain in effect.

- (1) The Fourth National Assembly shall have 300 delegates, and beginning with the Fifth National Assembly, the National Assembly shall have 150 delegates, who shall be elected by proportional representation based on the composition of the Legislative Yuan. The seats shall be distributed among the participating political parties, in accordance with the proportion of votes won by the candidates nominated by each party and those members of the parties running as independent candidates.
- (2) Should an election of the Legislative Yuan be held during the National Assembly's tenure, the National Assembly shall also be reelected. A delegate who is reelected may serve consecutive terms. The term of office of the Third National Assembly shall be extended to the day when the term of office of the Fourth Legislative Yuan expires. The provisions of Paragraph 1 of Article 28 of the Constitution shall not apply.
- (3) The term of office of the Fourth Legislative Yuan shall be extended to June 30, 2002. The Fifth Legislative Yuan shall serve a four-year term of office, beginning on July 1, 2002. A delegate who is reelected may serve consecutive terms. The election of a new Legislative Yuan shall be held within sixty days before the expiration of the term of office or sixty days after the dissolution of the Legislative Yuan.
- (4) The State shall emphasize social welfare services. Priority shall be given to funding social relief and assistance, and employment for citizens.
- (5) The State shall guarantee the welfare and livelihood of retired military servicemen.
- (6) In addition to the people of Kinmen and Matsu, the State shall now additionally protect and assist the people of Penghu.

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Additional Articles to the Constitution of the Republic of China

### SIXTH REVISION, 2000

*Articles One through Eleven were adopted by the fifth session of the Third National Assembly on 24 April 2000 in a Sixth Revision of the Constitution, and promulgated by the president on 25 April 2000. These Articles replaced the Eleven Additional Articles adopted in the 1997 Fourth Revision, which had remained in effect after the Council of Grand Justices declared the articles adopted by the Fifth Revision of 1999 void.*

To meet the requisites of the nation prior to national unification, the following articles of the Republic of China Constitution are added or amended to the Republic of China Constitution in accordance with Article 27, Paragraph

1, Item 3; and Article 174, Item 1:

### **Article 1**

Three hundred delegates shall be elected by proportional representation to the National Assembly within three months of the expiration of a six-month period following the public announcement of a proposal by the Legislative Yuan to amend the Constitution or alter the national territory, or within three months of a petition initiated by the Legislative Yuan for the impeachment of the president or the vice president. The restrictions in Article 26, Article 28 and Article 135 of the Constitution shall not apply. The election of the delegates by proportional representation shall be regulated by law.

The powers of the National Assembly shall be as follows, and the provisions of Article 4; Article 27, Paragraph 1, Item 1 through Item 3; Article 27, Paragraph 2; and Article 174, Item 1 shall not apply:

1. To vote, in accordance with Article 27, Paragraph 1, Item 4 and Article 174, Item 2 of the Constitution, on Legislative Yuan proposals to amend the Constitution;
2. To vote, in accordance with Article 4, Paragraph 5 of the Additional Articles, on Legislative Yuan proposals to alter the national territory; and
3. To deliberate, in accordance with Article 2, Paragraph 10 of the Additional Articles, a petition for the impeachment of the president or the vice president initiated by the Legislative Yuan.

Delegates to the National Assembly shall convene of their own accord within ten days after the election results have been confirmed and shall remain in session for no more than one month. The provisions of Article 29 and Article 30 of the Constitution shall not apply.

The term of office of the delegates to the National Assembly shall terminate on the last day of the convention, and the provisions of Article 28 of the Constitution shall cease to apply. The term of office of the delegates to the Third National Assembly shall terminate on May 19, 2000. The Organic Law of the National Assembly shall be revised accordingly within two years of the adjustment of the powers and responsibilities of the National Assembly.

### **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-term 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 ROC to exercise their electoral rights and this shall be stipulated by law.

Presidential orders to appoint or remove from office the president 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, shall not require the countersignature of the president of the Executive Yuan. The provisions of Article 37 of the Constitution shall not apply.

The president may, by resolution of the Executive Yuan Council, 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 ratification. Should the Legislative Yuan withhold ratification, 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 organs shall be stipulated by law.

The president may, within ten days following passage by the Legislative Yuan of a no-confidence vote against the president 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 60 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 reelected 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 president of the Executive Yuan shall exercise the official powers of the president and the vice president. A new president and a new vice president shall be elected in accordance with Paragraph 1 of this article and shall serve out each respective original term until its expiration. 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 and submitted to the National Assembly by the Legislative Yuan be passed by a two-thirds majority of all delegates to the National Assembly, the party impeached shall forthwith be dismissed from office.

### **Article 3**

The president of the Executive Yuan shall be appointed by the president. Should the president of the Executive Yuan resign or the office become vacant, the vice president of the Executive Yuan shall temporarily act as the president 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 president of the Executive Yuan and the heads of ministries and other organizations 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 15 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 15 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 president 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 president of the Executive Yuan. Seventy-two hours after the no-confidence motion is made, an open-ballot vote shall be taken within 48 hours. Should more than one-half of the total number of Legislative Yuan members approve the motion, the president 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 president of the Executive Yuan within one year.

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

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

### **Article 4**

Beginning with the Fourth Legislative Yuan, the Legislative Yuan shall have 225 members, who shall be elected in accordance with the following provisions, the restrictions in Article 64 of the Constitution notwithstanding:

1. One hundred and sixty-eight 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. Four members each shall be elected from among the lowland and highland aborigines in the free area.
3. Eight members shall be elected from among the Chinese citizens who reside abroad.
4. Forty-one members shall be elected from the nationwide constituency.

Members for the seats set forth in Item 3 and Item 4 of the preceding paragraph shall be elected according to a formula for proportional representation among political parties. Where the number of seats for each Special

Municipality, county, and city as set forth in Item 1, and for each political party as set forth in Item 3 and Item 4, is not fewer than five and not more than ten, one seat shall be reserved for a female member. Where the number exceeds ten, one seat out of each additional ten shall be reserved for a female member.

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 all members of the Legislative Yuan, passed by three-fourths of the members of the Legislative Yuan present at a meeting requiring a quorum of three-fourths of all the members, and approved by three-fourths of the delegates to the National Assembly present at a meeting requiring a quorum of two-thirds of all the delegates.

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 ratification 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 ratification 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 all members of the Legislative Yuan and passed by more than two-thirds of all the members of the Legislative Yuan, whereupon it shall be submitted to the National Assembly. 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 have 15 grand justices. The 15 grand 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 grand justices who did not transfer from the post of a judge.

Each grand justice of the Judicial Yuan shall serve a term of eight years, independent of the order of appointment to office, and shall not serve a consecutive term. The grand justices serving as president and vice president of the Judicial Yuan shall not enjoy the guarantee of an eight-year term.

Among the grand 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 grand justices shall serve for eight years. The provisions of the preceding paragraph regarding term of office shall not apply.

The grand justices of the Judicial Yuan shall, in addition to discharging their duties in accordance with Article 78 of the Constitution, also form a Constitutional Court to adjudicate matters relating to 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 nation's free and 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 body 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 body 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 29 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.

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 regulated by law. Except for general annual adjustments, individual regulations on increase of remuneration or pay shall take effect starting with the subsequent Legislative Yuan. Expenses for the convention of the delegates to the National Assembly shall be regulated by law.

### **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 laws, the restrictions in Article 108, Paragraph 1, Item 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 president 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 president 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 law.

### **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 law.

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 for 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 law. 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 law.

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Additional Articles to the Constitution of the Republic of China

### SEVENTH REVISION, 2004/2005

*Adopted by the second extraordinary session of the First National Assembly on April 22, 1991, and promulgated by the president on May 1, 1991*

*Adopted by the extraordinary session of the Second National Assembly on May 27, 1992, and promulgated by the president on May 28, 1992*

*Adopted by the fourth extraordinary session of the Second National Assembly on July 28, 1994, and promulgated by the president on August 1, 1994*

*Adopted by the second session of the Third National Assembly on July 18, 1997, and promulgated by the president on July 21, 1997*

*Revised by the fourth session of the Third National Assembly on September 3, 1999, and promulgated by the president on September 15, 1999*

*The Council of Justices of the Constitutional Court, in its Constitutional Interpretation No. 499 on March 24, 2000, announced that the Additional Articles of the Constitution approved on September 15, 1999, were void, effective immediately. The revised Additional Articles promulgated on July 21, 1997 would remain in effect.*

*Revised by the fifth session of the Third National Assembly on April 24, 2000, and promulgated by the president on April 25, 2000*

*Revisions to Articles 1, 2, 4, 5, and 8 of, and addition of Article 12 to, the Additional Articles of the Constitution of the Republic of China, proposed and announced by the Legislative Yuan on August 26, 2004, adopted by the Fourth National Assembly on June 7,*

*2005, and promulgated by the president on June 10, 2005*

To meet the requisites of the nation prior to national unification, the following articles of the ROC Constitution are added or amended to the ROC Constitution in accordance with Article 27, Paragraph 1, Item 3; and Article 174, Item 1:

### **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-term 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 ROC to exercise their electoral rights and this shall be stipulated by law.

Presidential orders to appoint or remove from office the President 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, shall not require the countersignature of the President of the Executive Yuan. The provisions of Article 37 of the Constitution shall not apply.

The President may, by resolution of the Executive Yuan Council, 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 ratification. Should the Legislative Yuan withhold ratification, 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 organs shall be stipulated by law.

The President may, within ten days following passage by the Legislative Yuan of a no-confidence vote against the President 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 60 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 reelected 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 President of the Executive Yuan shall exercise the official powers of the President and the Vice President. A new President and a new Vice President shall be elected in accordance with Paragraph 1 of this article and shall serve out each respective original term until its expiration. 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 Constitutional Court of the Judicial Yuan for adjudication be upheld by the Constitutional Court, the impeached person shall forthwith be relieved of his duties.

### Article 3

The President of the Executive Yuan shall be appointed by the President. Should the President of the Executive Yuan resign or the office become vacant, the Vice President of the Executive Yuan shall temporarily act as the President 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 President of the Executive Yuan and the heads of ministries and other organizations 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 15 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 15 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 President of the Executive Yuan shall immediately accept the said bill.
3. With the signatures of more than onethird of the total number of Legislative Yuan Members, the Legislative Yuan may propose a no-confidence vote against the President of the Executive Yuan. Seventy-two hours after the noconfidence motion is made, an open-ballot vote shall be taken within 48 hours. Should more than one-half of the total number of Legislative Yuan Members approve the motion, the President of the Executive Yuan shall tender his resignation within 10 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 President of the Executive Yuan within one year.

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

The structure, system, and number of personnel of each organization shall be determined according to the policies or operations of each organization and in accordance with the law 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 reelection. The election of 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 5 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 ratification 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 ratification 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 Constitutional Court 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 have 15 Justices of the Constitutional Court. The 15 Justices of the Constitutional Court, 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 of the Constitutional Court who did not transfer from the post of a judge.

Each Justice of the Constitutional Court of the Judicial Yuan shall serve a term of eight years, independent of the order of appointment to office, and shall not serve a consecutive term. The Justices of the Constitutional Court serving as President and Vice President of the Judicial Yuan shall not enjoy the guarantee of an eight-year term.

Among the Justices of the Constitutional Court 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 of the Constitutional Court shall serve for eight years. The provisions of the preceding paragraph regarding term of office shall not apply.

The Justices of the Constitutional Court of the Judicial Yuan shall, in addition to discharging their duties in accordance with Article 78 of the Constitution, form a Constitutional Court 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 nation's free and 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 body 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.
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 body 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 29 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.

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 law. 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 laws, the restrictions in Article 108, Paragraph 1, Item 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 President 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 President 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 law.

### **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 law.

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 law. 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 law.

**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.

§ §

# 中華民國憲法

中華民國三十五年十二月二十五日制定

中華民國三十六年一月一日公布

中華民國三十六年十二月二十五日施行

## 第一章 總綱

- 第一條 中華民國基於三民主義，為民有民治民享之民主共和國。
- 第二條 中華民國之主權屬於國民全體。
- 第三條 具有中華民國國籍者為中華民國國民。
- 第四條 中華民國領土，依其固有之疆域，非經國民大會之決議，不得變更之。
- 第五條 中華民國各民族一律平等。
- 第六條 中華民國國旗定為紅地，左上角青天白日。

## 第二章 人民之權利與義務

- 第七條 中華民國人民，無分男女，宗教，種族，階級，黨派，在法律上一律平等。
- 第八條 人民身體之自由應予保障。除現行犯之逮捕由法律另定外，非經司法或警察機關依法定程序，不得逮捕拘禁。非由法院依法定程序，不得審問處罰。非依法定程序之逮捕，拘禁，審問，處罰，得拒絕之。
- 人民因犯罪嫌疑被逮捕拘禁時，其逮捕拘禁機關應將逮捕拘禁原因，以書面告知本人及其本人指定之親友，並至遲於二十四小時內移送該管法院審問。本人或他人亦得聲請該管法院，於二十四小時內向逮捕之機關提審。
- 法院對於前項聲請，不得拒絕，並不得先令逮捕拘禁之機關查覆。逮捕拘禁之機關，對於法院之提審，不得拒絕或遲延。人民遭受任何機關非法逮捕拘禁時，其本人或他人得向法院聲請追究，法院不得拒絕，並應於二十四小時內向逮捕拘禁之機關追究，依法處理。
- 第九條 人民除現役軍人外，不受軍事審判。
- 第十條 人民有居住及遷徙之自由。
- 第十一條 人民有言論，講學，著作及出版之自由。
- 第十二條 人民有秘密通訊之自由。
- 第十三條 人民有信仰宗教之自由。
- 第十四條 人民有集會及結社之自由。
- 第十五條 人民之生存權，工作權及財產權，應予保障。
- 第十六條 人民有請願，訴願及訴訟之權。
- 第十七條 人民有選舉，罷免，創制及複決之權。
- 第十八條 人民有應考試服公職之權。
- 第十九條 人民有依法律納稅之義務。
- 第二十條 人民有依法律服兵役之義務。
- 第二十一條 人民有受國民教育之權利與義務。
- 第二十二條 凡人民之其他自由及權利，不妨害社會秩序公共利益者，均受憲法之保障。
- 第二十三條 以上各條列舉之自由權利，除為防止妨礙他人自由，避免緊急危難，維持社會秩序，或增進公共利益所必要者外，不得以法律限制之。
- 第二十四條 凡公務員違法侵害人民之自由或權利者，除依法律受懲戒外，應負刑事及民事責任。被害人民就其所受損害，並得依法律向國家請求賠償。

## 第三章 國民大會

- 第二十五條 國民大會依本憲法之規定，代表全國國民行使政權。

- 第二十六條 國民大會以左列代表組織之：  
一、每縣市及其同等區域各選出代表一人，但其人口逾五十萬人者，每增加五十萬人，增選代表一人。縣市同等區域以法律定之。  
二、蒙古選出代表，每盟四人，每特別旗一人。  
三、西藏選出代表，其名額以法律定之。  
四、各民族在邊疆地區選出代表，其名額以法律定之。  
五、僑居國外之國民選出代表，其名額以法律定之。  
六、職業團體選出代表，其名額以法律定之。  
七、婦女團體選出代表，其名額以法律定之。
- 第二十七條 國民大會之職權如左：  
一、選舉總統副總統。  
二、罷免總統副總統。  
三、修改憲法。  
四、複決立法院所提之憲法修正案。  
關於創制複決兩權，除前項第三第四兩款規定外，俟全國有半數之縣市曾經行使創制複決兩項政權時，由國民大會制定辦法並行使之。
- 第二十八條 國民大會代表每六年改選一次。  
每屆國民大會代表之任期至次屆國民大會開會之日為止。  
現任官吏不得於其任所所在地之選舉區當選為國民大會代表。
- 第二十九條 國民大會於每屆總統任滿前九十日集會，由總統召集之。
- 第三十條 國民大會遇有左列情形之一時，召集臨時會：  
一、依本憲法第四十九條之規定，應補選總統副總統時。  
二、依監察院之決議，對於總統副總統提出彈劾案時。  
三、依立法院之決議，提出憲法修正案時。  
四、國民大會代表五分之二以上請求召集時。  
國民大會臨時會，如依前項第一款或第二款應召集時，由立法院院長通告集會。依第三款或第四款應召集時，由總統召集之。
- 第三十一條 國民大會之開會地點在中央政府所在地。
- 第三十二條 國民大會代表在會議時所為之言論及表決，對會外不負責任。
- 第三十三條 國民大會代表，除現行犯外，在會期中，非經國民大會許可，不得逮捕或拘禁。
- 第三十四條 國民大會之組織，國民大會代表之選舉罷免，及國民大會行使職權之程序，以法律定之。

#### 第四章 總統

- 第三十五條 總統為國家元首，對外代表中華民國。
- 第三十六條 總統統率全國陸海空軍。
- 第三十七條 總統依法公布法律，發布命令，須經行政院院長之副署，或行政院院長及有關部會首長之副署。
- 第三十八條 總統依本憲法之規定，行使締結條約及宣戰媾和之權。
- 第三十九條 總統依法宣布戒嚴，但須經立法院之通過或追認。立法院認為必要時，得決議移請總統解嚴。
- 第四十條 總統依法行使大赦，特赦，減刑及復權之權。
- 第四十一條 總統依法任免文武官員。
- 第四十二條 總統依法授與榮典。
- 第四十三條 國家遇有天然災害，癘疫，或國家財政經濟上有重大變故，須為急速處分時，總統於立法院休會期間，得經行政院會議之決議，依緊急命令法，發布緊急命令，為必要之處置，但須於發布命令後一個月內提交立法院追認。如立法院不同意時，該緊急命令立即失效。
- 第四十四條 總統對於院與院間之爭執，除本憲法有規定者外，得召集有關各院院長會商解決之。
- 第四十五條 中華民國國民年滿四十歲者得被選為總統副總統。
- 第四十六條 總統副總統之選舉，以法律定之。
- 第四十七條 總統副總統之任期為六年，連選得連任一次。

- 第四十八條 總統應於就職時宣誓，誓詞如左：  
「余謹以至誠，向全國人民宣誓，余必遵守憲法，盡忠職務，增進人民福利，保衛國家，無負國民付託。如違誓言，願受國家嚴厲之制裁。謹誓。」
- 第四十九條 總統缺位時，由副總統繼任，至總統任期屆滿為止。總統副總統均缺位時，由行政院院長代行其職權，並依本憲法第三十條之規定，召集國民大會臨時會，補選總統、副總統，其任期以補足原任總統未滿之任期為止。  
總統因故不能視事時，由副總統代行其職權。總統副總統均不能視事時，由行政院院長代行其職權。
- 第五十條 總統於任滿之日解職。如屆期次任總統尚未選出，或選出後總統副總統均未就職時，由行政院院長代行總統職權。
- 第五十一條 行政院院長代行總統職權時，其期限不得逾三個月。
- 第五十二條 總統除犯內亂或外患罪外，非經罷免或解職，不受刑事上之訴究。

## 第五章 行政

- 第五十三條 行政院為國家最高行政機關。
- 第五十四條 行政院設院長副院長各一人，各部會首長若干人，及不管部會之政務委員若干人。
- 第五十五條 行政院院長由總統提名，經立法院同意任命之。立法院休會期間，行政院院長辭職或出缺時，由行政院副院長代理其職務，但總統須於四十日內咨請立法院召集會議，提出行政院院長人選徵求同意。行政院院長職務，在總統所提行政院院長人選未經立法院同意前，由行政院副院長暫行代理。
- 第五十六條 行政院副院長，各部會首長及不管部會之政務委員，由行政院院長提請總統任命之。
- 第五十七條 行政院依左列規定，對立法院負責：  
一、行政院有向立法院提出施政方針及施政報告之責。立法委員在開會時，有向行政院院長及行政院各部會首長質詢之權。  
二、立法院對於行政院之重要政策不贊同時，得以決議移請行政院變更之。行政院對於立法院之決議，得經總統之核可，移請立法院覆議。覆議時，如經出席立法委員三分之二維持原決議，行政院院長應即接受該決議或辭職。  
三、行政院對於立法院決議之法律案，預算案，條約案，如認為有望礙難行時，得經總統之核可，於該決議案送達行政院十日內，移請立法院覆議。覆議時，如經出席立法委員三分之二維持原案，行政院院長應即接受該決議或辭職。
- 第五十八條 行政院設行政院會議，由行政院院長，副院長，各部會首長及不管部會之政務委員組織之，以院長為主席。  
行政院院長，各部會首長，須將應行提出於立法院之法律案，預算案，戒嚴案，大赦案，宣戰案，媾和案，條約案及其他重要事項，或涉及各部會共同關係之事項，提出於行政院會議議決之。
- 第五十九條 行政院於會計年度開始三個月前，應將下年度預算案提出於立法院。
- 第六十條 行政院於會計年度結束後四個月內，應提出決算於監察院。
- 第六十一條 行政院之組織，以法律定之。

## 第六章 立法

- 第六十二條 立法院為國家最高立法機關，由人民選舉之立法委員組織之，代表人民行使立法權。
- 第六十三條 立法院有議決法律案，預算案，戒嚴案，大赦案，宣戰案，媾和案，條約案及國家其他重要事項之權。
- 第六十四條 立法院立法委員依左列規定選出之：  
一、各省，各直轄市選出者，其人口在三百萬以下者五人，其人口超過三百萬者，每滿一百萬人增選一人。  
二、蒙古各盟旗選出者。  
三、西藏選出者。  
四、各民族在邊疆地區選出者。  
五、僑居國外之國民選出者。  
六、職業團體選出者。  
立法委員之選舉及前項第二款至第六款立法委員名額之分配，以法律定之。婦女在第

- 一項各款之名額，以法律定之。
- 第六十五條 立法委員之任期為三年，連選得連任，其選舉於每屆任滿前三個月內完成之。
- 第六十六條 立法院設院長副院長各一人，由立法委員互選之。
- 第六十七條 立法院得設各種委員會。  
各種委員會得邀請政府人員及社會上有關係人員到會備詢。
- 第六十八條 立法院會期，每年兩次，自行集會，第一次自二月至五月底，第二次自九月至十二月底，必要時得延長之。
- 第六十九條 立法院遇有左列情事之一時，得開臨時會：  
一、總統之咨請。  
二、立法委員四分之一以上之請求。
- 第七十條 立法院對於行政院所提預算案，不得為增加支出之提議。
- 第七十一條 立法院開會時，關係院院長及各部會首長得列席陳述意見。
- 第七十二條 立法院法律案通過後，移送總統及行政院，總統應於收到後十日內公布之，但總統得依照本憲法第五十七條之規定辦理。
- 第七十三條 立法委員在院內所為之言論及表決，對院外不負責任。
- 第七十四條 立法委員，除現行犯外，非經立法院許可，不得逮捕或拘禁。
- 第七十五條 立法委員不得兼任官吏。
- 第七十六條 立法院之組織，以法律定之。

## 第七章 司法

- 第七十七條 司法院為國家最高司法機關，掌理民事，刑事，行政訴訟之審判，及公務員之懲戒。
- 第七十八條 司法院解釋憲法，並有統一解釋法律及命令之權。
- 第七十九條 司法院設院長副院長各一人，由總統提名，經監察院同意任命之。  
司法院設大法官若干人，掌理本憲法第七十八條規定事項，由總統提名，經監察院同意任命之。
- 第八十條 法官須超出黨派以外，依據法律獨立審判，不受任何干涉。
- 第八十一條 法官為終身職，非受刑事或懲戒處分，或禁治產之宣告，不得免職。非依法律，不得停職，轉任或減俸。
- 第八十二條 司法院及各級法院之組織，以法律定之。

## 第八章 考試

- 第八十三條 考試院為國家最高考試機關，掌理考試，任用，銓敘，考績，級俸，陞遷，保障，褒獎，撫卹，退休，養老等事項。
- 第八十四條 考試院設院長副院長各一人，考試委員若干人，由總統提名，經監察院同意任命之。
- 第八十五條 公務人員之選拔，應實行公開競爭之考試制度，並應按省區分別規定名額，分區舉行考試，非經考試及格者，不得任用。
- 第八十六條 左列資格，應經考試院依法考選銓定之：  
一、公務人員任用資格。  
二、專門職業及技術人員執業資格。
- 第八十七條 考試院關於所掌事項，得向立法院提出法律案。
- 第八十八條 考試委員須超出黨派以外，依據法律獨立行使職權。
- 第八十九條 考試院之組織，以法律定之。

## 第九章 監察

- 第九十條 監察院為國家最高監察機關，行使同意，彈劾，糾舉及審計權。
- 第九十一條 監察院設監察委員，由各省市議會，蒙古西藏地方議會，及華僑團體選舉之。其名額分配依左列之規定：  
一、每省五人。  
二、每直轄市二人。  
三、蒙古各盟旗共八人。  
四、西藏八人。

五、僑居國外之國民八人。

- 第九十二條 監察院設院長副院長各一人，由監察委員互選之。
- 第九十三條 監察委員之任期為六年，連選得連任。
- 第九十四條 監察院依本憲法行使同意權時，由出席委員過半數之議決行之。
- 第九十五條 監察院為行使監察權，得向行政院及其各部會調閱其所發布之命令及各種有關文件。
- 第九十六條 監察院得按行政院及其各部會之工作，分設若干委員會，調查一切設施，注意其是否違法或失職。
- 第九十七條 監察院經各該委員會之審查及決議，得提出糾正案，移送行政人員，認為有失職或違法情事，得提出糾舉案或彈劾案，如涉及刑事，應移送法院辦理。
- 第九十八條 監察院對於中央及地方公務人員之彈劾案，須經監察委員一人以上之提議，九人以上之審查及決定，始得提出。
- 第九十九條 監察院對於司法院或考試院人員失職或違法之彈劾，適用本憲法第九十五條，第九十七條，及第九十八條之規定。
- 第一百條 監察院對於總統副總統之彈劾案，須有全體監察委員四分之一以上之提議，全體監察委員過半數之審查及決議，向國民大會提出之。
- 第一百零一條 監察委員在院內所為之言論及表決，對院外不負責任。
- 第一百零二條 監察委員，除現行犯外，非經監察院許可，不得逮捕或拘禁。
- 第一百零三條 監察委員不得兼任其他公職或執行業務。
- 第一百零四條 監察院設審計長，由總統提名，經立法院同意任命之。
- 第一百零五條 審計長應於行政院提出決算後三個月內，依法完成其審核，並提出審核報告於立法院。
- 第一百零六條 監察院之組織，以法律定之。

第十章 中央與地方之權限

- 第一百零七條 左列事項，由中央立法並執行之：
- 一、外交。
  - 二、國防與國防軍事。
  - 三、國籍法，及刑事民事商事之法律。
  - 四、司法制度。
  - 五、航空，國道，國有鐵路，航政，郵政及電政。
  - 六、中央財政與國稅。
  - 七、國稅與省稅縣稅之劃分。
  - 八、國營經濟事業。
  - 九、幣制及國家銀行。
  - 十、度量衡。
  - 十一、國際貿易政策。
  - 十二、涉外之財政經濟事項。
  - 十三、其他依本憲法所定關於中央之事項。
- 第一百零八條 左列事項，由中央立法並執行之或交由省縣執行之：
- 一、省縣自治通則。
  - 二、行政區劃。
  - 三、森林，工礦及商業。
  - 四、教育制度。
  - 五、銀行及交易所制度。
  - 六、航業及海洋漁業。
  - 七、公用事業。
  - 八、合作事業。
  - 九、二省以上之水陸交通運輸。
  - 十、二省以上之水利，河道及農牧事業。
  - 十一、中央及地方官吏之銓敘，任用，糾察及保障。
  - 十二、土地法。
  - 十三、勞動法及其他社會立法。

- 十四、公用徵收。
- 十五、全國戶口調查及統計。
- 十六、移民及墾殖。
- 十七、警察制度。
- 十八、公共衛生。
- 十九、賑濟，撫卹及失業救濟。
- 二十、有關文化之古籍，古物及古蹟之保存。

前項各款，省於不牴觸國家法律內，得制定單行法規。

第一百零九條 左列事項，由省立法並執行之，或交由縣執行之：

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

前項各款，有涉及二省以上者，除法律別有規定外，得由有關各省共同辦理。各省辦理第一項各款事務，其經費不足時，經立法院議決，由國庫補助之。

第一百十條 左列事項，由縣立法並執行之：

- 一、縣教育，衛生，實業及交通。
- 二、縣財產之經營及處分。
- 三、縣公營事業。
- 四、縣合作事業。
- 五、縣農林，水利，漁牧及工程。
- 六、縣財政及縣稅。
- 七、縣債。
- 八、縣銀行。
- 九、縣警衛之實施。
- 十、縣慈善及公益事項。
- 十一、其他依國家法律及省自治法賦予之事項。

前項各款，有涉及二縣以上者，除法律別有規定外，得由有關各縣共同辦理。

第一百十一條 除第一百零七條，第一百零八條，第一百零九條及第一百十條列舉事項外，如有未列舉事項發生時，其事務有全國一致之性質者屬於中央，有全省一致之性質者屬於省，有一縣之性質者屬於縣。遇有爭議時，由立法院解決之。

## 第十一章 地方制度

### ■ 第一節 省

第一百十二條 省得召集省民代表大會，依據省縣自治通則，制定省自治法，但不得與憲法牴觸。省民代表大會之組織及選舉，以法律定之。

第一百十三條 省自治法應包含左列各款：

- 一、省設省議會，省議會議員由省民選舉之。
- 二、省設省政府，置省長一人。省長由省民選舉之。
- 三、省與縣之關係。

屬於省之立法權，由省議會行之。

第一百十四條 省自治法制定後，須即送司法院。司法院如認為有違憲之處，應將違憲條文宣布無效。

第一百十五條 省自治法施行中，如因其中某條發生重大障礙，經司法院召集有關方面陳述意見後，

由行政院院長，立法院院長，司法院院長，考試院院長與監察院院長組織委員會，以司法院院長為主席，提出方案解決之。

第一百十六條

省法規與國家法律牴觸者無效。

第一百十七條

省法規與國家法律有無牴觸發生疑義時，由司法院解釋之。

第一百十八條

直轄市之自治，以法律定之。

第一百十九條

蒙古各盟旗地方自治制度，以法律定之。

第一百二十條

西藏自治制度，應予以保障。

## ■ 第二節 縣

第一百二十一條

縣實行縣自治。

第一百二十二條

縣得召集縣民代表大會，依據省縣自治通則，制定縣自治法，但不得與憲法及省自治法牴觸。

第一百二十三條

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

第一百二十四條

縣設縣議會。縣議會議員由縣民選舉之。屬於縣之立法權，由縣議會行之。

第一百二十五條

縣單行規章，與國家法律或省法規牴觸者無效。

第一百二十六條

縣設縣政府，置縣長一人。縣長由縣民選舉之。

第一百二十七條

縣長辦理縣自治，並執行中央及省委辦事項。

第一百二十八條

市準用縣之規定。

## 第十二章 選舉 罷免 創制 複決

第一百二十九條

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

第一百三十條

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

第一百三十一條

本憲法所規定各種選舉之候選人，一律公開競選。

第一百三十二條

選舉應嚴禁威脅利誘。選舉訴訟，由法院審判之。

第一百三十三條

被選舉人得由原選舉區依法罷免之。

第一百三十四條

各種選舉，應規定婦女當選名額，其辦法以法律定之。

第一百三十五條

內地生活習慣特殊之國民代表名額及選舉，其辦法以法律定之。

第一百三十六條

創制複決兩權之行使，以法律定之。

## 第十三章 基本國策

### ■ 第一節 國防

第一百三十七條

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

第一百三十八條

全國陸海空軍，須超出個人，地域及黨派關係以外，效忠國家，愛護人民。

第一百三十九條

任何黨派及個人不得以武裝力量為政爭之工具。

第一百四十條

現役軍人不得兼任文官。

### ■ 第二節 外交

第一百四十一條

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

### ■ 第三節 國民經濟

第一百四十二條

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

- 第一百四十三條 中華民國領土內之土地屬於國民全體。人民依法取得之土地所有權，應受法律之保障與限制。私有土地應照價納稅，政府並得照價收買。  
 附著於土地之礦，及經濟上可供公眾利用之天然力，屬於國家所有，不因人民取得土地所有權而受影響。  
 土地價值非因施以勞力資本而增加者，應由國家徵收土地增值稅，歸人民共享之。  
 國家對於土地之分配與整理，應以扶植自耕農及自行使用土地人為原則，並規定其適當經營之面積。
- 第一百四十四條 公用事業及其他有獨佔性之企業，以公營為原則，其經法律許可者，得由國民經營之。
- 第一百四十五條 國家對於私人財富及私營事業，認為有妨害國計民生之平衡發展者，應以法律限制之。  
 合作事業應受國家之獎勵與扶助。  
 國民生產事業及對外貿易，應受國家之獎勵，指導及保護。
- 第一百四十六條 國家應運用科學技術，以興修水利，增進地力，改善農業環境，規劃土地利用，開發農業資源，促成農業之工業化。
- 第一百四十七條 中央為謀省與省間之經濟平衡發展，對於貧瘠之省，應酌予補助。  
 省為謀縣與縣間之經濟平衡發展，對於貧瘠之縣，應酌予補助。
- 第一百四十八條 中華民國領域內，一切貨物應許自由流通。
- 第一百四十九條 金融機構，應依法受國家之管理。
- 第一百五十條 國家應普設平民金融機構，以救濟失業。
- 第一百五十一條 國家對於僑居國外之國民，應扶助並保護其經濟事業之發展。

#### ■ 第四節 社會安全

- 第一百五十二條 人民具有工作能力者，國家應予以適當之工作機會。
- 第一百五十三條 國家為改良勞工及農民之生活，增進其生產技能，應制定保護勞工及農民之法律，實施保護勞工及農民之政策。  
 婦女兒童從事勞動者，應按其年齡及身體狀態，予以特別之保護。
- 第一百五十四條 勞資雙方應本協調合作原則，發展生產事業。勞資糾紛之調解與仲裁，以法律定之。
- 第一百五十五條 國家為謀社會福利，應實施社會保險制度。人民之老弱殘廢，無力生活，及受非常災害者，國家應予以適當之扶助與救濟。
- 第一百五十六條 國家為奠定民族生存發展之基礎，應保護母性，並實施婦女兒童福利政策。
- 第一百五十七條 國家為增進民族健康，應普遍推行衛生保健事業及公醫制度。

#### ■ 第五節 教育文化

- 第一百五十八條 教育文化，應發展國民之民族精神，自治精神，國民道德，健全體格，科學及生活智能。
- 第一百五十九條 國民受教育之機會一律平等。
- 第一百六十條 六歲至十二歲之學齡兒童，一律受基本教育，免納學費。其貧苦者，由政府供給書籍。  
 已逾學齡未受基本教育之國民，一律受補習教育，免納學費，其書籍亦由政府供給。
- 第一百六十一條 各級政府應廣設獎學金名額，以扶助學行俱優無力升學之學生。
- 第一百六十二條 全國公私立之教育文化機關，依法律受國家之監督。
- 第一百六十三條 國家應注重各地區教育之均衡發展，並推行社會教育，以提高一般國民之文化水準，邊遠及貧瘠地區之教育文化經費，由國庫補助之。其重要之教育文化事業，得由中央辦理或補助之。
- 第一百六十四條 教育，科學，文化之經費，在中央不得少於其預算總額百分之十五，在省不得少於其預算總額百分之二十五，在市縣不得少於其預算總額百分之三十五。其依法設置之教育文化基金及產業，應予以保障。
- 第一百六十五條 國家應保障教育，科學，藝術工作者之生活，並依國民經濟之進展，隨時提高其待遇。
- 第一百六十六條 國家應獎勵科學之發明與創造，並保護有關歷史文化藝術之古蹟古物。
- 第一百六十七條 國家對於左列事業或個人，予以獎勵或補助：  
 一、國內私人經營之教育事業成績優良者。

- 二、僑居國外國民之教育事業成績優良者。
- 三、於學術或技術有發明者。
- 四、從事教育久於其職而成績優良者。

#### ■ 第六節 邊疆地區

第一百六十八條 國家對於邊疆地區各民族之地位，應予以合法之保障，並於其地方自治事業，特別予以扶植。

第一百六十九條 國家對於邊疆地區各民族之教育，文化，交通，水利，衛生，及其他經濟，社會事業，應積極舉辦，並扶助其發展，對於土地使用，應依其氣候，土壤性質，及人民生活習慣之所宜，予以保障及發展。

### 第十四章 憲法之施行及修改

第一百七十條 本憲法所稱之法律，謂經立法院通過，總統公布之法律。

第一百七十一條 法律與憲法牴觸者無效。

法律與憲法有無牴觸發生疑義時，由司法院解釋之。

第一百七十二條 命令與憲法或法律牴觸者無效。

第一百七十三條 憲法之解釋，由司法院為之。

第一百七十四條 憲法之修改，應依左列程序之一為之：

一、由國民大會代表總額五分之一提議，三分之二之出席，及出席代表四分之三之決議，得修改之。

二、由立法院立法委員四分之一之提議，四分之三之出席，及出席委員四分之三之決議，擬定憲法修正案，提請國民大會複決。此項憲法修正案應於國民大會開會前半年公告之。

第一百七十五條 本憲法規定事項，有另定實施程序之必要者，以法律定之。

本憲法施行之準備程序由制定憲法之國民大會議定之。

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## 動員戡亂時期臨時條款

### 動員戡亂時期臨時條款（民國 37 年 / 1948）

（中華民國 37 年 4 月 18 日制定，中華民國 37 年 5 月 10 日公布）

茲依照憲法第一百七十四條第一款程序，制定動員戡亂時期臨時條款如左：

總統在動員戡亂時期，為避免國家或人民遭遇緊急危難，或應付財政經濟上重大變故，得經行政院會議之決議，為緊急處分，不受憲法第三十九或第四十三條所規定程序之限制。

前項緊急處分，立法院得依憲法第五十七條第二款規定之程序，變更或廢止之。

動員戡亂時期之終止，由總統宣告或由立法院咨請總統宣告之。

第一屆國民大會應由總統至遲於民國三十九年十二月二十五日以前召集臨時會，討論有關修改憲法各案，如屆時動員戡亂時期尚未依前項規定宣告終止，國民大會臨時會應決定臨時條款應否延長或廢止。

### 動員戡亂時期臨時條款 修正（民國 49 年 / 1960）

（中華民國 49 年 3 月 11 日修正，中華民國 49 年 3 月 11 日公布）

茲依照憲法第一百七十四條第一款程序，制定動員戡亂時期臨時條款如左：

總統在動員戡亂時期，為避免國家或人民遭遇緊急危難，或應付財政經濟上重大變故，得經行政院會議之決議，為緊急處分，不受憲法第三十九條或第四十三條所規定程序之限制。

前項緊急處分，立法院得依憲法第五十七條第二款規定之程序，變更或廢止之。

動員戡亂時期，總統副總統得連選連任，不受憲法第四十七條連任一次之限制。

國民大會創制複決兩權之行使，於國民大會第三次會議閉會後，設置機構，研擬辦法，連同有關修改憲法各案，由總統召集國民大會臨時會討論之。

國民大會臨時會，由第三任總統，於任期內適當時期召集之。

動員戡亂時期之終止，由總統宣告之。

臨時條款之修訂或廢止，由國民大會決定之。

#### 動員戡亂時期臨時條款 修正（民國 55 年 / 1966）

（中華民國 55 年 3 月 19 日修正，中華民國 55 年 3 月 22 日公布）

茲依照憲法第一百七十四條第一款程序，制定動員戡亂時期臨時條款如左：

- 一、總統在動員戡亂時期，為避免國家或人民遭遇緊急危難或應付財政經濟上重大變故，得經行政院會議之決議，為緊急處分，不受憲法第三十九條或第四十三條所規定程序之限制。
- 二、前項緊急處分，立法院得依憲法第五十七條第二款規定之程序變更或廢止之。
- 三、動員戡亂時期，總統副總統得連選連任，不受憲法第四十七條連任一次之限制。
- 四、動員戡亂時期，本憲政體制，授權總統得設置動員戡亂機構，決定動員戡亂有關大政方針，並處理戰地政務。
- 五、總統為適應動員戡亂需要，得調整中央政府之行政機構及人事機構，並對於依選舉產生之中央公職人員，因人口增加或因故出缺，而能增選或補選之自由地區及光復地區，均得訂頒辦法實施之。
- 六、動員戡亂時期，國民大會得制定辦法，創制中央法律原則與複決中央法律，不受憲法第二十七條第二項之限制。
- 七、在戡亂時期，總統對於創制案或複決案認為有必要時，得召集國民大會臨時會討論之。
- 八、國民大會於閉會期間，設置研究機構，研討憲政有關問題。
- 九、動員戡亂時期之終止，由總統宣告之。
- 十、臨時條款之修訂或廢止，由國民大會決定之。

#### 動員戡亂時期臨時條款 修正（民國 61 年 / 1972）

國民大會通過於民國 61 年 3 月 17 日（非現行條文）

公布於民國 61 年 3 月 23 日

中華民國 37 年 4 月 18 日 制定

中華民國 37 年 5 月 10 日公布國民政府制定公布

民國 43 年 3 月 11 日決議本條款繼續有效第一屆國民大會第二次會議第七次大會決議繼續有效

中華民國 49 年 3 月 11 日 修正

中華民國 49 年 3 月 11 日公布總統令修正公布

中華民國 55 年 2 月 7 日 修正

中華民國 55 年 2 月 12 日公布總統令修正公布

中華民國 55 年 3 月 19 日 修正

中華民國 55 年 3 月 22 日公布總統令修正公布

中華民國 61 年 3 月 17 日 修正

中華民國 61 年 3 月 23 日公布總統令修正公布全文 11 條

中華民國 80 年 5 月 1 日 總統令公布廢止

茲依照憲法第一百七十四條第一款程序，制定動員戡亂時期臨時條款如左：

##### 第一條（總統緊急處分權）

總統在動員戡亂時期，為避免國家或人民遭遇緊急危難，或應付財政經濟上重大變故，得經行政院會議之決議，為緊急處分，不受憲法第三十九或第四十三條所規定程式之限制。

##### 第二條（立法院緊急處分之變更或廢止權）

前項緊急處分，立法院得依憲法第五十七款第二款規定之程式變更或廢止之。

##### 第三條（總統、副總統得連選連任）

動員戡亂時期，總統副總統得連選連任，不受憲法第四十七條連任一次之限制。

##### 第四條（動員戡亂機構之設置）

動員戡亂時期，本憲政體制授權總統得設置動員戡亂機構，決定動員戡亂有關大政方針，並處理戰地政務。

第五條 (中央行政人事機構組織之調整)

總統為適應動員戡亂需要，得調整中央政府之行政機構、人事機構及其組織。

第六條 (中央民意代表之增補選)

動員戡亂時期，總統得依下列規定，訂頒辦法充實中央民意代表機構，不受憲法第二十六條、第六十四條及第九十一條之限制：

- (一) 在自由地區增加中央民意代表名額，定期選舉，其須由僑居國外國民選出之立法委員及監察委員，事實上不能辦理選舉者，得由總統訂定辦法遴選之。
- (二) 第一屆中央民意代表，係經全國人民選舉所產生，依法行使職權，其增選、補選者亦同。大陸光復地區次第辦理中央民意代表之選舉。
- (三) 增加名額選出之中央民意代表，與第一屆中央民意代表，依法行使職權。增加名額選出之國民大會代表，每六年改選，立法委員每三年改選，選監察委員每六改選。

第七條 (創制複決辦法之制定)

動員戡亂時期，國民大會得制定辦法，創制中央法律原則與複決中央法律，不受憲法第二十七條第二項之限制。

第八條 (國民大會臨時會之召集)

在戡亂時期，總統對於創制案或複決案認為有必要時，得召集國民大會臨時會討論之。

第九條 (憲政研究機構之設置)

國民大會於閉會期間，設置研究機構，研討憲政有關問題。

第十條 (動員戡亂時期之終止)

動員戡亂時期之終止，由總統宣告之。

第十一條 (臨時條款之修廢)

臨時條款之修訂或廢止，由國民大會決定之。

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## 中華民國憲法增修條文

### 中華民國憲法第一次增修條文

中華民國八十年五月一日總統華總(一)義字第二一二四號令公布增修條文第一條至第十條

第一條

國民大會代表依左列規定選出之，不受憲法第二十六條及第一百三十五條之限制：

- 一、自由地區每直轄市、縣市各二人，但其人口逾十萬人者，每增加十萬人增一人。
- 二、自由地區平地山胞及山地山胞各三人。
- 三、僑居國外國民二十人。
- 四、全國不分區八十人。

前項第一款每直轄市、縣市選出之名額及第三款、第四款各政黨當選之名額，在五人以上十人以下者，應有婦女當選名額一人，超過十人者，每滿十人應增婦女當選名額一人。

第二條

立法院立法委員依左列規定選出之，不受憲法第六十四條之限制：

- 一、自由地區每省、直轄市各二人，但其人口逾二十萬人者，每增加十萬人增一人；逾一百萬人者，每增加二十萬人增一人。
- 二、自由地區平地山胞及山地山胞各三人。
- 三、僑居國外國民六人。
- 四、全國不分區三十人。

前項第一款每省、直轄市選出之名額及第三款、第四款各政黨當選之名額，在五人以上十人以下者，應有婦女當選名額一人，超過十人者，每滿十人應增婦女當選名額一人。

第三條

監察院監察委員由省、市議會依左列規定選出之，不受憲法第九十一條之限制：

- 一、自由地區臺灣省二十五人。

- 二、自由地區每直轄市各十人。  
 三、僑居國外國民二人。  
 四、全國不分區五人。
- 前項第一款臺灣省、第二款每直轄市選出之名額及第四款各政黨當選之名額，在五人以上十人以下者，應有婦女當選名額一人，超過十人者，每滿十人應增加婦女當選名額一人。
- 省議員當選為監察委員者，以二人為限；市議員當選為監察委員者，各以一人為限。
- 第四條 國民大會代表、立法院立法委員、監察院監察委員之選舉罷免，依公職人員選舉罷免法之規定辦理之。僑居國外國民及全國不分區名額，採政黨比例方式選出之。
- 第五條 國民大會第二屆國民大會代表應於中華民國八十年十二月三十一日前選出，其任期自中華民國八十一年一月一日起至中華民國八十五年國民大會第三屆於第八任總統任滿前依憲法第二十九條規定集會之日止，不受憲法第二十八條第一項之限制。
- 依動員戡亂時期臨時條款增加名額選出之國民大會代表，於中華民國八十二年一月三十一日前，與國民大會第二屆國民大會代表共同行使職權。
- 立法院第二屆立法委員及監察院第二屆監察委員應於中華民國八十二年一月三十一日前選出，均自中華民國八十二年二月一日開始行使職權。
- 第六條 國民大會為行使憲法第二十七條第一項第三款之職權，應於第二屆國民大會代表選出後三個月內由總統召集臨時會。
- 第七條 總統為避免國家或人民遭遇緊急危難或應付財政經濟上重大變故，得經行政院會議之決議發布緊急命令，為必要之處置，不受憲法第四十三條之限制。但須於發布命令後十日內提交立法院追認，如立法院不同意時，該緊急命令立即失效。
- 第八條 動員戡亂時期終止時，原僅適用於動員戡亂時期之法律，其修訂未完成程序者，得繼續適用至中華民國八十一年七月三十一日止。
- 第九條 總統為決定國家安全有關大政方針，得設國家安全會議及所屬國家安全局。  
 行政院得設人事行政局。
- 前二項機關之組織均以法律定之，在未完成立法程序前，其原有組織法規得繼續適用至中華民國八十二年十二月三十一日止。
- 第十條 自由地區與大陸地區間人民權利義務關係及其他事務之處理，得以法律為特別之規定。

## 中華民國憲法第二次增修條文

中華民國八十一年五月二十八日總統華總(一)義字第二六五六號令公布增修條文第十一條至第十八條

為因應國家統一前之需要，依照憲法第二十七條第一項第三款及第一百七十四條第一款之規定，增修本憲法條文 如左：

- 第十一條 國民大會之職權，除依憲法第二十七條之規定外，並依增修條文第十三條第一項、第十四條第二項及第十五條第二項之規定，對總統提名之人員行使同意權。  
 前項同意權之行使，由總統召集國民大會臨時會為之，不受憲法第三十條之限制。  
 國民大會集會時，得聽取總統國情報告，並檢討國是，提供建言；如一年內未集會，由總統召集臨時會為之，不受憲法第三十條之限制。  
 國民大會代表自第三屆國民大會代表起，每四年改選一次，不適用憲法第二十八條第一項之規定。
- 第十二條 總統、副總統由中華民國自由地區全體人民選舉之，自中華民國八十五年第九任總統、副總統選舉實施。  
 前項選舉之方式，由總統於中華民國八十四年五月二十日前召集國民大會臨時會，以憲法增修條文定之。  
 總統、副總統之任期，自第九任總統、副總統起為四年，連選得連任一次，不適用憲法第四十七條之規定。  
 總統、副總統之罷免，依左列規定：  
 一、由國民大會代表提出之罷免案，經代表總額四分之一之提議，代表總額三分之二之同意，即為通過。

- 二、由監察院提出之彈劾案，國民大會為罷免之決議時，經代表總額三分之二之同意，即為通過。
- 副總統缺位時，由總統於三個月內提名候選人，召集國民大會臨時會補選，繼任至原任期屆滿為止。
- 總統、副總統均缺位時，由立法院院長於三個月內通告國民大會臨時會集會補選總統、副總統，繼任至原任期屆滿為止。
- 第十三條 司法院設院長、副院長各一人，大法官若干人，由總統提名，經國民大會同意任命之，不適用憲法第七十九條之有關規定。
- 司法院大法官，除依憲法第七十八條之規定外，並組成憲法法庭審理政黨違憲之解散事項。
- 第十四條 政黨之目的或其行為，危害中華民國之存在或自由民主之憲政秩序者為違憲。
- 考試院為國家最高考試機關，掌理左列事項，不適用憲法第八十三條之規定：
- 一、考試。
  - 二、公務人員之銓敘、保障、撫卹、退休。
  - 三、公務人員任免、考績、級俸、陞遷、褒獎之法制事項。
- 考試院設院長、副院長各一人，考試委員若干人，由總統提名，經國民大會同意任命之，不適用憲法第八十四條之規定。
- 憲法第八十五條有關按省區分別規定名額，分區舉行考試之規定，停止適用。
- 第十五條 監察院為國家最高監察機關，行使彈劾、糾舉及審計權，不適用憲法第九十條及第九十四條有關同意權之規定。
- 監察院設監察委員二十九人，並以其中一人為院長、一人為副院長，任期六年，由總統提名，經國民大會同意任命之。憲法第九十一條至第九十三條、增修條文第三條，及第四條、第五條第三項有關監察委員之規定，停止適用。
- 監察院對於中央、地方公務人員及司法院、考試院人員之彈劾案，須經監察委員二人以上之提議，九人以上之審查及決定，始得提出，不受憲法第九十八條之限制。
- 監察院對於監察院人員失職或違法之彈劾，適用憲法第九十五條、第九十七條第二項及前項之規定。
- 監察院對於總統、副總統之彈劾案，須經全體監察委員過半數之提議，全體監察委員三分之二以上之決議，向國民大會提出，不受憲法第一百條之限制。
- 監察委員須超出黨派以外，依據法律獨立行使職權。
- 憲法第一百零一條及第一百零二條之規定，停止適用。
- 第十六條 增修條文第十五條第二項之規定，自提名第二屆監察委員時施行。
- 第二屆監察委員於中華民國八十二年二月一日就職，增修條文第十五條第一項及第三項至第七項之規定，亦自同日施行。
- 增修條文第十三條第一項及第十四條第二項有關司法院、考試院人員任命之規定，自中華民國八十二年二月一日施行。中華民國八十二年一月三十一日前之提名，仍由監察院同意任命，但現任人員任期未滿前，無須重新提名任命。
- 第十七條 省、縣地方制度，應包含左列各款，以法律定之，不受憲法第一百零八條第一項第一款、第一百十二條至第一百五條及第一百二十二條之限制：
- 一、省設省議會，縣設縣議會，省議會議員、縣議會議員分別由省民、縣民選舉之。
  - 二、屬於省、縣之立法權，由省議會、縣議會分別行之。
  - 三、省設省政府，置省長一人，縣設縣政府，置縣長一人，省長、縣長分別由省民、縣民選舉之。
  - 四、省與縣之關係。
  - 五、省自治之監督機關為行政院，縣自治之監督機關為省政府。
- 第十八條 國家應獎勵科學技術發展及投資，促進產業升級，推動農漁業現代化，重視水資源之開發利用，加強國際經濟合作。
- 經濟及科學技術發展，應與環境及生態保護兼籌並顧。
- 國家應推行全民健康保險，並促進現代和傳統醫藥之研究發展。
- 國家應維護婦女之人格尊嚴，保障婦女之人身安全，消除性別歧視，促進兩性地位之實質平等。
- 國家對於殘障者之保險與就醫、教育訓練與就業輔導、生活維護與救濟，應予保障，並扶助其自立與發展。

國家對於自由地區山胞之地位及政治參與，應予保障；對其教育文化、社會福利及經濟事業，應予扶助並促其發展。對於金門、馬祖地區人民亦同。

國家對於僑居國外國民之政治參與，應予保障。

## 中華民國憲法第三次增修條文

中華民國八十三年八月一日總統華總(一)義字第四四八八號令公布修正增修條文第一條至第十八條為第一條至第十條

為因應國家統一前之需要，依照憲法第二十七條第一項第三款及第一百七十四條第一款之規定，增修本憲法條文如左：

- 第一條 國民大會代表依左列規定選出之，不受憲法第二十六條及第一百三十五條之限制：
- 一、自由地區每直轄市、縣市各二人，但其人口逾十萬人者，每增加十萬人增一人。
  - 二、自由地區平地原住民及山地原住民各三人。
  - 三、僑居國外國民二十人。
  - 四、全國不分區八十人。
- 前項第三款及第四款之名額，採政黨比例方式選出之。第一款每直轄市、縣市選出之名額及第三款、第四款各政黨當選之名額，在五人以上十人以下者，應有婦女當選名額一人，超過十人者，每滿十人應增婦女當選名額一人。
- 國民大會之職權如左，不適用憲法第二十七條第一項第一款、第二款之規定：
- 一、依增修條文第二條第七項之規定，補選副總統。
  - 二、依增修條文第二條第九項之規定，提出總統、副總統罷免案。
  - 三、依增修條文第二條第十項之規定，議決監察院提出之總統、副總統彈劾案。
  - 四、依憲法第二十七條第一項第三款及第一百七十四條第一款之規定，修改憲法。
  - 五、依憲法第二十七條第一項第四款及第一百七十四條第二款之規定，複決立法院所提之憲法修正案。
  - 六、依增修條文第四條第一項、第五條第二項、第六條第二項之規定，對總統提名任命之人員，行使同意權。
- 國民大會依前項第一款及第四款至第六款規定集會，或有國民大會代表五分之一以上請求召集會議時，由總統召集之；依前項第二款及第三款之規定集會時，由國民大會議長通告集會，國民大會設議長前，由立法院院長通告集會，不適用憲法第二十九條及三十條之規定。
- 國民大會集會時，得聽取總統國情報告，並檢討國是，提供建言；如一年內未集會，由總統召集會議為之，不受憲法第三十條之限制。
- 國民大會代表自第三屆國民大會代表起，每四年改選一次，不適用憲法第二十八條第一項之規定。
- 國民大會第二屆國民大會代表任期至中華民國八十五年五月十九日止，第三屆國民大會代表任期自中華民國八十五年五月二十日開始，不適用憲法第二十八條第二項之規定。
- 國民大會自第三屆國民大會起設議長、副議長各一人，由國民大會代表互選之。議長對外代表國民大會，並於開會時主持會議。
- 國民大會行使職權之程序，由國民大會定之，不適用憲法第三十四條之規定。
- 第二條 總統、副總統由中華民國自由地區全體人民直接選舉之，自中華民國八十五年第九任總統、副總統選舉實施。總統、副總統候選人應聯名登記，在選票上同列一組圈選，以得票最多之一組為當選。在國外之中華民國自由地區人民返國行使選舉權，以法律定之。
- 總統發布依憲法經國民大會或立法院同意任命人員之任免命令，無須行政院院長之副署，不適用憲法第三十七條之規定。
- 行政院院長之免職命令，須新提名之行政院院長經立法院同意後生效。
- 總統為避免國家或人民遭遇緊急危難或應付財政經濟上重大變故，得經行政院會議之決議發布緊急命令，為必要之處置，不受憲法第四十三條之限制。但須於發布命令後十日內提交立法院追認，如立法院不同意時，該緊急命令立即失效。
- 總統為決定國家安全有關大政方針，得設國家安全會議及所屬國家安全局，其組織以法律定之。

總統、副總統之任期，自第九任總統、副總統起為四年，連選得連任一次，不適用憲法第四十七條之規定。

副總統缺位時，由總統於三個月內提名候選人，召集國民大會補選，繼任至原任期屆滿為止。

總統、副總統均缺位時，由行政院院長代行其職權，並依本條第一項規定補選總統、副總統，繼任至原任期屆滿為止，不適用憲法第四十九條之有關規定。

總統、副總統之罷免案，須經國民大會代表總額四分之一之提議，三分之二之同意後提出，並經中華民國自由地區選舉人總額過半數之投票，有效票過半數同意罷免時，即為通過。

監察院向國民大會提出之總統、副總統彈劾案，經國民大會代表總額三分之二同意時，被彈劾人應即解職。

第三條 立法院立法委員依左列規定選出之，不受憲法第六十四條之限制：

一、自由地區每省、直轄市各二人，但其人口逾二十萬人者，每增加十萬人增一人；逾一百萬人者，每增加二十萬人增一人。

二、自由地區平地原住民及山地原住民各三人。

三、僑居國外國民六人。

四、全國不分區三十人。

前項第三款、第四款名額，採政黨比例方式選出之。第一款每省、直轄市選出之名額及第三款、第四款各政黨當選之名額，在五人以上十人以下者，應有婦女當選名額一人，超過十人者，每滿十人應增婦女當選名額一人。

第四條 司法院設院長、副院長各一人，大法官若干人，由總統提名，經國民大會同意任命之，不適用憲法第七十九條之有關規定。

司法院大法官，除依憲法第七十八條之規定外，並組成憲法法庭審理政黨違憲之解散事項。

政黨之目的或其行為，危害中華民國之存在或自由民主之憲政秩序者為違憲。

第五條 考試院為國家最高考試機關，掌理左列事項，不適用憲法第八十三條之規定：

一、考試。

二、公務人員之銓敘、保障、撫卹、退休。

三、公務人員任免、考績、級俸、陞遷、褒獎之法制事項。

考試院設院長、副院長各一人，考試委員若干人，由總統提名，經國民大會同意任命之，不適用憲法第八十四條之規定。

憲法第八十五條有關按省區分別規定名額，分區舉行考試之規定，停止適用。

第六條 監察院為國家最高監察機關，行使彈劾、糾舉及審計權，不適用憲法第九十條及第九十四條有關同意權之規定。

監察院設監察委員二十九人，並以其中一人為院長、一人為副院長，任期六年，由總統提名，經國民大會同意任命之。憲法第九十一條至第九十三條之規定停止適用。

監察院對於中央、地方公務人員及司法院、考試院人員之彈劾案，須經監察委員二人以上之提議，九人以上之審查及決定，始得提出，不受憲法第九十八條之限制。

監察院對於監察院人員失職或違法之彈劾，適用憲法第九十五條、第九十七條第二項及前項之規定。

監察院對於總統、副總統之彈劾案，須經全體監察委員過半數之提議，全體監察委員三分之二以上之決議，向國民大會提出，不受憲法第一百條之限制。

監察委員須超出黨派以外，依據法律獨立行使職權。

憲法第一百零一條及第一百零二條之規定，停止適用。

第七條 國民大會代表及立法委員之報酬或待遇，應以法律定之。除年度通案調整者外，單獨增加報酬或待遇之規定，應自次屆起實施。

第八條 省、縣地方制度，應包含左列各款，以法律定之，不受憲法第一百零八條第一項第一款、第一百十二條至第一百十五條及第一百二十二條之限制：

一、省設省議會，縣設縣議會，省議會議員、縣議會議員分別由省民、縣民選舉之。

二、屬於省、縣之立法權，由省議會、縣議會分別行之。

三、省設省政府，置省長一人，縣設縣政府，置縣長一人，省長、縣長分別由省民、縣民選舉之。

四、省與縣之關係。

五、省自治之監督機關為行政院，縣自治之監督機關為省政府。

- 第九條 國家應獎勵科學技術發展及投資，促進產業升級，推動農漁業現代化，重視水資源之開發利用，加強國際經濟合作。  
經濟及科學技術發展，應與環境及生態保護兼籌並顧。  
國家對於公營金融機構之管理，應本企業化經營之原則；其管理、人事、預算、決算及審計，得以法律為特別之規定。  
國家應推行全民健康保險，並促進現代和傳統醫藥之研究發展。  
國家應維護婦女之人格尊嚴，保障婦女之人身安全，消除性別歧視，促進兩性地位之實質平等。  
國家對於殘障者之保險與就醫、教育訓練與就業輔導、生活維護與救濟，應予保障，並扶助其自立與發展。  
國家對於自由地區原住民之地位及政治參與，應予保障；對其教育文化、社會福利及經濟事業，應予扶助並促其發展。對於金門、馬祖地區人民亦同。  
國家對於僑居國外國民之政治參與，應予保障。
- 第十條 自由地區與大陸地區間人民權利義務關係及其他事務之處理，得以法律為特別之規定。

### 中華民國憲法第四次增修條文

中華民國八十六年七月二十一日總統華總（一）義字第八六〇〇一六七〇二〇號令公布修正增修條文第一條至第十條為第一條至第十一條

為因應國家統一前之需要，依照憲法第二十七條第一項第三款及第一百七十四條第一款之規定，增修本憲法條文如左：

- 第一條 國民大會代表依左列規定選出之，不受憲法第二十六條及第一百三十五條之限制：  
一、自由地區每直轄市、縣市各二人，但其人口逾十萬人者，每增加十萬人增一人。  
二、自由地區平地原住民及山地原住民各三人。  
三、僑居國外國民二十人。  
四、全國不分區八十人。  
前項第一款每直轄市、縣市選出之名額，在五人以上十人以下者，應有婦女當選名額一人，超過十人者，每滿十人，應增婦女當選名額一人。第三款及第四款之名額，採政黨比例方式選出之，各政黨當選之名額，每滿四人，應有婦女當選名額一人。  
國民大會之職權如左，不適用憲法第二十七條第一項第一款、第二款之規定：  
一、依增修條文第二條第七項之規定，補選副總統。  
二、依增修條文第二條第九項之規定，提出總統、副總統罷免案。  
三、依增修條文第二條第十項之規定，議決立法院提出之總統、副總統彈劾案。  
四、依憲法第二十七條第一項第三款及第一百七十四條第一款之規定，修改憲法。  
五、依憲法第二十七條第一項第四款及第一百七十四條第二款之規定，複決立法院所提之憲法修正案。  
六、依增修條文第五條第一項、第六條第二項、第七條第二項之規定，對總統提名任命之人員，行使同意權。  
國民大會依前項第一款及第四款至第六款規定集會，或有國民大會代表五分之二以上請求召集會議時，由總統召集之；依前項第二款及第三款之規定集會時，由國民大會議長通告集會，不適用憲法第二十九條及第三十條之規定。  
國民大會集會時，得聽取總統國情報告，並檢討國是，提供建言；如一年內未集會，由總統召集會議為之，不受憲法第三十條之限制。  
國民大會代表每四年改選一次，不適用憲法第二十八條第一項之規定。  
國民大會設議長、副議長各一人，由國民大會代表互選之。議長對外代表國民大會，並於開會時主持會議。  
國民大會行使職權之程序，由國民大會定之，不適用憲法第三十四條之規定。
- 第二條 總統、副總統由中華民國自由地區全體人民直接選舉之，自中華民國八十五年第九任總統、副總統選舉實施。總統、副總統候選人應聯名登記，在選票上同列一組圈選，以得票最多之一組為當選。在國外之中華民國自由地區人民返國行使選舉權，以法律定之。

總統發布行政院院長與依憲法經國民大會或立法院同意任命人員之任免命令及解散立法院之命令，無須行政院院長之副署，不適用憲法第三十七條之規定。

總統為避免國家或人民遭遇緊急危難或應付財政經濟上重大變故，得經行政院會議之決議發布緊急命令，為必要之處置，不受憲法第四十三條之限制。但須於發布命令後十日內提交立法院追認，如立法院不同意時，該緊急命令立即失效。

總統為決定國家安全有關大政方針，得設國家安全會議及所屬國家安全局，其組織以法律定之。

總統於立法院通過對行政院院長之不信任案後十日內，經諮詢立法院院長後，得宣告解散立法院。但總統於戒嚴或緊急命令生效期間，不得解散立法院。立法院解散後，應於六十日內舉行立法委員選舉，並於選舉結果確認後十日內自行集會，其任期重新起算。

總統、副總統之任期為四年，連選得連任一次，不適用憲法第四十七條之規定。

副總統缺位時，由總統於三個月內提名候選人，召集國民大會補選，繼任至原任期屆滿為止。

總統、副總統均缺位時，由行政院院長代行其職權，並依本條第一項規定補選總統、副總統，繼任至原任期屆滿為止，不適用憲法第四十九條之有關規定。

總統、副總統之罷免案，須經國民大會代表總額四分之一之提議，三分之二之同意後提出，並經中華民國自由地區選舉人總額過半數之投票，有效票過半數同意罷免時，即為通過。

立法院向國民大會提出之總統、副總統彈劾案，經國民大會代表總額三分之二同意時，被彈劾人應即解職。

第三條 行政院院長由總統任命之。行政院院長辭職或缺時，在總統未任命行政院院長前，由行政院副院長暫行代理。憲法第五十五條之規定，停止適用。

行政院依左列規定，對立法院負責，憲法第五十七條之規定，停止適用：

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

二、行政院對於立法院決議之法律案、預算案、條約案，如認為有窒礙難行時，得經總統之核可，於該決議案送達行政院十日內，移請立法院覆議。立法院對於行政院移請覆議案，應於送達十五日內作成決議。如為休會期間，立法院應於七日內自行集會，並於開議十五日內作成決議。覆議案逾期未議決者，原決議失效。覆議時，如經全體立法委員二分之一以上決議維持原案，行政院院長應即接受該決議。

三、立法院得經全體立法委員三分之一以上連署，對行政院院長提出不信任案。不信任案提出七十二小時後，應於四十八小時內以記名投票表決之。如經全體立法委員二分之一以上贊成，行政院院長應於十日內提出辭職，並得同時呈請總統解散立法院；不信任案如未獲通過，一年內不得對同一行政院院長再提不信任案。

國家機關之職權、設立程序及總員額，得以法律為準則性之規定。

各機關之組織、編制及員額，應依前項法律，基於政策或業務需要決定之。

第四條 立法院立法委員自第四屆起二百二十五人，依左列規定選出之，不受憲法第六十四條之限制：

一、自由地區直轄市、縣市一百六十八人。每縣市至少一人。

二、自由地區平地原住民及山地原住民各四人。

三、僑居國外國民八人。

四、全國不分區四十一人。

前項第三款、第四款名額，採政黨比例方式選出之。第一款每直轄市、縣市選出之名額及第三款、第四款各政黨當選之名額，在五人以上十人以下者，應有婦女當選名額一人，超過十人者，每滿十人應增婦女當選名額一人。

立法院經總統解散後，在新選出之立法委員就職前，視同休會。

總統於立法院解散後發布緊急命令，立法院應於三日內自行集會，並於開議七日內追認之。但於新任立法委員選舉投票日後發布者，應由新任立法委員於就職後追認之。如立法院不同意時，該緊急命令立即失效。

立法院對於總統、副總統犯內亂或外患罪之彈劾案，須經全體立法委員二分之一以上之提議，全體立法委員三分之二以上之決議，向國民大會提出，不適用憲法第九十條、第一百條及增修條文第七條第一項有關規定。

立法委員除現行犯外，在會期中，非經立法院許可，不得逮捕或拘禁。憲法第七十四條之規定，停止適用。

- 第五條 司法院設大法官十五人，並以其中一人為院長、一人為副院長，由總統提名，經國民大會同意任命之，自中華民國九十二年起實施，不適用憲法第七十九條之有關規定。  
司法院大法官任期八年，不分屆次，個別計算，並不得連任。但並為院長、副院長之大法官，不受任期之保障。  
中華民國九十二年總統提名之大法官，其中八位大法官，含院長、副院長，任期四年，其餘大法官任期為八年，不適用前項任期之規定。  
司法院大法官，除依憲法第七十八條之規定外，並組成憲法法庭審理政黨違憲之解散事項。  
政黨之目的或其行為，危害中華民國之存在或自由民主之憲政秩序者為違憲。  
司法院所提出之年度司法概算，行政院不得刪減，但得加註意見，編入中央政府總預算案，送立法院審議。
- 第六條 考試院為國家最高考試機關，掌理左列事項，不適用憲法第八十三條之規定：  
一、考試。  
二、公務人員之銓敘、保障、撫卹、退休。  
三、公務人員任免、考績、級俸、陞遷、褒獎之法制事項。  
考試院設院長、副院長各一人，考試委員若干人，由總統提名，經國民大會同意任命之，不適用憲法第八十四條之規定。  
憲法第八十五條有關按省區分別規定名額，分區舉行考試之規定，停止適用。
- 第七條 監察院為國家最高監察機關，行使彈劾、糾舉及審計權，不適用憲法第九十條及第九十四條有關同意權之規定。  
監察院設監察委員二十九人，並以其中一人為院長、一人為副院長，任期六年，由總統提名，經國民大會同意任命之。憲法第九十一條至第九十三條之規定停止適用。  
監察院對於中央、地方公務人員及司法院、考試院人員之彈劾案，須經監察委員二人以上之提議，九人以上之審查及決定，始得提出，不受憲法第九十八條之限制。  
監察院對於監察院人員失職或違法之彈劾，適用憲法第九十五條、第九十七條第二項及前項之規定。  
監察委員須超出黨派以外，依據法律獨立行使職權。  
憲法第一百零一條及第一百零二條之規定，停止適用。
- 第八條 國民大會代表及立法委員之報酬或待遇，應以法律定之。除年度通案調整者外，單獨增加報酬或待遇之規定，應自次屆起實施。
- 第九條 省、縣地方制度，應包括左列各款，以法律定之，不受憲法第一百零八條第一項第一款、第一百零九條、第一百十二條至第一百五條及第一百二十二條之限制：  
一、省設省政府，置委員九人，其中一人為主席，均由行政院院長提請總統任命之。  
二、省設省諮議會，置省諮議會議員若干人，由行政院院長提請總統任命之。  
三、縣設縣議會，縣議會議員由縣民選舉之。  
四、屬於縣之立法權，由縣議會行之。  
五、縣設縣政府，置縣長一人，由縣民選舉之。  
六、中央與省、縣之關係。  
七、省承行政院之命，監督縣自治事項。  
第十屆台灣省議會議員及第一屆台灣省省長之任期至中華民國八十七年十二月二十日止，台灣省議會議員及台灣省省長之選舉自第十屆台灣省議會議員及第一屆台灣省省長任期之屆滿日起停止辦理。  
台灣省議會議員及台灣省省長之選舉停止辦理後，台灣省政府之功能、業務與組織之調整，得以法律為特別之規定。
- 第十條 國家應獎勵科學技術發展及投資，促進產業升級，推動農漁業現代化，重視水資源之開發利用，加強國際經濟合作。  
經濟及科學技術發展，應與環境及生態保護兼籌並顧。  
國家對於人民興辦之中小型經濟事業，應扶助並保護其生存與發展。  
國家對於公營金融機構之管理，應本企業化經營之原則；其管理、人事、預算、決算及審計，得以法律為特別之規定。  
國家應推行全民健康保險，並促進現代和傳統醫藥之研究發展。  
國家應維護婦女之人格尊嚴，保障婦女之人身安全，消除性別歧視，促進兩性地位之實質平等。

國家對於身心障礙者之保險與就醫、無障礙環境之建構、教育訓練與就業輔導及生活維護與救助，應予保障，並扶助其自立與發展。

教育、科學、文化之經費，尤其國民教育之經費應優先編列，不受憲法第一百六十四條規定之限制。

國家肯定多元文化，並積極維護發展原住民族語言及文化。

國家應依民族意願，保障原住民族之地位及政治參與，並對其教育文化、交通水利、衛生醫療、經濟土地及社會福利事業予以保障扶助並促其發展，其辦法另以法律定之。對於金門、馬祖地區人民亦同。

國家對於僑居國外國民之政治參與，應予保障。

第十一條 自由地區與大陸地區間人民權利義務關係及其他事務之處理，得以法律為特別之規定。

第一條 國民大會代表第四屆為三百人，依左列規定以比例代表方式選出之。並以立法委員選舉，各政黨所推薦及獨立參選之候選人得票數之比例分配當選名額，不受憲法第二十六條及第一百三十五條之限制。比例代表之選舉方法以法律定之。

一、自由地區直轄市、縣市一百九十四人，每縣市至少當選一人。

二、自由地區原住民六人。

三、僑居國外國民十八人。

四、全國不分區八十二人。

國民大會代表自第五屆起為一百五十人，依左列規定以比例代表方式選出之。並以立法委員選舉，各政黨所推薦及獨立參選之候選人得票數之比例分配當選名額，不受憲法第二十六條及第一百三十五條之限制。比例代表之選舉方法以法律定之。

一、自由地區直轄市、縣市一百人，每縣市至少當選一人。

二、自由地區原住民四人。

三、僑居國外國民六人。

四、全國不分區四十人。

國民大會代表之任期為四年，但於任期中遇立法委員改選時同時改選，連選得連任。

第三屆國民大會代表任期至第四屆立法委員任期屆滿之日止，不適用憲法第二十八條第一項之規定。

第一項及第二項之第一款各政黨當選之名額，在五人以上十人以下者，應有婦女當選名額一人。第三款及第四款各政黨當選之名額，每滿四人，應有婦女當選名額一人。

國民大會之職權如左，不適用憲法第二十七條第一項第一款、第二款之規定：

一、依增修條文第二條第七項之規定，補選副總統。

二、依增修條文第二條第九項之規定，提出總統、副總統罷免案。

三、依增修條文第二條第十項之規定，議決立法院提出之總統、副總統彈劾案。

四、依憲法第二十七條第一項第三款及第一百七十四條第一款之規定，修改憲法。

五、依憲法第二十七條第一項第四款及第一百七十四條第二款之規定，複決立法院所提之憲法修正案。

六、依增修條文第五條第一項、第六條第二項、第七條第二項之規定，對總統提名任命之人員，行使同意權。

國民大會依前項第一款及第四款至第六款規定集會，或有國民大會代表五分之一以上請求召集會議時，由總統召集之；依前項第二款及第三款之規定集會時，由國民大會議長通告集會，不適用憲法第二十九條及第三十條之規定。

國民大會集會時，得聽取總統國情報告，並檢討國是，提供建言；如一年內未集會，由總統召集會議為之，不受憲法第三十條之限制。

國民大會設議長、副議長各一人，由國民大會代表互選之。議長對外代表國民大會，並於開會時主持會議。

國民大會行使職權之程序，由國民大會定之，不適用憲法第三十四條之規定。

第四條 立法院立法委員自第四屆起二百二十五人，依左列規定選出之，不受憲法第六十四條之限制：

一、自由地區直轄市、縣市一百六十八人。每縣市至少一人。

二、自由地區平地原住民及山地原住民各四人。

三、僑居國外國民八人。

四、全國不分區四十一人。

前項第三款、第四款名額，採政黨比例方式選出之。第一款每直轄市、縣市選出之名額及第三款、第四款各政黨當選之名額，在五人以上十人以下者，應有婦女當選名額一人，超過十人者，每滿十人應增婦女當選名額一人。

第四屆立法委員任期至中華民國九十一年六月三十日止。第五屆立法委員任期自中華民國九十一年七月一日起為四年，連選得連任，其選舉應於每屆任滿前或解散後六十日內完成之，不適用憲法第六十五條之規定。

立法院經總統解散後，在新選出之立法委員就職前，視同休會。

總統於立法院解散後發布緊急命令，立法院應於三日內自行集會，並於開議七日內追認之。但於新任立法委員選舉投票日後發布者，應由新任立法委員於就職後追認之。如立法院不同意時，該緊急命令立即失效。

立法院對於總統、副總統犯內亂或外患罪之彈劾案，須經全體立法委員二分之一以上之提議，全體立法委員三分之二以上之決議，向國民大會提出，不適用憲法第九十條、第一百條及增修條文第七條第一項有關規定。

立法委員除現行犯外，在會期中，非經立法院許可，不得逮捕或拘禁。憲法第七十四條之規定，停止適用。

第九條 省、縣地方制度，應包括左列各款，以法律定之，不受憲法第一百零八條第一項第一款、第一百零九條、第一百十二條至第一百五條及第一百二十二條之限制：

- 一、省設省政府，置委員九人，其中一人為主席，均由行政院院長提請總統任命之。
- 二、省設省諮議會，置省諮議會議員若干人，由行政院院長提請總統任命之。
- 三、縣設縣議會，縣議會議員由縣民選舉之。
- 四、屬於縣之立法權，由縣議會行之。
- 五、縣設縣政府，置縣長一人，由縣民選舉之。
- 六、中央與省、縣之關係。
- 七、省承行政院之命，監督縣自治事項。

台灣省政府之功能、業務與組織之調整，得以法律為特別之規定。

第十條 國家應獎勵科學技術發展及投資，促進產業升級，推動農漁業現代化，重視水資源之開發利用，加強國際經濟合作。

經濟及科學技術發展，應與環境及生態保護兼籌並顧。

國家對於人民興辦之中小型經濟事業，應扶助並保護其生存與發展。

國家對於公營金融機構之管理，應本企業化經營之原則；其管理、人事、預算、決算及審計，得以法律為特別之規定。

國家應推行全民健康保險，並促進現代和傳統醫藥之研究發展。

國家應維護婦女之人格尊嚴，保障婦女之人身安全，消除性別歧視，促進兩性地位之實質平等。

國家對於身心障礙者之保險與就醫、無障礙環境之建構、教育訓練與就業輔導及生活維護與救助，應予保障，並扶助其自立與發展。

國家應重視社會救助、福利服務、國民就業、社會保險及醫療保健等社會福利工作；對於社會救助和國民就業等救濟性支出應優先編列。

國家應尊重軍人對社會之貢獻，並對其退役後之就學、就業、就醫、就養予以保障。

教育、科學、文化之經費，尤其國民教育之經費應優先編列，不受憲法第一百六十四條規定之限制。

國家肯定多元文化，並積極維護發展原住民族語言及文化。

國家應依民族意願，保障原住民族之地位及政治參與，並對其教育文化、交通水利、衛生醫療、經濟土地及社會福利事業予以保障扶助並促其發展，其辦法另以法律定之。對於澎湖、金門、馬祖地區人民亦同。

國家對於僑居國外國民之政治參與，應予保障。

## 中華民國憲法第五次增修條文

中華民國八十八年九月十五日總統華總一義字第八八〇〇二一三三九〇號令公布修正增修條文第一條、第四條、第九條及第十條

第一條 國民大會代表第四屆為三百人，依左列規定以比例代表方式選出之。並以立法委員選舉，各政黨所推薦及獨立參選之候選人得票數之比例分配當選名額，不受憲法第二十六條及第一百三十五條之限制。比例代表之選舉方法以法律定之。

- 一、自由地區直轄市、縣市一百九十四人，每縣市至少當選一人。
- 二、自由地區原住民六人。
- 三、僑居國外國民十八人。
- 四、全國不分區八十二人。

國民大會代表自第五屆起為一百五十人，依左列規定以比例代表方式選出之。並以立法委員選舉，各政黨所推薦及獨立參選之候選人得票數之比例分配當選名額，不受憲法第二十六條及第一百三十五條之限制。比例代表之選舉方法以法律定之。

- 一、自由地區直轄市、縣市一百人，每縣市至少當選一人。
- 二、自由地區原住民四人。
- 三、僑居國外國民六人。
- 四、全國不分區四十人。

國民大會代表之任期為四年，但於任期中遇立法委員改選時同時改選，連選得連任。

第三屆國民大會代表任期至第四屆立法委員任期屆滿之日止，不適用憲法第二十八條第一項之規定。

第一項及第二項之第一款各政黨當選之名額，在五人以上十人以下者，應有婦女當選名額一人。第三款及第四款各政黨當選之名額，每滿四人，應有婦女當選名額一人。

國民大會之職權如左，不適用憲法第二十七條第一項第一款、第二款之規定：

- 一、依增修條文第二條第七項之規定，補選副總統。
- 二、依增修條文第二條第九項之規定，提出總統、副總統罷免案。
- 三、依增修條文第二條第十項之規定，議決立法院提出之總統、副總統彈劾案。
- 四、依憲法第二十七條第一項第三款及第一百七十四條第一款之規定，修改憲法。
- 五、依憲法第二十七條第一項第四款及第一百七十四條第二款之規定，複決立法院所提之憲法修正案。

六、依增修條文第五條第一項、第六條第二項、第七條第二項之規定，對總統提名任命之人員，行使同意權。

國民大會依前項第一款及第四款至第六款規定集會，或有國民大會代表五分之一以上請求召集會議時，由總統召集之；依前項第二款及第三款之規定集會時，由國民大會議長通告集會，不適用憲法第二十九條及第三十條之規定。

國民大會集會時，得聽取總統國情報告，並檢討國是，提供建言；如一年內未集會，由總統召集會議為之，不受憲法第三十條之限制。

國民大會設議長、副議長各一人，由國民大會代表互選之。議長對外代表國民大會，並於開會時主持會議。

國民大會行使職權之程序，由國民大會定之，不適用憲法第三十四條之規定。

第四條 立法院立法委員自第四屆起二百二十五人，依左列規定選出之，不受憲法第六十四條之限制：

- 一、自由地區直轄市、縣市一百六十八人。每縣市至少一人。
- 二、自由地區平地原住民及山地原住民各四人。
- 三、僑居國外國民八人。
- 四、全國不分區四十一人。

前項第三款、第四款名額，採政黨比例方式選出之。第一款每直轄市、縣市選出之名額及第三款、第四款各政黨當選之名額，在五人以上十人以下者，應有婦女當選名額一人，超過十人者，每滿十人應增婦女當選名額一人。

第四屆立法委員任期至中華民國九十一年六月三十日止。第五屆立法委員任期自中華民國九十一年七月一日起為四年，連選得連任，其選舉應於每屆任滿前或解散後六十日內完成之，不適用憲法第六十五條之規定。

立法院經總統解散後，在新選出之立法委員就職前，視同休會。

總統於立法院解散後發布緊急命令，立法院應於三日內自行集會，並於開議七日內追認之。但於新任立法委員選舉投票日後發布者，應由新任立法委員於就職後追認之。如立法院不同意時，該緊急命令立即失效。

立法院對於總統、副總統犯內亂或外患罪之彈劾案，須經全體立法委員二分之一以上之提議，全體立法委員三分之二以上之決議，向國民大會提出，不適用憲法第九十條、第一百

條及增修條文第七條第一項有關規定。

立法委員除現行犯外，在會期中，非經立法院許可，不得逮捕或拘禁。憲法第七十四條之規定，停止適用。

第九條 省、縣地方制度，應包括左列各款，以法律定之，不受憲法第一百零八條第一項第一款、第一百零九條、第一百十二條至第一百五條及第一百二十二條之限制：

- 一、省設省政府，置委員九人，其中一人為主席，均由行政院院長提請總統任命之。
- 二、省設省諮議會，置省諮議會議員若干人，由行政院院長提請總統任命之。
- 三、縣設縣議會，縣議會議員由縣民選舉之。
- 四、屬於縣之立法權，由縣議會行之。
- 五、縣設縣政府，置縣長一人，由縣民選舉之。
- 六、中央與省、縣之關係。
- 七、省承行政院之命，監督縣自治事項。

台灣省政府之功能、業務與組織之調整，得以法律為特別之規定。

第十條 國家應獎勵科學技術發展及投資，促進產業升級，推動農漁業現代化，重視水資源之開發利用，加強國際經濟合作。

經濟及科學技術發展，應與環境及生態保護兼籌並顧。

國家對於人民興辦之中小型經濟事業，應扶助並保護其生存與發展。

國家對於公營金融機構之管理，應本企業化經營之原則；其管理、人事、預算、決算及審計，得以法律為特別之規定。

國家應推行全民健康保險，並促進現代和傳統醫藥之研究發展。

國家應維護婦女之人格尊嚴，保障婦女之人身安全，消除性別歧視，促進兩性地位之實質平等。

國家對於身心障礙者之保險與就醫、無障礙環境之建構、教育訓練與就業輔導及生活維護與救助，應予保障，並扶助其自立與發展。

國家應重視社會救助、福利服務、國民就業、社會保險及醫療保健等社會福利工作；對於社會救助和國民就業等救濟性支出應優先編列。

國家應尊重軍人對社會之貢獻，並對其退役後之就學、就業、就醫、就養予以保障。

教育、科學、文化之經費，尤其國民教育之經費應優先編列，不受憲法第一百六十四條規定之限制。

國家肯定多元文化，並積極維護發展原住民族語言及文化。

國家應依民族意願，保障原住民族之地位及政治參與，並對其教育文化、交通水利、衛生醫療、經濟土地及社會福利事業予以保障扶助並促其發展，其辦法另以法律定之。對於澎湖、金門、馬祖地區人民亦同。

國家對於僑居國外國民之政治參與，應予保障。

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## 中華民國憲法第六次增修條文

中華民國八十九年四月二十五日華總一義字第八九〇〇一〇八三五〇號令公布第三屆國民大會第五次會議通過修正中華民國憲法增修條文

為因應國家統一前之需要，依照憲法第二十七條第一項第三款及第一百七十四條第一款之規定，增修本憲法條文如左：

第一條 國民大會代表三百人，於立法院提出憲法修正案、領土變更案，經公告半年，或提出總統、副總統彈劾案時，應於三個月內採比例代表制選出之，不受憲法第二十六條、第二十八條及第一百三十五條之限制。比例代表制之選舉方式以法律定之。

國民大會之職權如左，不適用憲法第四條、第二十七條第一項第一款至第三款及第二項、第一百七十四條第一款之規定：

一、依憲法第二十七條第一項第四款及第一百七十四條第二款之規定，複決立法院所提之憲法修正案。

二、依增修條文第四條第五項之規定，複決立法院所提之領土變更案。

三、依增修條文第二條第十項之規定，議決立法院提出之總統、副總統彈劾案。國民大會代表於選舉結果確認後十日內自行集會，國民大會集會以一個月為限，不適用憲法第二十九條及第三十條之規定。

國民大會代表任期與集會期間相同，憲法第二十八條之規定停止適用。第三屆國民大會代表任期至中華民國八十九年五月十九日止。國民大會職權調整後，國民大會組織法應於二年內配合修正。

第二條

總統、副總統由中華民國自由地區全體人民直接選舉之，自中華民國八十五年第九任總統、副總統選舉實施。總統、副總統候選人應聯名登記，在選票上同列一組圈選，以得票最多之一組為當選。在國外之中華民國自由地區人民返國行使選舉權，以法律定之。

總統發布行政院院長與依憲法經立法院同意任命人員之任免命令及解散立法院之命令，無須行政院院長之副署，不適用憲法第三十七條之規定。

總統為避免國家或人民遭遇緊急危難或應付財政經濟上重大變故，得經行政院會議之決議發布緊急命令，為必要之處置，不受憲法第四十三條之限制。但須於發布命令後十日內提交立法院追認，如立法院不同意時，該緊急命令立即失效。

總統為決定國家安全有關大政方針，得設國家安全會議及所屬國家安全局，其組織以法律定之。

總統於立法院通過對行政院院長之不信任案後十日內，經諮詢立法院院長後，得宣告解散立法院。但總統於戒嚴或緊急命令生效期間，不得解散立法院。立法院解散後，應於六十日內舉行立法委員選舉，並於選舉結果確認後十日內自行集會，其任期重新起算。

總統、副總統之任期為四年，連選得連任一次，不適用憲法第四十七條之規定。

副總統缺位時，總統應於三個月內提名候選人，由立法院補選，繼任至原任期屆滿為止。

總統、副總統均缺位時，由行政院院長代行其職權，並依本條第一項規定補選總統、副總統，繼任至原任期屆滿為止，不適用憲法第四十九條之有關規定。

總統、副總統之罷免案，須經全體立法委員四分之一之提議，全體立法委員三分之二之同意後提出，並經中華民國自由地區選舉人總額過半數之投票，有效票過半數同意罷免時，即為通過。

立法院向國民大會提出之總統、副總統彈劾案，經國民大會代表總額三分之二同意時，被彈劾人應即解職。

第三條

行政院院長由總統任命之。行政院院長辭職或缺時，在總統未任命行政院院長前，由行政院副院長暫行代理。憲法第五十五條之規定，停止適用。

行政院依左列規定，對立法院負責，憲法第五十七條之規定，停止適用：

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

二、行政院對於立法院決議之法律案、預算案、條約案，如認為有窒礙難行時，得經總統之核可，於該決議案送達行政院十日內，移請立法院覆議。立法院對於行政院移請覆議案，應於送達十五日內作成決議。如為休會期間，立法院應於七日內自行集會，並於開議十五日內作成決議。覆議案逾期未議決者，原決議失效。覆議時，如經全體立法委員二分之一以上決議維持原案，行政院院長應即接受該決議。

三、立法院得經全體立法委員三分之一以上連署，對行政院院長提出不信任案。不信任案提出七十二小時後，應於四十八小時內以記名投票表決之。如經全體立法委員二分之一以上贊成，行政院院長應於十日內提出辭職，並得同時呈請總統解散立法院；不信任案如未獲通過，一年內不得對同一行政院院長再提不信任案。

國家機關之職權、設立程序及總員額，得以法律為準則性之規定。

各機關之組織、編制及員額，應依前項法律，基於政策或業務需要決定之。

第四條

立法院立法委員自第四屆起二百二十五人，依左列規定選出之，不受憲法第六十四條之限制：

一、自由地區直轄市、縣市一百六十八人。每縣市至少一人。

二、自由地區平地原住民及山地原住民各四人。

三、僑居國外國民八人。

四、全國不分區四十一人。

前項第三款、第四款名額，採政黨比例方式選出之。第一款每直轄市、縣市選出之名額及第三款、第四款各政黨當選之名額，在五人以上十人以下者，應有婦女當選名額一人，超過十人者，每滿十人應增婦女當選名額一人。

立法院於每年集會時，得聽取總統國情報告。

立法院經總統解散後，在新選出之立法委員就職前，視同休會。

中華民國領土，依其固有之疆域，非經全體立法委員四分之一之提議，全體立法委員四分之三之出席，及出席委員四分之三之決議，並提經國民大會代表總額三分之二之出席，出席代表四分之三之複決同意，不得變更之。

總統於立法院解散後發布緊急命令，立法院應於三日內自行集會，並於開議七日內追認之。但於新任立法委員選舉投票日後發布者，應由新任立法委員於就職後追認之。如立法院不同意時，該緊急命令立即失效。

立法院對於總統、副總統之彈劾案，須經全體立法委員二分之一以上之提議，全體立法委員三分之二以上之決議，向國民大會提出，不適用憲法第九十條、第一百條及增修條文第七條第一項有關規定。

立法委員除現行犯外，在會期中，非經立法院許可，不得逮捕或拘禁。憲法第七十四條之規定，停止適用。

第五條 司法院設大法官十五人，並以其中一人為院長、一人為副院長，由總統提名，經立法院同意任命之，自中華民國九十二年實施，不適用憲法第七十九條之規定。司法院大法官除法官轉任者外，不適用憲法第八十一條及有關法官終身職待遇之規定。

司法院大法官任期八年，不分屆次，個別計算，並不得連任。但並為院長、副院長之大法官，不受任期之保障。

中華民國九十二年總統提名之大法官，其中八位大法官，含院長、副院長，任期四年，其餘大法官任期為八年，不適用前項任期之規定。

司法院大法官，除依憲法第七十八條之規定外，並組成憲法法庭審理政黨違憲之解散事項。政黨之目的或其行為，危害中華民國之存在或自由民主之憲政秩序者為違憲。

司法院所提出之年度司法概算，行政院不得刪減，但得加註意見，編入中央政府總預算案，送立法院審議。

第六條 考試院為國家最高考試機關，掌理左列事項，不適用憲法第八十三條之規定：

一、考試。

二、公務人員之銓敘、保障、撫卹、退休。

三、公務人員任免、考績、級俸、陞遷、褒獎之法制事項。

考試院設院長、副院長各一人，考試委員若干人，由總統提名，經立法院同意任命之，不適用憲法第八十四條之規定。

憲法第八十五條有關按省區分別規定名額，分區舉行考試之規定，停止適用。

第七條 監察院為國家最高監察機關，行使彈劾、糾舉及審計權，不適用憲法第九十條及第九十四條有關同意權之規定。

監察院設監察委員二十九人，並以其中一人為院長、一人為副院長，任期六年，由總統提名，經立法院同意任命之。憲法第九十一條至第九十三條之規定停止適用。

監察院對於中央、地方公務人員及司法院、考試院人員之彈劾案，須經監察委員二人以上之提議，九人以上之審查及決定，始得提出，不受憲法第九十八條之限制。

監察院對於監察院人員失職或違法之彈劾，適用憲法第九十五條、第九十七條第二項及前項之規定。

監察委員須超出黨派以外，依據法律獨立行使職權。

憲法第一百零一條及第一百零二條之規定，停止適用。

第八條 立法委員之報酬或待遇，應以法律定之。除年度通案調整者外，單獨增加報酬或待遇之規定，應自次屆起實施。國民大會代表集會期間之費用，以法律定之。

第九條 省、縣地方制度，應包括左列各款，以法律定之，不受憲法第一百零八條第一項第一款、第一百零九條、第一百十二條至第一百五條及第一百二十二條之限制：

一、省設省政府，置委員九人，其中一人為主席，均由行政院院長提請總統任命之。

二、省設省諮議會，置省諮議會議員若干人，由行政院院長提請總統任命之。

三、縣設縣議會，縣議會議員由縣民選舉之。

四、屬於縣之立法權，由縣議會行之。

五、縣設縣政府，置縣長一人，由縣民選舉之。

六、中央與省、縣之關係。

七、省承行政院之命，監督縣自治事項。台灣省政府之功能、業務與組織之調整，得以法律為特別之規定。

- 第十條 國家應獎勵科學技術發展及投資，促進產業升級，推動農漁業現代化，重視水資源之開發利用，加強國際經濟合作。  
經濟及科學技術發展，應與環境及生態保護兼籌並顧。  
國家對於人民興辦之中小型經濟事業，應扶助並保護其生存與發展。  
國家對於公營金融機構之管理，應本企業化經營之原則；其管理、人事、預算、決算及審計，得以法律為特別之規定。  
國家應推行全民健康保險，並促進現代和傳統醫藥之研究發展。  
國家應維護婦女之人格尊嚴，保障婦女之人身安全，消除性別歧視，促進兩性地位之實質平等。  
國家對於身心障礙者之保險與就醫、無障礙環境之建構、教育訓練與就業輔導及生活維護與救助，應予保障，並扶助其自立與發展。  
國家應重視社會救助、福利服務、國民就業、社會保險及醫療保健等社會福利工作，對於社會救助和國民就業等救濟性支出應優先編列。  
國家應尊重軍人對社會之貢獻，並對其退役後之就學、就業、就醫、就養予以保障。教育、科學、文化之經費，尤其國民教育之經費應優先編列，不受憲法第一百六十四條規定之限制。  
國家肯定多元文化，並積極維護發展原住民族語言及文化。  
國家應依民族意願，保障原住民族之地位及政治參與，並對其教育文化、交通水利、衛生醫療、經濟土地及社會福利事業予以保障扶助並促其發展，其辦法另以法律定之。對於澎湖、金門及馬祖地區人民亦同。  
國家對於僑居國外國民之政治參與，應予保障。
- 第十一條 自由地區與大陸地區間人民權利義務關係及其他事務之處理，得以法律為特別之規定。

## 中華民國憲法第七次增修條文

中華民國九十四年六月十日華總一義字第〇九四〇〇〇八七五五一號令公布任務型國民大會複決會議通過立法院所提中華民國憲法增修條文修正案（第七次）

- 第一條 中華民國自由地區選舉人於立法院提出憲法修正案、領土變更案，經公告半年，應於三個月內投票複決，不適用憲法第四條、第一百七十四條之規定。憲法第二十五條至第三十四條及第一百三十五條之規定，停止適用。
- 第二條 總統、副總統由中華民國自由地區全體人民直接選舉之，自中華民國八十五年第九任總統、副總統選舉實施。總統、副總統候選人應聯名登記，在選票上同列一組圈選，以得票最多之一組為當選。在國外之中華民國自由地區人民返國行使選舉權，以法律定之。總統發布行政院院長與依憲法經立法院同意任命人員之任免命令及解散立法院之命令，無須行政院院長之副署，不適用憲法第三十七條之規定。  
總統為避免國家或人民遭遇緊急危難或應付財政經濟上重大變故，得經行政院會議之決議發布緊急命令，為必要之處置，不受憲法第四十三條之限制。但須於發布命令後十日內提交立法院追認，如立法院不同意時，該緊急命令立即失效。  
總統為決定國家安全有關大政方針，得設國家安全會議及所屬國家安全局，其組織以法律定之。  
總統於立法院通過對行政院院長之不信任案後十日內，經諮詢立法院院長後，得宣告解散立法院。但總統於戒嚴或緊急命令生效期間，不得解散立法院。立法院解散後，應於六十日內舉行立法委員選舉，並於選舉結果確認後十日內自行集會，其任期重新起算。總統、副總統之任期為四年，連選得連任一次，不適用憲法第四十七條之規定。  
副總統缺位時，總統應於三個月內提名候選人，由立法院補選，繼任至原任期屆滿為止。  
總統、副總統均缺位時，由行政院院長代行其職權，並依本條第一項規定補選總統、副總統，繼任至原任期屆滿為止，不適用憲法第四十九條之有關規定。  
總統、副總統之罷免案，須經全體立法委員四分之一之提議，全體立法委員三分之二之同意後提出，並經中華民國自由地區選舉人總額過半數之投票，有效票過半數同意罷免時，即為通過。立法院提出總統、副總統彈劾案，聲請司法院大法官審理，經憲法法庭判決成立時，被彈劾人應即解職。

- 第四條 立法院立法委員自第七屆起一百一十三人，任期四年，連選得連任，於每屆任滿前三個月內，依左列規定選出之，不受憲法第六十四條及第六十五條之限制：
- 1.自由地區直轄市、縣市七十三人。每縣市至少一人。
  - 2.自由地區平地原住民及山地原住民各三人。
  - 3.全國不分區及僑居國外國民共三十四人。
- 前項第一款依各直轄市、縣市人口比例分配，並按應選名額劃分同額選舉區選出之。第三款依政黨名單投票選舉之，由獲得百分之五以上政黨選舉票之政黨依得票比率選出之，各政黨當選名單中，婦女不得低於二分之一。
- 立法院於每年集會時，得聽取總統國情報告。
- 立法院經總統解散後，在新選出之立法委員就職前，視同休會。
- 中華民國領土，依其固有疆域，非經全體立法委員四分之一之提議，全體立法委員四分之三之出席，及出席委員四分之三之決議，提出領土變更案，並於公告半年後，經中華民國自由地區選舉人投票複決，有效同意票過選舉人總額之半數，不得變更之。
- 總統於立法院解散後發布緊急命令，立法院應於三日內自行集會，並於開議七日內追認之。但於新任立法委員選舉投票日後發布者，應由新任立法委員於就職後追認之。如立法院不同意時，該緊急命令立即失效。
- 立法院對於總統、副總統之彈劾案，須經全體立法委員二分之一以上之提議，全體立法委員三分之二以上之決議，聲請司法院大法官審理，不適用憲法第九十條、第一百條及增修條文第七條第一項有關規定。
- 立法委員除現行犯外，在會期中，非經立法院許可，不得逮捕或拘禁。憲法第七十四條之規定，停止適用。
- 第五條 司法院設大法官十五人，並以其中一人為院長、一人為副院長，由總統提名，經立法院同意任命之，自中華民國九十二年起實施，不適用憲法第七十九條之規定。司法院大法官除法官轉任者外，不適用憲法第八十一條及有關法官終身職待遇之規定。
- 司法院大法官任期八年，不分屆次，個別計算，並不得連任。但並為院長、副院長之大法官，不受任期之保障。
- 中華民國九十二年總統提名之大法官，其中八位大法官，含院長、副院長，任期四年，其餘大法官任期為八年，不適用前項任期之規定。
- 司法院大法官，除依憲法第七十八條之規定外，並組成憲法法庭審理總統、副總統之彈劾及政黨違憲之解散事項。
- 政黨之目的或其行為，危害中華民國之存在或自由民主之憲政秩序者為違憲。
- 司法院所提出之年度司法概算，行政院不得刪減，但得加註意見，編入中央政府總預算案，送立法院審議。
- 第八條 立法委員之報酬或待遇，應以法律定之。除年度通案調整者外，單獨增加報酬或待遇之規定，應自次屆起實施。
- 第十二條 憲法之修改，須經立法院立法委員四分之一之提議，四分之三之出席，及出席委員四分之三之決議，提出憲法修正案，並於公告半年後，經中華民國自由地區選舉人投票複決，有效同意票過選舉人總額之半數，即通過之，不適用憲法第一百七十四條之規定。

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