

CONSTITUTION AND SUPPLEMENTARY LAWS AND DOCUMENTS OF THE REPUBLIC OF CHINA pdf

1: Constitution of the People's Republic of China

Additional Physical Format: Online version: Commission on Extraterritoriality in China. Constitution and supplementary laws and documents of the Republic of China.

Article 2 Women shall enjoy equal rights with men in all aspects of political, economic, cultural, social and family life. Equality between men and women is a basic State policy. The State takes the necessary measures to gradually improve the systems for protecting the rights and interests of women, in order to eliminate all forms of discrimination against women. The State protects the special rights and interests enjoyed by women according to law. Discriminating against, maltreating, abandoning, and physically abusing women are prohibited. Article 3 The State Council shall formulate an outline for the development of Chinese women and include such outline in the national economic and social development plan. The State takes effective measures to provide necessary conditions for women to exercise their rights according to law. Article 5 The State encourages women to cultivate a sense of self-respect, self-confidence, self-reliance and self-strengthening, and to safeguard their own lawful rights and interests by utilizing law. Women shall abide by the laws of the State, respect social morality and perform their obligations prescribed by law. The trade unions and the Communist Youth League organizations shall, within the scope of their respective work, strive to safeguard the rights and interests of women. Article 10 Women have the right to conduct State affairs, manage economic and cultural undertakings and administer social affairs through various channels and in various ways. Article 11 Women enjoy the equal right, with men, to vote and to stand for election. Article 12 The State actively trains and selects female cadres. State organs, public organizations, enterprises and institutions shall, in training, selecting and appointing cadres, adhere to the principle of equality between men and women, and there shall be an appropriate number of women leading members. The State attaches great importance to the training and selection of female cadres of minority nationalities. Article 16 Schools and departments concerned shall, by implementing the relevant regulations of the State, guarantee that women enjoy equal rights with men in such aspects as starting school, entering a higher school, job assignment upon graduation, conferment of academic degrees and dispatch for study abroad. With exception of special subjects, no schools shall, in enrolling students, refuse to enroll women on the pretext of sex or raise the enrollment standards for women. Article 18 Parents or other guardians must perform their duty of ensuring that female school-age children or adolescents receive the compulsory education. The governments, society and schools shall take effective measures to solve the actual difficulties of female school-age children or adolescents in schooling and create the necessary conditions to ensure that the needy, disabled and migrant female school-age children or adolescents finish compulsory education. Article 21 State organs, public organizations, enterprises and institutions shall, by implementing relevant regulations of the State, ensure that women enjoy equal rights with men in their participation in scientific, technological, literary, artistic and other cultural activities. Article 23 With exception of the special types of work or post unsuitable to women, no unit may, in employing staff and workers, refuse to employ women by reason of sex or raise the employment standards for women. When employing female workers and staff members, the employing units shall, according to law, conclude labour or employment contracts or service agreements with them. No clauses that restrict marriage and childbearing of female workers and staff members shall be proscribed in the labour or employment contracts or the service agreements. Employing of female minors under the age of 16, except where otherwise prescribed by the State, is prohibited. Article 24 Equal pay for equal work shall be applied to men and women alike. Women shall enjoy equal rights with men in receiving welfare benefits. Article 25 In such aspects as promotion in post or in rank, evaluation and determination of professional and technological titles, the principle of equality between men and women shall be upheld and discrimination against women shall not be allowed. Women shall be under special protection during menstrual period, pregnancy, obstetrical period and nursing period. Article 27 No unit shall reduce the salaries or wages of female workers and staff members, or dismiss them, or

CONSTITUTION AND SUPPLEMENTARY LAWS AND DOCUMENTS OF THE REPUBLIC OF CHINA pdf

unilaterally cancel the labour or employment contracts or service agreements with them because they are married, pregnant, on maternity leave or breast-feeding, except where female workers and staff members request termination of the labour or employment contracts or service agreements themselves. In implementing the retirement system of the State, no unit shall discriminate against women on the pretext of sex. Article 28 The State develops social insurance, social relief, social welfare and medical and health services to guarantee that women enjoy social insurance, social relief, social welfare and health care services, and other rights and interests. The State advocates and encourages public welfare activities that aim to help women. Article 29 The State promotes a childbearing insurance system, and establishes other sound security systems relating to childbearing. Article 31 In joint property relationship derived from marriage or family, the rights and interests enjoyed by women according to law may not be infringed upon. Article 32 Women shall enjoy equal rights with men in contracted management of land, distribution of the earnings of the collective economic organizations, use of the compensations for expropriated or requisitioned land and use of housing sites in rural areas. If a man moves to the domicile of a woman for marriage, the man and his children shall enjoy equal rights and interests with the other members of the rural collective economic organizations at the place of their residence. Among the statutory successors in the same order, women shall not be discriminated against. Widowed women have the right to dispose of the property inherited by them, and no one may interfere with the disposition thereof. Article 35 Widowed women who have made predominant contributions in maintaining their parents-in-law shall be regarded as the statutory successors first in order, and their rights of succession thereto shall not be affected by inheritance in subrogation. Drowning, abandoning or cruel infanticide in any manner of female babies is prohibited; discriminating against or maltreating of women who give birth to female babies or women who are sterile is prohibited; cruel treatment causing bodily injury to or death of women by means of superstition or violence is prohibited; maltreating or abandoning of women who are ill, disabled or aged is prohibited. Article 39 Abducting of, trafficking in, or kidnapping of women is prohibited; buying of women who are abducted, trafficked in, or kidnapped is prohibited; obstructing the rescue of women who are abducted, trafficked in, or kidnapped is prohibited. No one shall discriminate against the women who are abducted, trafficked in, or kidnapped. Article 40 Sexual harassment against women is prohibited. The female victims shall have the right to file complaints with the units where they work and the departments concerned. Article 41 Prostitution or whoring shall be prohibited. Arranging for, forcing or luring women to engage in prostitution, providing shelters for prostitution, or instigating women to engage in prostitution, or acting indecently against women is prohibited. Arranging for, forcing or luring women to give obscene performances is prohibited. Article 45 A husband shall not apply for a divorce when his wife is pregnant, or is within one year after the birth of the child, or within six months after the termination of her gestation. Article 46 Domestic violence against women is prohibited. The State takes measures to prevent and stop domestic violence. The departments of public security, civil affairs, judicial administration, etc. Article 47 A woman shall enjoy equal rights with her spouse in possessing, utilizing, profiting from and disposing of the property jointly possessed by the husband and wife according to law, which shall not be affected by the status of income of either party. Where the husband and the wife agree in writing that the property acquired separately by them during the period in which their wedlock exists is owned by them likewise, and the wife has been shouldering more duties in respect of bringing up the child, taking care of the old, assisting the husband in work, etc. Article 49 Both parents enjoy the equal right to guardianship of their minor child children. Article 51 Women have the right to child-bearing in accordance with relevant regulations of the State as well as the freedom not to bear any child. Where a couple of child-bearing age practise family planning according to the relevant regulations of the State, the departments concerned shall provide safe and effective contraceptives and techniques, and ensure the health and safety of the woman receiving any birth-control operation. The State institutes a system of premarital health care and health care for the pregnant and lying-in periods and develops the maternal and infant health care undertakings. The said department or unit shall investigate and deal with the case according to law and give a reply afterwards. Article 56 Where administrative sanctions are

CONSTITUTION AND SUPPLEMENTARY LAWS AND DOCUMENTS OF THE REPUBLIC OF CHINA pdf

prescribed by other laws and regulations for the infringement upon the lawful rights and interests of women in violation of the provisions of this Law, the provisions of those laws and regulations shall prevail; where such an infringement causes loss of property or other damages, the infringer shall bear civil responsibilities according to law; if a crime is constituted, criminal responsibilities shall be investigated according to law. Where a State organ and its functionaries fail to perform their duties according to law, or fail to stop, in a timely manner, the acts infringing upon the lawful rights and interests of women or to provide the women victims with the necessary help, thus serious consequences ensue, the unit where the organ and its functionaries belong or the organ at a higher level shall, according to law, give administrative sanctions to the person directly in charge of the State organ and the other persons directly responsible. Article 61 This Law shall go into effect as of October 1,

CONSTITUTION AND SUPPLEMENTARY LAWS AND DOCUMENTS OF THE REPUBLIC OF CHINA pdf

2: Full text of "The Provisional Constitution of the Republic of China"

Borrow it Toggle Dropdown Albert D. Cohen Management Library; Architecture/Fine Arts Library; Archives and Special Collections; Bibliothèque Alfred-Monnin (Université de Saint-Boniface).

The rules of the departments under the State Council and of the local governments shall be formulated, revised and nullified in accordance with the relevant provisions of this Law. The authorization organ shall exercise the power strictly in compliance with the authorized purpose and scope. The authorized organ may not impart the authorized power to any other organs. As soon as the law is made, the authorization with regard to that matter shall be terminated accordingly. The Presidium shall decide whether or not to put it on the agenda of the session, or shall refer do so after referring the bill to a relevant special committee for deliberation and for making a proposal as to whether to put it on the agenda. When the special committee holds a meeting to deliberate the bill, it may invite the sponsoring person to attend the meeting and express opinions. When the delegations are deliberating on a legislative bill, the sponsor shall send people to listen to their opinions and answer inquiries. When the delegations are deliberating on a legislative bill, the relevant organ or organization shall, at the request of the delegations, send people to give briefings therefor. The Law Committee shall submit to the Presidium a report on the result of its deliberation and a revised draft law; major dissenting views shall be stated in the report. After examination and approval by the Presidium, the report and the draft law shall be printed and distributed at the session. The executive chairmen of the Presidium may also convene a meeting of the interested deputies recommended by the delegations to discuss the major, special questions in the legislative bill, and report the result of the discussion and the opinions expressed to the Presidium. If the Council of Chairmen believes that the legislative bill contains major questions calling for further study, it may advise the sponsor of the bill to revise and improve the bill before submitting it to the Standing Committee. If the Council of Chairmen decides not to put the legislative bill on the agenda of a meeting of the Standing Committee, it shall report the matter to a meeting of the Standing Committee or give an explanation to the sponsor. When a special committee holds a meeting to deliberate on a bill, the sponsor may be invited to attend the meeting and express opinions. When the Standing Committee is to deliberate on a legislative bill for the first time, it shall hear the explanation made by the sponsor at a plenary meeting, and then preliminary deliberation shall be conducted at group meetings. When the Standing Committee is to deliberate on a legislative bill for the second time, it shall hear the report made by the Law Committee on the revision of the draft and the main problems thereof at a plenary meeting, and then further deliberation shall be conducted at group meetings. When the Standing Committee is to deliberate on a legislative bill for the third time, it shall hear the report made by the Law Committee on the result of its deliberation on the draft at a plenary meeting, and then the revised draft of the legislative bill be deliberated on at group meetings. When the Standing Committee is to deliberate on a legislative bill, it may, according to needs, convene joint group meetings or plenary meetings to discuss the main questions contained in the draft. When group meetings of the Standing Committee are held to deliberate on a legislative bill, the relevant organ or organization shall, at the request of any group, send people to give briefings thereof. When a special committee holds a meeting to deliberate on a legislative bill, members of other relevant special committees may be invited to attend the meeting and express opinions. It shall give feedback to the relevant special committees if their deliberated opinions of importance are not accepted. When the Law Committee holds a meeting to deliberate on a legislative bill, members of other relevant special committees may be invited to attend the meeting and express opinions. The working offices of the Standing Committee shall send copies of the draft law to the relevant organs, organizations and specialists to solicit their opinions and then sort out the opinions and submit them to the Law Committee and the relevant special committee and, where necessary, print and distribute them at a meeting of the Standing Committee. Opinions gathered from the organs, organizations and citizens shall be sent to the working offices of the Standing Committee. The explanation on the draft law shall cover the

necessity of its enactment and its main contents. The text of a law published in the Bulletin of the Standing Committee shall be the standard text. Where only part of the articles of a law are revised or nullified, the new text of the law must be promulgated. The sequence of the different parts, chapters, sections and articles shall be marked in the order of Chinese numerals, the sequence of the paragraphs shall not be marked, that of subparagraphs shall be marked in the order of bracketed Chinese numerals and that of items marked with Arabic numerals. In the note to the title of a law, the organ that enacts the law and the date of adoption shall be clearly stated. The administrative regulations may be formulated to govern the following matters: Where a relevant department under the State Council considers it necessary to formulate administrative regulations to govern a matter, it shall apply to the State Council for including the matter in its legislation list. The legislative affairs department under the State Council shall submit an examination report and a revised draft to the State Council and in its examination report explain the major questions in the draft. The text of the administrative regulations published in the Bulletin of the State Council shall be the standard text. Except for the affairs provided for in Article 8 of this Law, the provinces, autonomous regions, municipalities directly under the Central Government and the comparatively larger cities may, in light of the specific local conditions and actual needs, first formulate local regulations on all other affairs for which the State has not yet formulated any laws or administrative regulations. Once the laws or administrative regulations formulated on such matters by the State come into effect, the provisions in local regulations which contradict the said laws or administrative regulations shall be null or void, and the organs that have formulated such regulations shall promptly amend or annul the provisions. Where certain provisions of the laws and administrative regulations are concerned, adaptation on the basis of the characteristics of the local nationality nationalities may be made in autonomous regulations and separate regulations, but such adaptation may not contradict the basis principles of the laws and administrative regulations; where the provisions of the Constitution and the Law on Regional National Autonomy as well as the provisions in other laws and administrative regulations specially formulated to govern the national autonomous areas are concerned, no adaptation may be made. The organ in charge of unified deliberation of a draft of local regulations shall prepare a report on the result of its a conclusive report on deliberation and a revised draft of the regulations. Local governments may formulate rules to govern the following matters: The rules of local governments shall be subject to decision by the executive meetings or plenary meetings of the respective governments. The rules of local governments shall be promulgated by orders signed by governors of provinces, chairmen of autonomous regions or mayors. The effect of administrative regulations is higher than that of local regulations, and rules. Where regulations of special economic zones are formulated, upon authorization, to make adaptations with regard to certain provisions of laws, administrative regulations or local regulations, the provisions of the regulations of special economic zones shall apply in the special economic zones concerned. Where there is inconsistency between the new general provisions and the old special provisions in different administrative regulations governing one and the same matter and it is hard to decide which provisions shall prevail, a ruling shall be made by the State Council. The General Departments, the various services and arms and the military commands of the Central Military Commission may, in accordance with laws and the military regulations, decisions and orders of the Commission, formulate military rules within the limits of their power. Military regulations and military rules shall be implemented within the armed forces. Measures for formulating, revising and nullifying military regulations and military rules shall be formulated by the Central Military Commission in accordance with the principles laid down in this Law.

CONSTITUTION AND SUPPLEMENTARY LAWS AND DOCUMENTS OF THE REPUBLIC OF CHINA pdf

3: Constitution of the Republic of China () - Wikisource, the free online library

The Constitution of the Republic of China. Adopted by the National Constituent Assembly on 25 December , promulgated by the National Government on 1 January , and went into effect on 25 December ; Latest revision in April amended the Constitution with the inclusion of Eleven Additional Articles.

After , feudal China was gradually turned into a semi-colonial and semi-feudal country. The Chinese people waged many successive heroic struggles for national independence and liberation and for democracy and freedom. Great and earthshaking historical changes have taken place in China in the 20th century. The Revolution of , led by Dr. Sun Yat-sen, abolished the feudal monarchy and gave birth to the Republic of China. But the historic mission of the Chinese people to overthrow imperialism and feudalism remained unaccomplished. Since then the Chinese people have taken control of state power and become masters of the country. The socialist transformation of the private ownership of the means of production has been completed, the system of exploitation of man by man abolished and the socialist system established. Major successes have been achieved in economic development. An independent and relatively comprehensive socialist system of industry has basically been established. There has been a marked increase in agricultural production. Significant advances have been made in educational, scientific and cultural undertakings, while education in socialist ideology has produced noteworthy results. The life of the people has improved considerably. The exploiting classes as such have been abolished in our country. However, class struggle will continue to exist within certain bounds for a long time to come. It is the inviolable duty of all Chinese people, including our compatriots in Taiwan, to accomplish the great task of reunifying the motherland. In building socialism it is essential to rely on workers, peasants and intellectuals and to unite all forces that can be united. This united front will continue to be consolidated and developed. Socialist relations of equality, unity and mutual assistance have been established among the nationalities and will continue to be strengthened. In the struggle to safeguard the unity of the nationalities, it is necessary to combat big-nation chauvinism, mainly Han chauvinism, and to combat local national chauvinism. The state will do its utmost to promote the common prosperity of all the nationalities. The future of China is closely linked to the future of the world. China consistently opposes imperialism, hegemonism and colonialism, works to strengthen unity with people of other countries, supports the oppressed nations and the developing countries in their just struggle to win and preserve national independence and develop national economies, and strives to safeguard world peace and promote the cause of human progress. This Constitution, in legal form, affirms the achievements of the struggles of the Chinese people of all nationalities and defines the basic system and basic tasks of the state; it is the fundamental law of the state and has supreme legal authority. The people of all nationalities, all state organs, the armed forces, all political parties and public organizations and all enterprises and institutions in the country must take the Constitution as the basic standard of conduct, and they have the duty to uphold the dignity of the Constitution and ensure its implementation. Disruption of the socialist state by any organization or individual is prohibited. The people administer state affairs and manage economic, cultural and social affairs through various channels and in various ways in accordance with the law. They are responsible to the people and subject to their supervision. The divisions of functions and powers between the central and local state organs is guided by the principle of giving full scope to the initiative and enthusiasm of the local authorities under the unified leadership of the central authorities. Discrimination against and oppression of any nationality are prohibited; any act which undermines the unity of the nationalities or instigates division is prohibited. The state assists areas inhabited by minority nationalities accelerating their economic and cultural development according to the characteristics and needs of the various minority nationalities. Regional autonomy is practiced in areas where people of minority nationalities live in concentrated communities; in these areas organs of self-government are established to exercise the power of autonomy. All nationalities have the freedom to use and develop their own spoken and written languages and to preserve or reform their

CONSTITUTION AND SUPPLEMENTARY LAWS AND DOCUMENTS OF THE REPUBLIC OF CHINA pdf

own folkways and customs. Article 5 The state upholds the uniformity and dignity of the socialist legal system. No laws or administrative or local rules and regulations may contravene the Constitution. All state organs, the armed forces, all political parties and public organizations and all enterprises and institutions must abide by the Constitution and the law. All acts in violation of the Constitution and the law must be investigated. No organization or individual is privileged to be beyond the Constitution or the law. The state ensures the consolidation and growth of the state economy. Working people who are members of rural economic collectives have the right, within limits prescribed by law, to farm plots of cropland and hilly land allotted to their private use, engage in household sideline production and raise privately owned livestock. The various forms of cooperative economy in the cities and towns, such as those in the handicraft, industrial, building, transport, commercial and service trades, all belong to the sector of socialist economy under collective ownership by the working people. The state protects the lawful rights and interests of the urban and rural economic collectives and encourages, guides and helps the growth of the collective economy. Article 9 All mineral resources, waters, forests, mountains, grasslands, unreclaimed land, beaches, and other natural resources are owned by the state, that is, by the whole people, with the exception of the forest, mountains, grasslands and unreclaimed land and beaches that are owned by collectives in accordance with the law. The state ensures the rational use of natural resources and protects rare animals and plants. Appropriation or damaging natural resources by any organization or individual by whatever means is prohibited. Land in the rural and suburban areas is owned by collectives except for those portions which belong to the state in accordance with the law; house sites and privately farmed plots of cropland and hilly land are also owned by collectives. The state may, in the public interest, requisition land for its use in accordance with the law. No organization or individual may appropriate, buy, sell or lease land or otherwise engage in the transfer of land by unlawful means. All organizations and individuals using land must ensure its rational use. The state protects the lawful rights and interests of the individual economy. The state guides, assists and supervises the individual economy by administrative control. Article 12 Socialist public property is inviolable. The state protects socialist property. Appropriation or damaging of state or collective property by any organization or individual by whatever means is prohibited. Article 13 The state protects the right of citizens to own lawfully earned income, savings, houses and other lawful property. The state protects according to law the right of citizens to inherit private property. Article 14 The state continuously raises labor productivity, improves economic results and develops the productive forces by enhancing the enthusiasm of the working people, raising the level of their technical skill, disseminating advanced science and technology, improving the systems of economic administration and enterprise operation and management, instituting the socialist system of responsibility in various forms and improving the organization of work. The state practices strict economy and combats waste. The state properly apportions accumulation and consumption, concerns itself with the interests of the collective and the individual as well as of the state and, on the basis of expanded production, gradually improves the material and cultural life of the people. It ensures the proportionate and coordinated growth of the national economy through overall balancing by economic planning and the supplementary role of regulation by the market. Disturbance of socioeconomic order or disruption of the state economic plan by an organization or individual is prohibited. State enterprises practice democratic management through congresses of workers and staff and in other ways in accordance with the law. Collective economic organizations practice democratic management in accordance with the law. The entire body of their workers elects or removes their managerial personnel and decides on major issues concerning operation and management. Article 19 The state undertakes the development of socialist education and works to raise the scientific and cultural level of the whole nation. The state establishes and administers schools of various types, universalizes compulsory primary education and promotes secondary, vocational and higher education as well as pre-school education. The state develops educational facilities in order to eliminate illiteracy and provide political, scientific, technical and professional education as well as general education for workers, peasants, state functionaries and other working people. It encourages people to become educated through independent

study. The state encourages the collective economic organizations, state enterprises and institutions and other sectors of society to establish educational institutions of various types in accordance with the law. Article 20 The state promotes the development of natural and social sciences, disseminates knowledge of science and technology, and commends and rewards achievements in scientific research as well as technological innovations and inventions. Article 22 The state promotes the development of art and literature, the press, radio and television broadcasting, publishing and distribution services, libraries, museums, cultural centers and other cultural undertakings that serve the people and socialism, and it sponsors mass cultural activities. Article 23 The state trains specialized personnel in all fields who serve socialism, expands the ranks of intellectuals and creates conditions to give full scope to their role in socialist modernization. Article 24 The state strengthens the building of a socialist society with an advanced culture and ideology by promoting education in high ideals, ethics, general knowledge, discipline and legality, and by promoting the formulation and observance of rules of conduct and common pledges by various sections of the people in urban and rural areas. Article 25 The state promotes family planning so that population growth may fit the plans for economic and social development. Article 26 The state protects and improves the environment in which people live and the ecological environment. It prevents and controls pollution and other public hazards. The state organizes and encourages afforestation and the protection of forests. Article 27 All state organs carry out the principle of simple and efficient administration, the system of responsibility for work and the system of training functionaries and appraising their performance in order constantly to improve the quality of work and efficiency and combat bureaucratism. Municipalities directly under the Central Government and other large cities are divided into districts and counties. Autonomous prefectures are divided into counties, autonomous counties, and cities. All autonomous regions, autonomous prefectures and autonomous counties are national autonomous areas. Article 31 The state may establish special administrative regions when necessary. Every citizen is entitled to the rights and at the same time must perform the duties prescribed by the Constitution and the law. No state organ, public organization or individual may compel citizens to believe in, or not believe in, any religion; nor may they discriminate against citizens who believe in, or do not believe in, any religion. The state protects normal religious activities. No one may make use of religion to engage in activities that disrupt public order, impair the health of citizens or interfere with the educational system of the state. Religious bodies and religious affairs are not subject to any foreign domination. Insult, libel, false accusation or false incrimination directed against citizens by any means is prohibited. Citizens have the right to make to relevant state organs complaints or charges against, or exposures of, any state organ or functionary for violation of the law or dereliction of duty, but fabrication or distortion of facts for purposes of libel or false incrimination is prohibited. The state organ concerned must deal with complaints, charges or exposures made by citizens in a responsible manner after ascertaining the facts. No one may suppress such complaints, charges and exposures or retaliate against the citizens making them. Citizens who have suffered losses as a result of infringement of their civic rights by any state organ or functionary have the right to compensation in accordance with the law. Through various channels, the state creates conditions for employment, enhances occupational safety and health, improves working conditions and, on the basis of expanded production, increases remuneration for work and welfare benefits. Work is a matter of honor for every citizen who is able to work. All working people in state enterprises and in urban and rural economic collectives, should approach their work as the masters of the country that they are. The state promotes socialist labor emulation, and commends and rewards model and advanced workers. The state encourages citizens to take part in voluntary labor. The state provides necessary vocational training for citizens before they are employed. The state expands facilities for the rest and recuperation of the working people and prescribes working hours and vacations for workers and staff.

CONSTITUTION AND SUPPLEMENTARY LAWS AND DOCUMENTS OF THE REPUBLIC OF CHINA pdf

4: Constitution of the People's Republic of China – Macao SAR Government Portal

Constitution and Supplementary Laws and Documents of the Republic of China (Studies in Chinese Government and Law) by Republic of China (Author).

The Central Government shall be competent to legislate and execute the following matters: National defense and military affairs bearing on national defense. Nationality law and criminal, civil, and commercial laws. Aviation, national highways, State-owned railways, navigation, and postal and telecommunication services. Central Government finance and national taxes. Demarcation of national, provincial, and county taxes. The currency system and State banks. Financial and economic matters affecting aliens or foreign countries. Other matters of the Central Government as provided by this Constitution. General principles of provincial and county self-government. Demarcation of administrative areas. Forestry, industry, mining, and commerce. Banking and stock exchange. Shipping and deep-sea fishery. Interprovincial water and land communication and transportation. Interprovincial water conservancy, waterways, agriculture, and animal husbandry. Official grading, employment, surveillance, and security of tenure of officials in the Central and local governments. Labor legislation and other social legislation. Right of eminent domain. Census-taking and compilation of population statistics for the whole country. Population migration and land reclamation. Preservation of ancient books, ancient relics, and ancient monuments of cultural value. Provincial education, public health, industry, and communications. Management and disposal of provincial property. Administration of cities under provincial jurisdiction. Provincial agriculture, forestry, water conservancy, fishery, animal husbandry, and public works. Provincial finance and provincial taxes.

CONSTITUTION AND SUPPLEMENTARY LAWS AND DOCUMENTS OF THE REPUBLIC OF CHINA pdf

5: The Constitution of the Republic of China

Enter your mobile number or email address below and we'll send you a link to download the free Kindle App. Then you can start reading Kindle books on your smartphone, tablet, or computer - no Kindle device required.

After , feudal China was gradually turned into a semi-colonial and semi-feudal country. The Chinese people waged many successive heroic struggles for national independence and liberation and for democracy and freedom. Great and earthshaking historical changes have taken place in China in the 20th century. The Revolution of , led by Dr. Sun Yat-sen, abolished the feudal monarchy and gave birth to the Republic of China. But the historic mission of the Chinese people to overthrow imperialism and feudalism remained unaccomplished. Since then the Chinese people have taken control of state power and become masters of the country. The socialist transformation of the private ownership of the means of production has been completed, the system of exploitation of man by man abolished and the socialist system established. Major successes have been achieved in economic development. An independent and relatively comprehensive socialist system of industry has basically been established. There has been a marked increase in agricultural production. Significant advances have been made in educational, scientific and cultural undertakings, while education in socialist ideology has produced noteworthy results. The life of the people has improved considerably. China will be in the primary stage of socialism for a long time to come. The basic task of the nation is to concentrate its effort on socialist modernization along the road of Chinese-style socialism. The exploiting classes as such have been abolished in our country. However, class struggle will continue to exist within certain bounds for a long time to come. It is the inviolable duty of all Chinese people, including our compatriots in Taiwan, to accomplish the great task of reunifying the motherland. In building socialism it is essential to rely on workers, peasants and intellectuals and to unite all forces that can be united. This united front will continue to be consolidated and developed. The system of the multi-party cooperation and political consultation led by the Communist Party of China will exist and develop for a long time to come. Socialist relations of equality, unity and mutual assistance have been established among the nationalities and will continue to be strengthened. In the struggle to safeguard the unity of the nationalities, it is necessary to combat big-nation chauvinism, mainly Han chauvinism, and to combat local national chauvinism. The State will do its utmost to promote the common prosperity of all the nationalities. The future of China is closely linked to the future of the world. China consistently opposes imperialism, hegemonism and colonialism, works to strengthen unity with the people of other countries, supports the oppressed nations and the developing countries in their just struggle to win and preserve national independence and develop their national economies, and strives to safeguard world peace and promote the cause of human progress. This Constitution, in legal form, affirms the achievements of the struggles of the Chinese people of all nationalities and defines the basic system and basic tasks of the State; it is the fundamental law of the State and has supreme legal authority. The people of all nationalities, all State organs, the armed forces, all political parties and public organizations and all enterprises and institutions in the country must take the Constitution as the basic standard of conduct, and they have the duty to uphold the dignity of the Constitution and ensure its implementation. Disruption of the socialist system by any organization or individual is prohibited. The people administer State affairs and manage economic and cultural undertakings and social affairs through various channels and in various ways in accordance with the provisions of law. They are responsible to the people and subject to their supervision. The division of functions and powers between the central and local State organs is guided by the principle of giving full scope to the initiative and enthusiasm of the local authorities under the unified leadership of the central authorities. Discrimination against and oppression of any nationality are prohibited; any act which undermines the unity of the nationalities or instigates division is prohibited. The State assists areas inhabited by minority nationalities in accelerating their economic and cultural development according to the characteristics and needs of the various minority nationalities. Regional autonomy is practised in areas where people of minority nationalities

live in concentrated communities; in these areas organs of self-government are established to exercise the power of autonomy. All nationalities have the freedom to use and develop their own spoken and written languages and to preserve or reform their own folkways and customs. The State upholds the uniformity and dignity of the socialist legal system. No laws or administrative or local regulations may contravene the Constitution. All State organs, the armed forces, all political parties and public organizations and all enterprises and institutions must abide by the Constitution and other laws. All acts in violation of the Constitution or other laws must be investigated. No organization or individual is privileged to be beyond the Constitution or other laws. In the primary stage of socialism, the State upholds the basic economic system in which the public ownership is dominant and diverse forms of ownership develop side by side and keeps to the distribution system in which distribution according to work is dominant and diverse modes of distribution coexist. Article 7 The State-owned economy, namely, the socialist economy under ownership by the whole people, is the leading force in the national economy. The State ensures the consolidation and growth of the State-owned economy. Article 8 The rural collective economic organizations apply the dual operation system characterized by the combination of centralized operation with decentralized operation on the basis of operation by households under a contract. Working people who are members of rural economic collectives have the right, within the limits prescribed by law, to farm plots of cropland and hilly land allotted for their private use, engage in household sideline production and raise privately owned livestock. The various forms of cooperative economy in cities and towns, such as those in the handicraft, industrial, building, transport, commercial and service trades, all belong to the sector of socialist economy under collective ownership by the working people. The State protects the lawful rights and interests of the urban and rural economic collectives and encourages, guides and helps the growth of the collective economy. Article 9 All mineral resources, waters, forests, mountains, grasslands, unreclaimed land, beaches and other natural resources are owned by the State, that is, by the whole people, with the exception of the forests, mountains, grasslands, unreclaimed land and beaches that are owned by collectives as prescribed by law. The State ensures the rational use of natural resources and protects rare animals and plants. Appropriation or damaging of natural resources by any organization or individual by whatever means is prohibited. Article 10 Land in the cities is owned by the State. Land in the rural and suburban areas is owned by collectives except for those portions which belong to the State as prescribed by law; house sites and privately farmed plots of cropland and hilly land are also owned by collectives. The State may, in the public interest and in accordance with law, expropriate or requisition land for its use and make compensation for the land expropriated or requisitioned. No organization or individual may appropriate, buy, sell or otherwise engage in the transfer of land by unlawful means. The right to the use of land may be transferred according to law. All organizations and individuals using land must ensure its rational use. Article 11 The non-public sectors of the economy such as the individual and private sectors of the economy, operating within the limits prescribed by law, constitute an important component of the socialist market economy. The State protects the lawful rights and interests of the non-public sectors of the economy such as the individual and private sectors of the economy. The State encourages, supports and guides the development of the non-public sectors of the economy and, in accordance with law, exercises supervision and control over the non-public sectors of the economy. Article 12 Socialist public property is inviolable. The State protects socialist public property. Appropriation or damaging of State or collective property by any organization or individual by whatever means is prohibited. The State, in accordance with law, protects the rights of citizens to private property and to its inheritance. The State may, in the public interest and in accordance with law, expropriate or requisition private property for its use and make compensation for the private property expropriated or requisitioned. Article 14 The State continuously raises labour productivity, improves economic results and develops the productive forces by enhancing the enthusiasm of the working people, raising the level of their technical skill, disseminating advanced science and technology, improving the systems of economic administration and enterprise operation and management, instituting the socialist system of responsibility in various forms and improving the organization of work. The State practises strict economy

and combats waste. The State properly apportions accumulation and consumption, concerns itself with the interests of the collective and the individual as well as of the State and, on the basis of expanded production, gradually improves the material and cultural life of the people. The State establishes a sound social security system compatible with the level of economic development. Article 15 The State practises socialist market economy. The State strengthens economic legislation, improves macro-regulation and control. The State prohibits in accordance with law any organization or individual from disturbing the socio-economic order. Article 16 State-owned enterprises have decision-making power with regard to their operation within the limits prescribed by law. State-owned enterprises practise democratic management through congresses of workers and staff and in other ways in accordance with law. Article 17 Collective economic organizations have decision-making power in conducting independent economic activities, on condition that they abide by the relevant laws. Collective economic organizations practise democratic management and, in accordance with law, elect or remove their managerial personnel and decide on major issues concerning operation and management. Article 19 The State undertakes the development of socialist education and works to raise the scientific and cultural level of the whole nation. The State establishes and administers schools of various types, universalizes compulsory primary education and promotes secondary, vocational and higher education as well as pre-school education. The State develops educational facilities in order to eliminate illiteracy and provide political, scientific, technical and professional education for workers, peasants, State functionaries and other working people. It encourages people to become educated through independent study. The State encourages the collective economic organizations, State enterprises and institutions and other sectors of society to establish educational institutions of various types in accordance with law. The State promotes the nationwide use of Putonghua [common speech based on Beijing pronunciation--Tr. Article 20 The State promotes the development of the natural and social sciences, disseminates knowledge of science and technology, and commends and rewards achievements in scientific research as well as technological innovations and inventions. Article 22 The State promotes the development of art and literature, the press, radio and television broadcasting, publishing and distribution services, libraries, museums, cultural centres and other cultural undertakings that serve the people and socialism, and it sponsors mass cultural activities. Article 23 The State trains specialized personnel in all fields who serve socialism, expands the ranks of intellectuals and creates conditions to give full scope to their role in socialist modernization. Article 24 The State strengthens the building of a socialist society with an advanced culture and ideology by promoting education in high ideals, ethics, general knowledge, discipline and the legal system, and by promoting the formulation and observance of rules of conduct and common pledges by various sections of the people in urban and rural areas. The State advocates the civic virtues of love of the motherland, of the people, of labour, of science and of socialism. It conducts education among the people in patriotism and collectivism, in internationalism and communism and in dialectical and historical materialism, to combat capitalist, feudal and other decadent ideas. Article 25 The State promotes family planning so that population growth may fit the plans for economic and social development. Article 26 The State protects and improves the environment in which people live and the ecological environment. It prevents and controls pollution and other public hazards. The State organizes and encourages afforestation and the protection of forests. Article 27 All State organs carry out the principle of simple and efficient administration, the system of responsibility for work and the system of training functionaries and appraising their performance in order constantly to improve the quality of work and efficiency and combat bureaucratism. All State organs and functionaries must rely on the support of the people, keep in close touch with them, heed their opinions and suggestions, accept their supervision and do their best to serve them. Article 28 The State maintains public order and suppresses treasonable and other criminal activities that endanger State security; it penalizes criminal activities that endanger public security and disrupt the socialist economy as well as other criminal activities; and it punishes and reforms criminals. The State strengthens the revolutionization, modernization and regularization of the armed forces in order to increase national defence capability. Municipalities directly under the Central Government and other large

CONSTITUTION AND SUPPLEMENTARY LAWS AND DOCUMENTS OF THE REPUBLIC OF CHINA pdf

cities are divided into districts and counties. Autonomous prefectures are divided into counties, autonomous counties, and cities. All autonomous regions, autonomous prefectures and autonomous counties are national autonomous areas.

CONSTITUTION AND SUPPLEMENTARY LAWS AND DOCUMENTS OF THE REPUBLIC OF CHINA pdf

6: Law of the People's Republic of China - Wikipedia

Note: Citations are based on reference standards. However, formatting rules can vary widely between applications and fields of interest or study. The specific requirements or preferences of your reviewing publisher, classroom teacher, institution or organization should be applied.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries. We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes. Read more about Early Journal Content at [http: JSTOR](http://JSTOR) is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations.

General Provisions Article 1. The Republic of China is composed of the Chinese people. The sovereignty of the Chinese Republic is vested in the people. Citizens of the Chinese Republic are all equal, and there shall be no racial, class or religious distinctions. Citizens shall enjoy the following rights: Citizens shall have the right to petition the Parliament. Citizens shall have the right of petitioning the executive officials. Citizens shall have the right to institute proceedings before the judiciary and to receive its trial and judgments. Citizens shall have the right of suing officials in the administrative courts for violation of law or against their rights. Citizens shall have the right of participating in civil examinations. Citizens shall have the right to vote and to be voted for. Citizens shall have the duty to pay taxes according to law. Citizens shall have the duty to enlist as soldiers according to law. The rights of citizens as provided in the present chapter shall be limited or modified by laws provided such limitation or modification shall be deemed necessary for the promotion of public welfare, for the maintenance of public order or on account of extraordinary exigency.

The Advisory Council Article The legislative power of the Chinese Republic is exercised by the Advisory Council. The Advisory Council shall be composed of members elected by the several districts as provided in Article The Provinces, Inner and Outer Mongolia, and Tibet shall each elect and depute five members to the Advisory Council and Chinghai shall elect one member. The election districts and methods of elections shall be decided by the localities concerned. During the meeting of the Advisory Council each member shall have one vote. The Advisory Council shall have the following powers: The Advisory Council shall itself convoke, open and adjourn its own meetings. The meetings of the Advisory Council shall be conducted publicly, but secret meetings may be held at the instigation of members of the cabinet or by the majority vote of its quorum. Matters passed by the Advisory Council shall be communicated to the Provisional President for promulgation and execution. If the Provisional President should veto matters passed by the Advisory Council, he shall, within ten days after he received such resolutions, return the same with stated reasons to the Council for reconsideration. If the same matter should again be passed by a two-thirds vote of the quorum of the Council, it shall be dealt with in accordance with Article The President of the Advisory Council shall be elected by ballots signed by the voting members, and the one who receives more than one-half of the total number of the votes cast shall be elected. Members of the Advisory Council shall not, outside the Council hall, be responsible for their opinions expressed and votes cast in the Council. Members of the Council shall not be arrested without the permission of the President of the Council, except for crimes committed at the time of arrest and for crimes pertaining to civil and international warfare. Procedures of the Advisory Council shall be decided by its own members. The Provisional President and Vice President shall be elected by the Advisory Council, and he who receives two-thirds of the total amount of votes cast by a sitting of the Council consisting of over three-fourths of the total number of members, shall be elected. The Provisional President represents the Provisional Government as the fountain of all executive powers and for promulgating all laws. The Provisional President may issue or cause to be is-

CONSTITUTION AND SUPPLEMENTARY LAWS AND DOCUMENTS OF THE REPUBLIC OF CHINA pdf

sued orders for the execution of laws and of powers delegated to him by the laws. The Provisional President shall be the commander-in- chief of the army and navy of the whole of China. The Provisional President shall ordain and establish the administrative system and official regulations, but he must first submit them to the Advisory Council for its approval. The Provisional President shall appoint and remove civil and military officials, but in the appointment of members of the cabinet, ambassadors and ministers, he must have the concurrence of the Advisory Council. The Provisional President shall have power, with the concurrence of the Advisory Council, to declare war and conclude treaties. The Provisional President may, in accordance with law, declare a state of siege. The Provisional President shall, representing the whole country, receive ambassadors and ministers of foreign countries. The Provisional President may introduce bills into the Advisory Council. The Provisional President may confer decorations and other insignia of honor. The Provisional President may declare general amnesty, grant special pardon, commute a punishment, and restore rights, but in the case of a general amnesty, he must have the concurrence of the Advisory Council. In case the Provisional President vacates his office for various reasons, or is unable to discharge the powers and duties of the said office, the Provisional Vice President shall take his place.

Members of the Cabinet Article The premier and the chiefs of the government departments shall be called members of the cabinet literally, secretaries of state affairs. Members of the cabinet shall assist the Provisional President in assuming responsibilities. Members of the cabinet shall countersign all bills introduced by the Provisional President and all laws and orders issued by him. Members of the cabinet and their deputies may be present and speak in the Advisory Council. After members of the cabinet have been impeached by the Advisory Council, the Provisional President may remove them from office, but such removal shall be subject to the reconsideration of the Advisory Council.

The Judiciary Article The judiciary shall be composed of those judges appointed by the Provisional President and the Chief of the Department of Justice. The organization of the courts and the qualifications of judges shall be determined by law. The judiciary shall try civil and criminal cases but cases involving administrative affairs or arising from other particular causes shall be dealt with according to special laws. The trial of cases in the law courts shall be conducted publicly, but those affecting public safety and order may be in camera. Judges shall be independent and shall not be subject to the interference of higher officials. Regulations for the punishment of judges shall be determined by law.

Supplementary Articles Article Within ten months after the promulgation of this Provisional Constitution, the Provisional President shall convene a national assembly, the organization of which and the laws for the election of whose members shall be decided by the Advisory Council. The Constitution of the Republic of China shall be adopted by the National Assembly, but before the promulgation of the Constitution, the provisional constitution shall be as effective as the Constitution itself. The provisional constitution may be amended by the assent of two-thirds of the members of the Advisory Council or upon the application of the Provisional President, and being passed by over three-fourths of the quorum of the Council consisting of over four-fifths of the total number of its members. The present provisional constitution shall take effect on the date of its promulgation and the fundamental articles for the organization of the Provisional Government shall cease to be effective on the same date. Sealed by The Advisory Council. March 10, 1st year of the Republic of China.

CONSTITUTION AND SUPPLEMENTARY LAWS AND DOCUMENTS OF THE REPUBLIC OF CHINA pdf

7: Legislation Law of the People's Republic of China -- www.enganchecubano.com

This source contains fully-translated English-language versions of all the world's constitutions (both national and sub-national), accompanied by individual jurisdictional commentaries, and supplementary materials, including foundation documents, historical versions of constitutions, and amendment Acts/Laws.

This section does not cite any sources. Please help improve this section by adding citations to reliable sources. Unsourced material may be challenged and removed. The Provisional Constitution of the Republic of China was drawn up in March and formed the basic government document of the Republic of China until It provided a Western-style parliamentary system headed by a weak president. Upon his death in , China disintegrated into warlordism and the Beiyang Government operating under the Constitution remained in the hands of various military leaders. The Kuomintang under Chiang Kai-shek established control over much of China by Under this document, the government operated under a one-party system with supreme power held by the National Congress of the Kuomintang and effective power held by the Central Executive Committee of the Kuomintang. In Leninist fashion, it permitted a system of dual party-state committees to form the basis of government. The KMT intended this Constitution to remain in effect until the country had been pacified and the people sufficiently "educated" to participate in democratic government. The Communists sought a coalition of one-third Nationalists, one-third Communists, and one-third other parties, to form a government that would draft the new Constitution. However, while rejecting this idea, the KMT and the CCP jointly held a convention at which both parties presented views. Amidst heated debate, many of the demands from the Communist Party were met, including the popular election of the Legislative Yuan. The Constitution, with minor revisions from the latest draft, was adopted by the National Assembly on 25 December , promulgated by the National Government on 1 January , and went into effect on 25 December The Constitution was seen as the third and final stage of Kuomintang reconstruction of China. The Communists, though they attended the convention, and participated in drafting the constitution, boycotted the National Assembly and declared after the ratification that not only would they not recognize the ROC constitution, but all bills passed by the Nationalist administration would be disregarded as well. However, due to their showing in the election approx. Zhou Enlai challenged the legitimacy of the National Assembly in by asserting that the KMT hand-picked its members 10 years earlier, and thus the Assembly could not be the legal representatives of the Chinese people. A government of the people invoked the idea of civic nationalism , which sought to create unity between the five traditional ethnic groups in China Han , Manchus , Mongols , Hui Muslims , and Tibetans in order to stand up to European and Japanese imperialism as one, strong nation. A government by the people sought to create a Western parliamentary democracy and a separation of powers. Originally, the National Assembly was the "parliament" of the republic, but it lost relevance in the s and was abolished in with its powers transferred to the Legislative Yuan. While the original intent was to have a parliamentary system as evidenced in the existence of both a president and premier , due to the Temporary Provisions , Generalissimo Chiang Kai-shek was allowed by the National Assembly to reduce the function of the premier and to concentrate more power in the presidency. As a result, the current government is in practice a semi-presidential system. A government for the people means that the government to a certain extent must provide services that are essential to the well-being of society. Three Principles of the People[edit] The Three Principles of the People are Minzu, Minquan, and Minsheng, roughly defined as nationalism, democracy, and the livelihood of the people. Temporary Provisions against the Communist Rebellion On 10 January , Governor Chen Yi announced that the new ROC Constitution would not apply to Taiwan after it went into effect in mainland China on 25 December as Taiwan was still under military occupation and also that Taiwanese were politically naive and were not capable of self-governing. From March until , Taiwan was in a state of martial law. Although the constitution provided for regular democratic elections, these were not held in Taiwan until the s. These articles greatly enhanced the power of the president and abolished the two term limit for the president and the vice

CONSTITUTION AND SUPPLEMENTARY LAWS AND DOCUMENTS OF THE REPUBLIC OF CHINA pdf

president. In , the Judicial Yuan ruled that the delegates elected to the National Assembly and Legislative Yuan in would remain in office until new elections could be held in Mainland China which had come under the control of the Communist Party of China in . This judicial ruling allowed the Kuomintang to rule unchallenged in Taiwan until the s. In , these members were ordered to resign by a subsequent Judicial Yuan ruling. In the s, supplemental elections began to be held for the Legislative Yuan. Although these were for a limited number of seats, they did allow for the transition to a more open political system. Additional Articles of the Constitution of the Republic of China In the late s, the Constitution faced the growing democratization on Taiwan combined with the mortality of the delegates that were elected in . Faced with these pressures, on 22 April , the first National Assembly voted itself out of office, abolished the Temporary Provisions passed in , and adopted major amendments known as the "First Revision" permitting free elections. On 27 May several other amendments were passed known as the "Second Revision" , most notably that allowing the direct election of the President of the Republic of China , Governor of Taiwan Province , and municipal mayors. Ten new amendments to replace the eighteen amendments of the First and Second Revisions were passed on 28 July . The amendments passed on 18 July streamlined the Taiwan Provincial Government and granted the Legislative Yuan powers of impeachment. The constitution was subsequently revised in and , with the former revision being declared void the same year by the Council of Grand Justices. A further revision of the constitution happened in which disbanded the National Assembly, reformed the Legislative Yuan, and provided for future constitutional change to be ratified by referendum. Passing an amendment to the ROC constitution now requires an unusually broad political consensus, which includes approval from three-fourths of the quorum of members of the Legislative Yuan. This quorum requires at least three-fourths of all members of the Legislature. After passing the Legislature, the amendments need ratification by at least fifty percent of all eligible voters of the ROC irrespective of voter turnout. It should also be noted that, because the ROC constitution is, at least nominally, the constitution of all China, the amendments avoided any specific reference to the Taiwan area and instead used the geographically neutral term " Free Area of the Republic of China " to refer to all areas under ROC control. In addition, as the preamble of the amendments stated they are [t]o meet the requisites of the nation prior to national unification, these amendments would automatically be voided in the case of Chinese reunification. As a result, all post amendments have been maintained as a separate part of the Constitution, consolidated into a single text of twelve articles. Challenge of legitimacy[edit] A number of criticisms have been leveled at the constitution by supporters of Taiwan independence. Until the s when Democratic Progressive Party DPP joined Kuomintang KMT to amend the constitution, the document was considered illegitimate by pro-independence advocates because it was not drafted in Taiwan; moreover, they deemed Taiwan to be sovereign Japanese territory until ceded in the San Francisco Peace Treaty effective 28 April . Though the constitution promulgated in did not define the territory of the Republic of China, while the draft of the constitution of individually listed the provinces of the Republic of China and Taiwan was not among them, since Taiwan was part of Japan as the result of the Treaty of Shimonoseki of . The constitution also stipulated in the Article I. The first example would be the Independence of Mongolia , and the second example would be the reclamation of Taiwan. Both would be examples of territory changes. The Allies have not agreed or disagreed to this rationale. Since this transfer of sovereignty occurred in before the promulgation of the constitution, the ROC government is of the view that a resolution by the National Assembly was unnecessary. While both symbolic and legal arguments have been used to discredit the application the Constitution in Taiwan, the document gained more legitimacy among independence supporters throughout the late s and early s due to democratization and it is now accepted as the basic law of the ROC by all of the major parties, and consider the Constitution represents the sovereignty of Taiwan. However, there are proposals being floated, particularly by supporters of Taiwan independence and the supporters of Taiwan localization movement , to replace the current Constitution with a document drafted by the Taiwanese constituencies in Taiwan. The basic four rights of people[edit] Chapter 12 enshrines the so-called four rights of the people: Referendums and constitutional reform[edit] See also: Referendums in Taiwan One recent controversy

CONSTITUTION AND SUPPLEMENTARY LAWS AND DOCUMENTS OF THE REPUBLIC OF CHINA pdf

involving the constitution is the right to referendum which is mentioned in the Constitution. The constitution states that "The exercise of the rights of initiative and referendum shall be prescribed by law", [11] but legislation prescribing the practices had been blocked by the pan-blue coalition largely out of suspicions that proponents of a referendum law would be used to overturn the ROC Constitution and provide a means to declare Taiwan independence. Proponents of such a move, namely the Pan-Green Coalition, argue that the current Constitution endorses a specific ideology. Others cite the current deadlock between the executive and legislative branches and support replacing the presidential system with a parliamentary system. Furthermore, the current Constitution explicitly states before the amendments implemented on Taiwan, "To meet the requisites of the nation prior to national unification. In response, the pan-blue coalition dropped its opposition to non-constitutional referendums and offered to consider through going constitutional reforms. He promised that the new Constitution would not change the issue of sovereignty and territory. This proposal went nowhere due to lack of cooperation from the opposition Pan-Blue.

CONSTITUTION AND SUPPLEMENTARY LAWS AND DOCUMENTS OF THE REPUBLIC OF CHINA pdf

8: Constitution of the Republic of China - Wikipedia

Article 53 Citizens of the People's Republic of China must abide by the Constitution and other laws, keep State secrets, protect public property, observe labour discipline and public order and respect social ethics.

General Provisions Article 1 This Law has been made to improve the lawyer system, standardize the practicing conduct of lawyers, safeguard the legal practice of law by lawyers, and discharge the functions of lawyers in the building of a socialist legal system. A lawyer shall maintain the legal rights and interests of a client, maintain the correct enforcement of law, and maintain the social fairness and justice. Article 3 In practicing law, a lawyer must observe the Constitution and laws and adhere to the professional ethics and practicing disciplines of lawyers. In practicing law, a lawyer must take fact as the basis and take law as the yardstick. In practicing law, a lawyer must accept the supervision of the state, public and client. The legal practice of a lawyer shall be protected by law, and no organization or individual shall infringe upon the legal rights and interests of a lawyer. In the application for practice of law, a certificate of lawyer qualification acquired before the adoption of the uniform national judicial examination shall be equally authentic with a certificate of passing the uniform national judicial examination. To apply for practicing law on a part-time basis, a person shall also submit a certificate that the work unit of the applicant allows the applicant to practice law on a part-time basis. The authority accepting the application shall examine the application and submit its examination opinions and all application materials to the justice administrative authority of a province, autonomous region or municipality directly under the Central Government within 20 days as of the date of acceptance. The justice administrative authority of a province, autonomous region or municipality directly under the Central Government shall review the submissions and make a decision on approving or disapproving the practice of law within ten days as of receiving the submissions. Article 8 Where a person, who has received regular course education or above in an institution of higher learning, has been engaged in the professional work for at least 15 years in a field short of legal service staff and has a senior professional title or an equivalent professional title, applies for practicing law on a full-time basis, an approval of practice of law may be granted if he passes the assessment of the justice administrative authority under the State Council. The specific rules shall be made by the State Council. Article 10 A lawyer may only practice law in one law firm. The practice of law by a lawyer shall be free of territorial restrictions. Article 11 A civil servant shall not concurrently serve as a practicing lawyer. Article 12 A person who is engaged in the legal education or research work in an institution of higher learning or research institute may apply for practicing law as a part-time lawyer, according to the procedures set forth in Article 6 of this Law, with the consent of the work unit of the person, if the conditions set forth in Article 5 of this Law are satisfied. To form a law firm, the following conditions shall be satisfied: It shall have its own name, residence and articles of association; It shall have lawyers consistent with the provisions of this Law; The promoter shall be a lawyer with certain practicing experience and without suffering a penalty of cessation of practicing within three years; and It shall have assets in the amount as provided for by the justice administrative authority of the State Council. Article 15 To form a partnership law firm, in addition to satisfying the conditions set forth in Article 14 of this Law, there shall be three or more partners, and a promoter shall be a lawyer with practicing experience for three or more years. A partnership law firm may be formed as a general partnership or a limited liability partnership. The partners of a partnership law firm shall be liable for the debts of the law firm in terms of the form of partnership. Article 16 To form a sole proprietorship law firm, in addition to satisfying the conditions set forth in Article 14 of this Law, the promoter shall be a lawyer with practicing experience for five or more years. The promoter shall be unlimitedly liable for the debts of the law firm. Article 17 To apply for forming a law firm, the following materials shall be submitted: The justice administrative authority of a province, autonomous region or municipality directly under the Central Government shall review the submissions and make a decision on approving or disapproving the formation of the law firm within ten days as of receiving the

CONSTITUTION AND SUPPLEMENTARY LAWS AND DOCUMENTS OF THE REPUBLIC OF CHINA pdf

submissions. Article 19 A partnership law firm that has been formed for three years and has 20 or more practicing lawyers may form a branch. The procedures as provided for in Article 18 of this Law shall apply to an application for the formation of a branch. A partnership law firm shall be liable for the debts of its branch. Article 20 A law firm funded and formed by the state shall legally and independently develop lawyer practices, and be liable for its debts with all assets of the law firm. Article 21 Any modification of the name, person in charge, articles of association or partnership agreement of a law firm shall be reported to the original examination and approval authority for approval. Any modification of the residence or partners of a law firm shall be reported to the original examination and approval authority for archival purposes within 15 days as of the date of modification. Article 22 A law firm under any of the following circumstances shall be terminated: Where a law firm is terminated, the authority issuing the practicing certificate shall cancel the practicing certificate of the law firm. A law firm and its lawyers shall pay taxes according to law. Article 26 A law firm and its lawyers shall not develop practices by defaming other law firms and lawyers, paying middleman fees and other illicit means. Article 27 A law firm shall not be engaged in business operations other than legal services. Article 29 A lawyer serving as a legal consultant shall provide opinions on relevant legal issues for a client as agreed upon, draft and examine legal documents, represent a client in legal proceedings, mediation or arbitration, handle other legal affairs as authorized, and protect the legal rights and interests of the client. Article 30 A lawyer serving as an agent in contentious and non-contentious legal affairs shall protect the legal rights and interests of a client within the extent of authorization. Article 31 A lawyer serving as a defender shall present materials and arguments proving that a criminal suspect is innocent or is less guilty than charged or his criminal liability should be mitigated or relieved, on the basis of fact and law, so as to protect the legal rights and interests of the criminal suspect or defendant. Article 32 A client may refuse to be further defended or represented by an authorized lawyer, and may authorize another lawyer to defend or represent him. After accepting authorization, a lawyer shall not refuse to defend or represent a client without good reasons. However, if the authorized matter violates the law, the client makes use of the services provided by the lawyer to engage in illegal activities or deliberately conceals a material fact related to the case, the lawyer shall have right to refuse to defend or represent the client. A lawyer who meets a criminal suspect or defendant shall not be under surveillance. Article 34 As of the date of prosecution examination of a case, an authorized lawyer shall have the right to consult, extract and duplicate litigation documents and case materials. Article 36 Where a lawyer serves as an agent ad litem or defender, his right of debate or defense shall be protected by law. Article 37 The personal rights of a lawyer in practicing law shall not be infringed upon. The representation or defense opinions presented in court by a lawyer shall not be subject to legal prosecution, however, except speeches compromising the national security, maliciously defaming others or seriously disrupting the court order. Article 38 A lawyer shall keep the national secrets and trade secrets known in practicing law, and shall not divulge any privacy of a client. A lawyer shall keep confidential the condition and information that is known by the lawyer in practicing law and the client and other persons are reluctant to disclose, however, except facts and information on a crime compromising the national security or public security or seriously endangering the safety of the body or property of a person, which a client or other person prepares to commit or is committing. Article 39 A lawyer shall not represent both parties in a same case, and shall not represent a client in a legal affair that has any conflict of interest with himself or his close relative. Article 40 A lawyer shall not have any of the following conduct in practicing law: Article 42 Lawyers and law firms shall perform their obligations of legal aid according to the state provisions, provide the aided persons with standard legal services, and protect the legal rights and interests of the aided persons. Accepting authorization or charging fees privately, or accepting property or any other benefit from a client; Refusing to defend or represent a client, or failing to appear before court in litigation or arbitration, without good reasons, after accepting authorization; Seeking the disputed rights and interests of a party by taking advantage of the provision of legal services; or Divulging a trade secret or personal privacy. Instigating a party to settle disputes by such illegal means as disrupting the public order or compromising the public safety; Delivering a speech that

compromising the national security, maliciously defaming others or seriously disrupting the court order; or Divulging a national secret. Accepting authorization or charging fees in violation of provisions; Handling such major matters as modification of its name, person in charge, articles of association, residence and partners in violation of statutory procedures; Being engaged in business operations other than legal services; Developing practices by defaming other law firms and lawyers, paying middleman fees and other illicit means; Accepting cases with any conflict of interest in violation of provisions; Refusing to perform its legal aid obligation; Providing the justice administrative authority with false materials or making any other falsehood; or Causing serious results for mismanagement of its lawyers. Where a law firm is punished for any violation of law in the preceding paragraph, a warning shall be given to or a fine of not more than 20,000 yuan shall be imposed on the person in charge of the law firm according to the severity of circumstance. Deeming that an administrative punishment shall be imposed against any legal violation committed by a lawyer or a law firm, the justice administrative authority at the county level shall offer punishment suggestions to its superior justice administrative authority. Article 53 A lawyer on whom a penalty of cessation of practice for not less than six months has been imposed shall not serve as a partner until three years have passed after the period of penalty expires. Article 54 Where a lawyer causes losses to a party for his illegal practice of law or fault, his law firm shall assume the compensatory liability. After compensation, the law firm may demand recourse from the lawyer who acts intentionally or has gross negligence. Article 56 Where a staffer of the justice administrative authority abuses his powers or commits dereliction of duties in violation of this law, and constitutes a crime, he shall be pursued for criminal liability; where a crime is not constituted, a discipline shall be imposed on him according to law. Chapter VII Supplementary Provisions Article 57 In respect of military lawyers who provide legal services to the army, this law shall apply to their acquisition of the lawyer qualification, rights and obligations and code of conduct. The specific measures for the administration of military lawyers shall be made by the State Council and the Central Military Commission. Article 60 This Law shall be effective as of June 1,

9: Constitution of the People's Republic of China - Wikipedia

The People's Republic of China permits foreign enterprises, other foreign economic organizations and individual foreigners to invest in China and to enter into various forms of economic co-operation with Chinese enterprises and other economic organizations in accordance with the law of the People's Republic of China.

The Chinese text was retrieved from the Web site on August 28, In his practice, a lawyer must base himself on facts and take law as the criterion. Practice by lawyers shall be subject to supervision of the State, society and the parties concerned. Lawful practice by lawyers shall be protected by law. Article 4 The judicial administration department under the State Council shall supervise and guide lawyers, law firms and lawyers associations in accordance with this Law. Article 6 The State institutes a system of uniform national examination for the qualification as a lawyer. The qualification as a lawyer shall be granted by the judicial administration department under the State Council to a person who has acquired three years legal education in an institution of higher learning, or more education or attained an equivalent professional level, or has acquired an undergraduate education in another major in an institution of higher learning, or more education, and has passed the examination for the qualification as a lawyer. Measures for the uniform national examination for the qualification as a lawyer shall be formulated by the judicial administration department under the State Council. Article 7 A person applying to practise law who has acquired an undergraduate legal education in an institution of higher learning, or more education, who is engaged in professional work such as legal research and teaching, and who has a senior professional title or is of an equivalent professional level, shall be granted the qualification as a lawyer, upon approval by the judicial administration department under the State Council after evaluation and verification in accordance with the prescribed conditions. Article 12 A lawyer shall practise in one law firm and shall not practise in two or more law firms simultaneously. Article 13 Any of the active working personnel of a State organ shall not concurrently practise as a lawyer. Article 15 A law firm is the organization in which lawyers practise. A law firm shall meet the following conditions: Article 16 A law firm established with the capital contribution from the State shall be independent in its practice pursuant to law and shall undertake liability for its debts with its entire assets. Article 17 Lawyers may establish cooperative law firms, which shall undertake liability for their debts with their entire assets. Article 18 Lawyers may establish partnership law firms. The partners shall undertake unlimited and joint and several liability for the debts of the law firm. Those who fail to meet the conditions provided for in this Law shall not be issued a law firm practice certificate and shall be notified of the matter in writing within 30 days of receiving the application. Article 20 A law firm may establish branch offices. A law firm shall undertake liability for the debts of a branch office it has established. Article 21 A law firm shall report to the original examination and verification department changes it wishes to make in important matters such as its name, domicile, articles of association, and partners, or dissolution of the firm. Article 22 A law firm shall, in accordance with the articles of association, arrange for lawyers to carry out business, study laws and State policies, and summarize and exchange work experience. Article 23 When lawyers undertake business, their law firm shall centrally accept authorization, sign written authorization contracts with the clients and, in accordance with State regulations, collect fees from the parties and truthfully enter them in its accounts. Law firms and lawyers shall pay tax in accordance with law. Article 26 A lawyer acting as legal counsel shall provide opinions regarding legal issues to the person who has engaged him, draft and review legal documents, act as agent to participate in litigation, mediation or arbitration activities, handle other legal matters authorized by the person who has engaged him, and protect the lawful rights and interests of the person who has engaged him. Article 27 A lawyer acting as agent in litigation or non-litigation legal matters shall, within the limits of authorization, protect the lawful rights and interests of the client. Article 28 A lawyer representing a defendant in a criminal case shall present, on the basis of facts and law, materials and arguments to prove that a criminal suspect is innocent or is less guilty than charged, or that his criminal responsibility should be reduced or

CONSTITUTION AND SUPPLEMENTARY LAWS AND DOCUMENTS OF THE REPUBLIC OF CHINA pdf

relieved, in order to protect the lawful rights and interests of the criminal suspect or defendant. Article 29 A client may refuse to be further defended or represented by a lawyer, and may authorize another lawyer to act in his defense or to represent him. After accepting authorization, a lawyer shall not, without good reason, refuse to defend or to represent a client. However, if the matter authorized violates law, the client uses the service provided by the lawyer to engage in illegal activities or the client conceals facts, the lawyer shall have the right to refuse to defend or to represent the client. Article 30 A lawyer participating in litigation activities may, according to the provisions of procedure laws, collect and consult the materials pertaining to the case he is undertaking, meet and correspond with a person whose personal freedom is restricted, appear in court, participate in litigation, and enjoy other rights provided for in the procedure laws. When a lawyer acts as agent ad litem or defend clients, his right to argue or present a defense shall be protected in accordance with law. Article 31 When undertaking legal matters, a lawyer may, with the consent of the relevant units or individuals, address inquiries to such units or individuals. Article 33 A lawyer shall keep confidential secrets of the State and commercial secrets of the parties concerned that he comes to know during his practice activities and shall not divulge the private affairs of the parties concerned. Article 34 A lawyer shall not represent both parties involved in the same case. Article 35 A lawyer shall not commit any of the following acts in his practice activities: The All-China Lawyers Association is established at the national level, while local lawyers associations are established by provinces, autonomous regions, and municipalities directly under the Central Government. Local lawyers associations may be established according to need by cities divided into districts. Article 38 The articles of association of lawyers associations are formulated centrally by the national congress of the members and submitted to the judicial administration department under the State Council for the record. Article 39 A lawyer must join his local lawyers association. A lawyer who has joined his local lawyers association is at the same time a member of the All-China Lawyers Association. In accordance with the articles of association of lawyers association, members of lawyers associations shall enjoy the rights granted by, and perform the obligations specified in, the articles of association. Article 40 Lawyers associations shall perform the following duties: Lawyers associations shall give awards to or take disciplinary measures against lawyers in accordance with the articles of association. Article 41 A citizen who needs the assistance of lawyers in respect of matters such as livelihood support, work-related injuries, criminal procedure, claims for State compensation or claims for lawful payment of pensions for the disabled or families of the deceased, but cannot afford lawyers fees, may obtain legal aid in accordance with State regulations. Article 42 A lawyer must undertake the duty of legal aid in accordance with State regulations, and provide the recipient with legal services in fulfilment of his duty and responsibility. Article 43 Specific measures for legal aid shall be formulated by the judicial administration department under the State Council and submitted to the State Council for approval. Article 46 A person who impersonates a lawyer and provides legal services shall be ordered by the public security authorities to cease the illegal practice of law, which shall confiscate his illegal income and may also impose a fine of no more than 5,000 yuan and detention of no more than 15 days. Article 48 If a person on whom a penalty has been imposed does not accept the decision on the administrative penalty rendered by the judicial administration department, he may apply for reconsideration to the judicial administration department at the next higher level within 15 days of receiving the decision. Article 49 If a lawyer practises illegally or causes losses to a party due to his fault, the law firm in which he practises shall bear the liability for compensation. After paying compensation, the law firm may claim recovery from the lawyer that acted intentionally or committed gross negligence. Lawyers and law firms may not be relieved of or limited in the civil liability that they shall bear for the losses caused to a party due to illegal practice of law or fault. Specific measures for administration of military lawyers shall be formulated separately by the State Council and the Central Military Commission. Article 52 Specific measures on lawyers fees shall be formulated by the judicial administration department under the State Council and submitted to the State Council for approval. Article 53 This Law shall be effective as of January 1,

CONSTITUTION AND SUPPLEMENTARY LAWS AND DOCUMENTS OF THE REPUBLIC OF CHINA pdf

The gulag archipelago In vitro reconstitution of in vivo-like nucleosome positioning on yeast DNA Christian J. Wippo and Philip Careers in sports Reel 3. May 18, 1822 March 26, 1823 Contemporary Barbie Dolls The She Womens Directory Learning android application programming for the kindle fire Reel 253. Jones, Charles-Jones, James Rfid handbook fundamentals and applications The Walden Pond Caper Different battles The lives of ethnic Americans A Little Joy, A Little Oy 2004 Day-To-Day Calendar Fibromyalgia Daniel J. Clauw and David A. Williams Paramedic national standards self test The cold, bright charms of immortality. Rekha the untold story Herding cats: catch us if you can J9 Seuss Fish in Car Blank Journal Mysticism, political philosophy, and play Game of thrones all books Neutral proteases of human polymorphonuclear leukocytes The European Community in perspective Triumph bonneville t100 workshop manual Analytical chemistry 2.0 The Hercules text. Digging to the past Soviet airwomen in combat in World War II From Padua to the Trianon, 1918-1920 Universal history of the world To jpg portable Bba entrance exam sample papers ip university From a darker place The new wood finishing book Edit my afobe trial Marching to what end? Southern Africas drought Flight of Marie Antoinette The country school at home and abroad Roots of Peace the Movement Against Militarism in Canada