

中華民國憲法中英文對照

(含增修條文)

民國 36 年 01 月 01 日

The Constitution of The Republic of China

(Promulgated by the National Government on 1.1.1947 and becoming effective on 12.25, 1947)

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

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

第一章 總綱

Chapter I. General Provisions

第 1 條

中華民國基於三民主義，為民有民治民享之民主共和國。

Article 1.

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

第 2 條

中華民國之主權屬於國民全體。

Article 2.

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

第 3 條

具中華民國國籍者為中華民國國民。

Article 3.

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

第 4 條

中華民國領土，依其固有之疆域，非經國民大會之決議，不得變更之。

Article 4.

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

第 5 條

中華民國各民族一律平等。

Article 5.

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

第 6 條

中華民國國旗定為紅地，左上角青天白日。

Article 6.

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

第二章 人民之權利義務

Chapter II. Rights and Duties of the People

第 7 條

中華民國人民，無分男女、宗教、種族、階級、黨派，在法律上一律平等。

Article 7.

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

第 8 條

人民身體之自由應予保障。除

Article 8.

Personal freedom shall be guaranteed to the people. Except in case

現行犯之逮捕由法律另定外，非經司法或警察機關依法定程序，不得逮捕拘禁。非由法院依法定程序，不得審問處罰。非依法定程序之逮捕、拘禁、審問、處罰，得拒絕之。

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

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

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

第 9 條

人民除現役軍人外，不受軍事審判。

第 10 條

人民有居住及遷徙之自由。

第 11 條

人民有言論、講學、著作及出版之自由。

第 12 條

人民有秘密通訊之自由。

第 13 條

人民有信仰宗教之自由。

第 14 條

人民有集會及結社之自由。

第 15 條

人民之生存權、工作權及財產

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

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

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

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

Article 9.

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

Article 10.

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

Article 11.

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

Article 12.

The people shall have freedom of privacy of correspondence.

Article 13.

The people shall have freedom of religious belief.

Article 14.

The people shall have freedom of assembly and association.

Article 15.

The right of existence, the right of work, and the right of property

權，應予保障。

shall be guaranteed to the people.

第 16 條

人民有請願、訴願及訴訟之權。

Article 16.

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

第 17 條

人民有選舉、罷免、創制及複決之權。

Article 17.

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

第 18 條

人民有應考試服公職之權。

Article 18.

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

第 19 條

人民有依法律納稅之義務。

Article 19.

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

第 20 條

人民有依法律服兵役之義務。

Article 20.

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

第 21 條

人民有受國民教育之權利與義務。

Article 21.

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

第 22 條

凡人民之其他自由及權利，不妨害社會秩序公共利益者，均受憲法之保障。

Article 22.

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

第 23 條

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

Article 23.

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

第 24 條

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

Article 24.

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

第三章 國民大會

Chapter III The National Assembly

第 25 條

國民大會依本憲法之規定，代表全國國民行使政權。

Article 25.

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

第 26 條

國民大會以左列代表組織之：

- 一、 每縣市及其同等區域各選出代表一人，但其人口逾五十萬人者，每增加五十萬人，增選代表一人。縣市同等區域以法律定之。
- 二、 蒙古選出代表，每盟四人，每特別旗一人。
- 三、 西藏選出代表，其名額以法律定之。
- 四、 各民族在邊疆地區選出代表，其名額以法律定之。
- 五、 僑居國外之國民選出代表，其名額以法律定之。
- 六、 職業團體選出代表，其名額以法律定之。
- 七、 婦女團體選出代表，其名額以法律定之。

Article 26.

The National Assembly shall be composed of the following delegates:

1. One delegate shall be elected from each hsien, municipality, or area of equivalent status. In case its population exceeds 500,000, one additional delegate shall be elected for each additional 500,000. Areas equivalent to hsien or municipalities shall be prescribed by law;
2. Delegates to represent Mongolia shall be elected on the basis of four for each league and one for each special banner;
3. The number of delegates to be elected from Tibet shall be prescribed by law;
4. The number of delegates to be elected by various racial groups in frontier regions shall be prescribed by law;
5. The number of delegates to be elected by Chinese citizens residing abroad shall be prescribed by law;
6. The number of delegates to be elected by occupational groups shall be prescribed by law; and
7. The number of delegates to be elected by women's organizations shall be prescribed by law.

第 27 條

國民大會之職權如左：

- 一、 選舉總統、副總統。
- 二、 罷免總統、副總統。
- 三、 修改憲法。
- 四、 複決立法院所提之憲法修正案。

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

Article 27.

The function of the National Assembly shall be as follows:

1. To elect the President and the Vice President;
2. To recall the President and the Vice President;
3. To amend the Constitution; and
4. To vote on proposed Constitutional amendments submitted by the Legislative Yuan by way of referendum.

With respect to the rights of initiative and referendum, except as is provided in Items 3 and 4 of the preceding paragraph, the National Assembly shall make regulations pertaining thereto and put them into effect, after the above-mentioned two political rights shall have been exercised in one-half of the hsien and municipalities of the whole country.

第 28 條

國民大會代表每六年改選一次。

每屆國民大會代表之任期，至次屆國民大會開會之日為止。現任官吏不得於其任所所在地之選舉區當選為國民大會代表。

Article 28.

Delegates to the National Assembly shall be elected every six years. The term of office of the delegates to each National Assembly shall terminate on the day on which the next National Assembly convenes.

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

第 29 條

國民大會於每屆總統任滿前九十日集會，由總統召集之。

Article 29.

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

第 30 條

國民大會遇有左列情形之一時，召集臨時會：

- 一、依本憲法第四十九條之規定，應補選總統、副總統時。
- 二、依監察院之決議，對於總統、副總統提出彈劾案時。
- 三、依立法院之決議，提出憲法修正案時。
- 四、國民大會代表五分之二以上請求召集時。

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

Article 30.

An extraordinary session of the National Assembly shall be convoked in any of the following circumstances:

1. When, in accordance with the provisions of Article 49 of this Constitution, a new President and a new Vice President are to be elected;
2. When, by resolution of the Control Yuan, an impeachment of the President or the Vice President is instituted;
3. When, by resolution of the Legislative Yuan, an amendment to the Constitution is proposed; and
4. When a meeting is requested by not less than two-fifths of the delegates to the National Assembly.

When an extraordinary session is to be convoked in accordance with Item 1 or Item 2 of the preceding paragraph, the President of the Legislative Yuan shall issue the notice of convocation; when it is to be convoked in accordance with Item 3 or Item 4, it shall be convoked by the President of the Republic.

第 31 條

國民大會之開會地點在中央政府所在地。

Article 31.

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

第 32 條

國民大會代表在會議時所為之言論及表決，對會外不負責任。

Article 32.

No delegate to the National Assembly shall be held responsible outside the Assembly for opinions expressed or votes cast at meetings of the Assembly.

第 33 條

國民大會代表，除現行犯外，在會期中，非經國民大會許可，不得逮捕或拘禁。

Article 33.

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

第 34 條

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

Article 34.

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

第四章 總統**Chapter IV. The President****第 35 條**

總統為國家元首，對外代表中

Article 35.

The President shall be the head of the State and shall represent the

華民國。

Republic of China in foreign relations.

第 36 條

總統統率全國陸海空軍。

Article 36.

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

第 37 條

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

Article 37.

The President shall, in accordance with law, promulgate laws and issue mandates with the counter-signature of the President of the Executive Yuan or with the counter-signatures of both the President of the Executive Yuan and the Ministers or Chairmen of Commissions concerned.

第 38 條

總統依本憲法之規定，行使締結條約及宣戰、媾和之權。

Article 38.

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

第 39 條

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

Article 39.

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

第 40 條

總統依法行使大赦、特赦、減刑及復權之權。

Article 40.

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

第 41 條

總統依法任免文武官員。

Article 41.

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

第 42 條

總統依法授與榮典。

Article 42.

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

第 43 條

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

Article 43.

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

第 44 條

總統對於院與院間之爭執，除本憲法有規定者外，得召集有關各院院長會商解決之。

第 45 條

中華民國國民年滿四十歲者，得被選為總統、副總統。

第 46 條

總統、副總統之選舉，以法律定之。

第 47 條

總統、副總統之任期為六年，連選得連任一次。

第 48 條

總統應於就職時宣誓，誓詞如左：

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

第 49 條

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

總統因故不能視事時，由副總統代行其職權。總統、副總統均不能視事時，由行政院院長代行其職權。

第 50 條

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

Article 44.

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

Article 45.

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

Article 46.

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

Article 47.

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

Article 48.

The President shall, at the time of assuming office, take the following oath:

“I do solemnly and sincerely swear before the people of the whole country that I will observe the Constitution, faithfully perform my duties, promote the welfare of the people, safeguard the security of the State, and will in no way betray the people’s trust. Should I break my oath, I shall be willing to submit myself to severe punishment by the State. This is my solemn oath.”

Article 49.

In case the office of the President should become vacant, the Vice President shall succeed until the expiration of the original presidential term. In case the office of both the President and the Vice President should become vacant, the President of the Executive Yuan shall act for the President; and, in accordance with the provisions of Article 30 of this Constitution, an extraordinary session of the National Assembly shall be convoked for the election of a new President and a new Vice President, who shall hold office until the completion of the term left unfinished by the preceding President.

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

Article 50.

The President shall be relieved of his functions on the day on which his term of office expires. If by that time the succeeding President has not yet been elected, or if the President-elect and the Vice-President-elect have not yet assumed office, the President of

the Executive Yuan shall act for the President.

第 51 條

行政院院長代行總統職權時，其期限不得逾三個月。

Article 51.

The period during which the President of the Executive Yuan may act for the President shall not exceed three months.

第 52 條

總統除犯內亂或外患罪外，非經罷免或解職，不受刑事上之訴究。

Article 52.

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

第五章 行政

Chapter V. Administration

第 53 條

行政院為國家最高行政機關。

Article 53.

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

第 54 條

行政院設院長、副院長各一人，各部會首長若干人，及不管部會之政務委員若干人。

Article 54.

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

第 55 條

行政院院長由總統提名，經立法院同意任命之。

Article 55.

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

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

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

第 56 條

行政院副院長、各部會首長及不管部會之政務委員，由行政院院長提請總統任命之。

Article 56.

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

第 57 條

行政院依左列規定，對立法院負責：

Article 57.

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

- 一、 行政院有向立法院提出施政方針及施政報告之

1. The Executive Yuan has the duty to present to the Legislative Yuan a statement of its administrative policies and a report on its

- 責。立法委員在開會時，有向行政院院長及行政院各部會首長質詢之權。
- 二、立法院對於行政院之重要政策不贊同時，得以決議移請行政院變更之。行政院對於立法院之決議，得經總統之核可，移請立法院覆議。覆議時，如經出席立法委員三分之二維持原決議，行政院院長應即接受該決議或辭職。
- 三、行政院對於立法院決議之法律案、預算案、條約案，如認為有窒礙難行時，得經總統之核可，於該決議案送達行政院十日內，移請立法院覆議。覆議時，如經出席立法委員三分之二維持原案，行政院院長應即接受該決議或辭職。

第 58 條

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

行政院院長、各部會首長，須將應行提出於立法院之法律案、預算案、戒嚴案、大赦案、宣戰案、媾和案、條約案及其他重要事項，或涉及各部會共同關係之事項，提出於行政院會議議決之。

第 59 條

行政院於會計年度開始三個月前，應將下年度預算案提出於立法院。

第 60 條

行政院於會計年度結束後四個月內，應提出決算於監察院。

- administration. While the Legislative Yuan is in session, Members of the Legislative Yuan shall have the right to question the President and the Ministers and Chairmen of Commissions of the Executive Yuan.
2. If the Legislative Yuan does not concur in any important policy of the Executive Yuan, it may, by resolution, request the Executive Yuan to alter such a policy. With respect to such resolution, the Executive Yuan may, with the approval of the President of the Republic, put a request to the Legislative Yuan for reconsideration. If, after reconsideration, two-thirds of the Members of the Legislative Yuan present at the meeting uphold the original resolution, the President of the Executive Yuan shall either abide by the same or resign from office.
3. If the Executive Yuan deems a resolution on a statutory, budgetary, or treaty bill passed by the Legislative Yuan difficult of execution, it may, with the approval of the President of the Republic and within ten days after its transmission to the Executive Yuan, request the Legislative Yuan to reconsider the said resolution. If after reconsideration, two-thirds of the Members of the Legislative Yuan present at the meeting uphold the original resolution, the President of the Executive Yuan shall either abide by the same or resign from office.

Article 58.

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

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

Article 59.

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

Article 60.

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

第 61 條

行政院之組織，以法律定之。

Article 61.

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

第六章 立法**Chapter VI. Legislation****第 62 條**

立法院為國家最高立法機關，由人民選舉之立法委員組織之，代表人民行使立法權。

Article 62.

The Legislative Yuan shall be the highest legislative organ of the State, to be constituted of members elected by the people. It shall exercise legislative power on behalf of the people.

第 63 條

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

Article 63.

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

第 64 條

立法院立法委員，依左列規定選出之：

- 一、 各省、各直轄市選出者，其人口在三百萬以下者五人，其人口超過三百萬者，每滿一百萬人增選一人。
- 二、 蒙古各盟旗選出者。
- 三、 西藏選出者。
- 四、 各民族在邊疆地區選出者。
- 五、 僑居國外之國民選出者。
- 六、 職業團體選出者。

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

Article 64.

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

1. Those to be elected from the provinces and by the municipalities under the direct jurisdiction of the Executive Yuan shall be five for each province or municipality with a population of not more than 3,000,000, one additional member shall be elected for each additional 1,000,000 in a province or municipality whose population is over 3,000,000;
2. Those to be elected from Mongolian Leagues and Banners;
3. Those to be elected from Tibet;
4. Those to be elected by various racial groups in frontier regions;
5. Those to be elected by Chinese citizens residing abroad; and
6. Those to be elected by occupational groups.

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

第 65 條

立法委員之任期為三年，連選得連任，其選舉於每屆任滿前三個月內完成之。

Article 65.

Members of the Legislative Yuan shall serve a term of three years, and shall be re-eligible. The election of Members of the Legislative Yuan shall be completed within three months prior to the expiration of each term.

第 66 條

立法院設院長、副院長各一人，由立法委員互選之。

Article 66.

The Legislative Yuan shall have a President and a Vice President, who shall be elected by and from among its Members.

第 67 條

立法院得設各種委員會。
各種委員會得邀請政府人員及社會上有關係人員到會備詢。

第 68 條

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

第 69 條

立法院遇有左列情事之一時，得開臨時會：
一、 總統之咨請。
二、 立法委員四分之一以上之請求。

第 70 條

立法院對於行政院所提預算案，不得為增加支出之提議。

第 71 條

立法院開會時，關係院院長及各部會首長得列席陳述意見。

第 72 條

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

第 73 條

立法院委員在院內所為之言論及表決，對院外不負責任。

第 74 條

立法委員，除現行犯外，非經立法院許可，不得逮捕或拘禁。

第 75 條

立法委員不得兼任官吏。

第 76 條**Article 67.**

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

Article 68.

The Legislative Yuan shall hold two sessions each year, and shall convene of its own accord. The first session shall last from February to the end of May, and the second session from September to the end of December. Whenever necessary, a session may be prolonged.

Article 69.

In any of the following circumstances, the Legislative Yuan may hold an extraordinary session:
1. At the request of the President of the Republic;
2. Upon the request of not less than one-fourth of its Members.

Article 70.

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

Article 71.

At the meetings of the Legislative Yuan, the Presidents of the various Yuan concerned and the various Ministers and Chairmen of Commissions concerned may be present to give their views.

Article 72.

Statutory bills passed by the Legislative Yuan shall be transmitted to the President of the Republic and to the Executive Yuan. The President shall, within ten days after receipt thereof, promulgate them; or he may deal with them in accordance with the provisions of Article 57 of this Constitution.

Article 73.

No Member of the Legislative Yuan shall be held responsible outside the Yuan for opinions expressed or votes cast in the Yuan.

Article 74.

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

Article 75.

No Member of the Legislative Yuan shall concurrently hold a government post.

Article 76.

立法院之組織，以法律定之。

The organization of the Legislative Yuan shall be prescribed by law.

第七章 司法

Chapter VII. Judiciary

第 77 條

司法院為國家最高司法機關，掌理民事、刑事、行政訴訟之審判及公務員之懲戒。

Article 77.

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

第 78 條

司法院解釋憲法，並有統一解釋法律及命令之權。

Article 78.

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

第 79 條

司法院設院長、副院長各一人，由總統提名，經監察院同意任命之。

Article 79.

The Judicial Yuan shall have a President and a Vice President, who shall be nominated and, with the consent of the Control Yuan, appointed by the President of the Republic.

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

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

第 80 條

法官須超出黨派以外，依據法律獨立審判，不受任何干涉。

Article 80.

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

第 81 條

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

Article 81.

Judges shall hold office for life. No judge shall be removed from office unless he has been found guilty of a criminal offense or subjected to disciplinary measure, or declared to be under interdiction. No judge shall, except in accordance with law, be suspended or transferred or have his salary reduced.

第 82 條

司法院及各級法院之組織，以法律定之。

Article 82.

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

第八章 考試

Chapter VIII. Examination

第 83 條

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

Article 83.

The Examination Yuan shall be the highest examination organ of the State and shall have charge of matters relating to examination, employment, registration, service rating, scale of salaries, promotion and transfer, security of tenure, commendation, pecuniary aid in case of death, retirement and old age pension.

第 84 條

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

Article 84.

The Examination Yuan shall have a President and a Vice President and a certain number of Members, all of whom shall be nominated and, with the consent of the Control Yuan, appointed by the President of the Republic.

第 85 條

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

Article 85.

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

第 86 條

左列資格，應經考試院依法考選銓定之：

- 一、 公務人員任用資格。
- 二、 專門職業及技術人員執業資格。

Article 86.

The following qualifications shall be determined and registered through examination by the Examination Yuan in accordance with law:

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

第 87 條

考試院關於所掌事項，得向立法院提出法律案。

Article 87.

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

第 88 條

考試委員須超出黨派以外，依據法律獨立行使職權。

Article 88.

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

第 89 條

考試院之組織，以法律定之。

Article 89.

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

第九章 監察**Chapter IX. Control****第 90 條**

監察院為國家最高監察機關，行使同意、彈劾、糾舉及審計權。

Article 90.

The Control Yuan shall be the highest control organ of the State and shall exercise the powers of consent, impeachment, censure and auditing.

第 91 條

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

Article 91.

The Control Yuan shall be composed of Members who shall be elected by Provincial and Municipal Councils, the local Councils of Mongolia and Tibet, and Chinese citizens residing abroad. Their numbers shall be determined in accordance with the following provisions:

- 一、 每省五人。

1. Five Members from each province;

- 二、 每直轄市二人。
- 三、 蒙古各盟旗共八人。
- 四、 西藏八人。
- 五、 僑居國外之國民八人。

- 2. Two Members from each municipality under the direct jurisdiction of the Executive Yuan;
- 3. Eight Members from Mongolian Leagues and Banners;
- 4. Eight Members from Tibet; and
- 5. Eight Members from Chinese citizens residing abroad.

第 92 條

監察院設院長、副院長各一人，由監察委員互選之。

Article 92.

The Control Yuan shall have a President and a Vice President, who shall be elected by and from among its Members.

第 93 條

監察委員之任期為六年，連選得連任。

Article 93.

Members of the Control Yuan shall serve a term of six years and shall be re-eligible.

第 94 條

監察院依本憲法行使同意權時，由出席委員過半數之議決行之。

Article 94.

When the Control Yuan exercises the power of consent in accordance with this Constitution, it shall do so by resolution of a majority of the Members present at the meeting.

第 95 條

監察院為行使監察權，得向行政院及其各部會調閱其所發布之命令及各種有關文件。

Article 95.

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

第 96 條

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

Article 96.

The Control Yuan may, taking into account the work of the Executive Yuan and its various Ministries and Commissions, set up a certain number of committees to investigate their activities with a view to ascertaining whether or not they are guilty of violation of law or neglect of duty.

第 97 條

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

Article 97.

The Control Yuan may, on the basis of the investigations and resolutions of its committees, propose corrective measures and forward them to the Executive Yuan and the Ministries and Commissions concerned, directing their attention to effecting improvements.

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

When the Control Yuan deems a public functionary in the Central Government or in a local government guilty of neglect of duty or violation of law, it may propose corrective measures or institute an impeachment. If it involves a criminal offense, the case shall be turned over to a law court.

第 98 條

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

Article 98.

Impeachment by the Control Yuan of a public functionary in the Central Government or in a local government shall be instituted upon the proposal of one or more than one Member of the Control Yuan and the decision, after due consideration, by a committee

composed of not less than nine Members.

第 99 條

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

Article 99.

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

第 100 條

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

Article 100.

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

第 101 條

監察委員在院內所為之言論及表決，對院外不負責任。

Article 101.

No Member of the Control Yuan shall be held responsible outside the Yuan for opinions expressed or votes cast in the Yuan.

第 102 條

監察委員，除現行犯外，非經監察院許可，不得逮捕或拘禁。

Article 102.

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

第 103 條

監察委員不得兼任其他公職或執行業務。

Article 103.

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

第 104 條

監察院設審計長，由總統提名，經立法院同意任命之。

Article 104.

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

第 105 條

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

Article 105.

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

第 106 條

監察院之組織，以法律定之。

Article 106.

The organization of the Control Yuan shall be prescribed by law.

第一〇章 中央與地方之權限

Chapter X. Powers of the Central and Local Governments

第 107 條

左列事項，由中央立法並執行之：

Article 107.

In the following matters, the Central Government shall have the power of legislation and administration:

- | | |
|-------------------------|---|
| 一、 外交。 | 1. Foreign affairs; |
| 二、 國防與國防軍事。 | 2. National defense and military affairs concerning national defense; |
| 三、 國籍法及刑事、民事、商事之法律。 | 3. Nationality law and criminal, civil and commercial law; |
| 四、 司法制度。 | 4. Judicial system; |
| 五、 航空、國道、國有鐵路、航政、郵政及電政。 | 5. Aviation, national highways, state-owned railways, navigation, postal and telegraph service; |
| 六、 中央財政與國稅。 | 6. Central Government finance and national revenues; |
| 七、 國稅與省稅、縣稅之劃分。 | 7. Demarcation of national, provincial and hsien revenues; |
| 八、 國營經濟事業。 | 8. State-operated economic enterprises; |
| 九、 幣制及國家銀行。 | 9. Currency system and state banks; |
| 十、 度量衡。 | 10. Weights and measures; |
| 十一、 國際貿易政策。 | 11. Foreign trade policies; |
| 十二、 涉外之財政經濟事項。 | 12. Financial and economic matters affecting foreigners or foreign countries; and |
| 十三、 其他依本憲法所定關於中央之事項。 | 13. Other matters relating to the Central Government as provided by this Constitution. |

第 108 條

左列事項，由中央立法並執行之，或交由省縣執行之：

- 一、 省縣自治通則。
- 二、 行政區劃。
- 三、 森林、工礦及商業。
- 四、 教育制度。
- 五、 銀行及交易所制度。
- 六、 航業及海洋漁業。
- 七、 公用事業。
- 八、 合作事業。
- 九、 二省以上之水陸交通運輸。
- 十、 二省以上之水利、河道及農牧事業。
- 十一、 中央及地方官吏之銓敘、任用、糾察及保障。
- 十二、 土地法。
- 十三、 勞動法及其他社會立法。
- 十四、 公用徵收。
- 十五、 全國戶口調查及統計。
- 十六、 移民及墾殖。
- 十七、 警察制度。
- 十八、 公共衛生。
- 十九、 振濟、撫卹及失業救濟。
- 二十、 有關文化之古籍、古物及古蹟之保存。

Article 108.

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

1. General principles of provincial and hsien self-government;
2. Division of administrative areas;
3. Forestry, industry, mining and commerce;
4. Educational system;
5. Banking and exchange system;
6. Shipping and deep-sea fishery;
7. Public utilities;
8. Cooperative enterprises;
9. Water and land communication and transportation covering two or more provinces;
10. Water conservancy, waterways, agriculture and pastoral enterprises covering two or more provinces;
11. Registration, employment, supervision, and security of tenure of officials in Central and local governments;
12. Land legislation;
13. Labor legislation and other social legislation;
14. Eminent domain;
15. Census-taking and compilation of population statistics for the whole country;
16. Immigration and land reclamation;
17. Police system;
18. Public health;
19. Relief, pecuniary aid in case of death and aid in case of unemployment; and
20. Preservation of ancient books and articles and sites of cultural value.

前項各款，省於不抵觸國家法律內，得制定單行法規。

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

第 109 條

左列事項，由省立法並執行之，或交由縣執行之：

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

前項各款，有涉及二省以上者，除法律別有規定外，得由有關各省共同辦理。

各省辦理第一項各款事務，其經費不足時，經立法院議決，由國庫補助之。

Article 109.

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

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

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

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

第 110 條

左列事項，由縣立法並執行之：

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

前項各款，有涉及二縣以上

Article 110.

In the following matters, the hsien shall have the power of legislation and administration:

1. Hsien education, public health, industries and communications;
2. Management and disposal of hsien property;
3. Hsien-operated enterprises;
4. Hsien cooperative enterprises;
5. Hsien agriculture and forestry, water conservancy, fishery, animal husbandry and public works;
6. Hsien finance and revenues;
7. Hsien debts;
8. Hsien banks;
9. Administration of hsien police and defense;
10. Hsien charitable and public welfare works; and
11. Other matters delegated to the hsien in accordance with national laws and provincial Self-Government Regulations.

Except as otherwise provided by law, any of the matters enumerated

者，除法律別有規定外，得由有關各縣共同辦理。

in the various items of the preceding paragraph, in so far as it covers two or more hsien, may be undertaken jointly by the hsien concerned.

第 111 條

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

Article 111.

Any matter not enumerated in Articles 107, 108, 109 and 110 shall fall within the jurisdiction of the Central Government, if it is national in nature; of the province, if it is provincial in nature; and of the hsien, if it concerns the hsien. In case of dispute, it shall be settled by the Legislative Yuan.

第一一章 地方制度

Chapter XI. System of Local Government

第一節 省

Section 1. The Province

第 112 條

省得召集省民代表大會，依據省縣自治通則，制定省自治法，但不得與憲法牴觸。

Article 112.

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

省民代表大會之組織及選舉，以法律定之。

The organization of the provincial assembly and the election of the delegates shall be prescribed by law.

第 113 條

省自治法應包含左列各款：

Article 113.

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

- 一、 省設省議會，省議會議員由省民選舉之。
- 二、 省設省政府，置省長一人。省長由省民選舉之。
- 三、 省與縣之關係。屬於省之立法權，由省議會行之。

1. In the province, there shall be a provincial council. Members of the provincial council shall be elected by the people of the province.
2. In the province, there shall be a provincial government with a provincial governor who shall be elected by the people of the province.
3. Relationship between the province and the hsien. The legislative power of the province shall be exercised by the Provincial Council.

第 114 條

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

Article 114.

The Provincial Self-Government Regulations shall, after enactment, be forthwith submitted to the Judicial Yuan. The Judicial Yuan, if it deems any part thereof unconstitutional, shall declare null and void the articles repugnant to the Constitution.

第 115 條

省自治法施行中，如因其中某條發生重大障礙，經司法院召

Article 115.

If, during the enforcement of the Provincial Self-Government Regulations, there should arise any serious obstacle in the

集有關方面陳述意見後，由行政院院長、立法院院長、司法院院長、考試院院長與監察院院長組織委員會，以司法院院長為主席，提出方案解決之。

application of any of the articles contained therein, the Judicial Yuan shall first summon the various parties concerned to present their views; and thereupon the Presidents of the Executive Yuan, Legislative Yuan, Judicial Yuan, Examination Yuan and Control Yuan shall form a Committee, with the President of the Judicial Yuan as Chairman, to propose a formula for solution.

第 116 條

省法規與國家法律牴觸者無效。

Article 116.

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

第 117 條

省法規與國家法律有無牴觸發生疑義時，由司法院解釋之。

Article 117.

When doubt arises as to whether or not there is a conflict between provincial rules or regulations and national laws, interpretation thereon shall be made by the Judicial Yuan.

第 118 條

直轄市之自治，以法律定之。

Article 118.

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

第 119 條

蒙古各盟旗地方自治制度，以法律定之。

Article 119.

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

第 120 條

西藏自治制度，應予以保障。

Article 120.

The self-government system of Tibet shall be safeguarded.

第二節 縣

Section 2. The Hsien

第 121 條

縣實行縣自治。

Article 121.

The hsien shall enforce hsien self-government.

第 122 條

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

Article 122.

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

第 123 條

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

Article 123.

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

第 124 條

縣設縣議會，縣議會議員由縣

Article 124.

In the hsien, there shall be a hsien council. Members of the hsien

民選舉之。
屬於縣之立法權，由縣議會行之。

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

第 125 條

縣單行規章，與國家法律或省法規牴觸者無效。

Article 125.

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

第 126 條

縣設縣政府，置縣長一人。縣長由縣民選舉之。

Article 126.

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

第 127 條

縣長辦理縣自治，並執行中央及省委辦事項。

Article 127.

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

第 128 條

市準用縣之規定。

Article 128.

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

第一二章 選舉、罷免、創制、複決

Chapter XII. Election, Recall, Initiative and Referendum

第 129 條

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

Article 129.

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

第 130 條

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

Article 130.

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

第 131 條

本憲法所規定各種選舉之候選人，一律公開競選。

Article 131.

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

第 132 條

選舉應嚴禁威脅利誘。選舉訴訟，由法院審判之。

Article 132.

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

第 133 條

被選舉人得由原選舉區依法罷

Article 133.

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

免之。

constituency.

第 134 條

各種選舉，應規定婦女當選名額，其辦法以法律定之。

Article 134.

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

第 135 條

內地生活習慣特殊之國民代表名額及選舉，其辦法以法律定之。

Article 135.

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

第 136 條

創制複決兩權之行使，以法律定之。

Article 136.

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

第一三章 基本國策

Chapter XIII. Fundamental National Policies

第一節 國防

Section 1. National Defense

第 137 條

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

Article 137.

The national defense of the Republic of China shall have as its objective the safeguarding of national security and the preservation of world peace.
The organization of national defense shall be prescribed by law.

第 138 條

全國陸海空軍，須超出個人、地域及黨派關係以外，效忠國家，愛護人民。

Article 138.

The land, sea and air forces of the whole country shall be above personal, regional, or party affiliations, shall be loyal to the state, and shall protect the people.

第 139 條

任何黨派及個人不得以武裝力量為政爭之工具。

Article 139.

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

第 140 條

現役軍人不得兼任文官。

Article 140.

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

第二節 外交

Section 2. Foreign Policy

第 141 條

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

Article 141.

The foreign policy of the Republic of China shall, in a spirit of independence and initiative and on the basis of the principles of equality and reciprocity, cultivate good-neighborliness with other nations, and respect treaties and the Charter of the United Nations, in order to protect the rights and interests of Chinese citizens

保世界和平。

residing abroad, promote international cooperation, advance international justice and ensure world peace.

第三節 國民經濟

Section 3. National Economy

第 142 條

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

Article 142.

National economy shall be based on the Principle of the People's Livelihood and shall seek to effect equalization of land ownership and restriction of private capital in order to attain a well-balanced sufficiency in national wealth and people's livelihood.

第 143 條

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

Article 143.

All land within the territory of the Republic of China shall belong to the whole body of citizens. Private ownership of land, acquired by the people in accordance with law, shall be protected and restricted by law. Privately-owned land shall be liable to taxation according to its value, and the Government may buy such land according to its value.

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

Mineral deposits which are embedded in the land, and natural power which may, for economic purposes, be utilized for the public benefit shall belong to the State, regardless of the fact that private individuals may have acquired ownership over such land.

土地價值非因施以勞力資本而增加者，應由國家徵收土地增值稅，歸人民共享之。

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

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

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

第 144 條

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

Article 144.

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

第 145 條

國家對於私人財富及私營事業，認為有妨害國計民生之平衡發展者，應以法律限制之。合作事業應受國家之獎勵與扶助。

Article 145.

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

國民生產事業及對外貿易，應受國家之獎勵、指導及保護。

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

第 146 條

Article 146.

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

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

第 147 條

中央為謀省與省間之經濟平衡發展，對於貧瘠之省，應酌予補助。
省為謀縣與縣間之經濟平衡發展，對於貧瘠之縣，應酌予補助。

Article 147.

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

第 148 條

中華民國領域內，一切貨物應許自由流通。

Article 148.

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

第 149 條

金融機構，應依法受國家之管理。

Article 149.

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

第 150 條

國家應普設平民金融機構，以救濟失業。

Article 150.

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

第 151 條

國家對於僑居國外之國民，應扶助並保護其經濟事業之發展。

Article 151.

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

第四節 社會安全

Section 4. Social Security

第 152 條

人民具有工作能力者，國家應予以適當之工作機會。

Article 152.

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

第 153 條

國家為改良勞工及農民之生活，增進其生產技能，應制定保護勞工及農民之法律，實施保護勞工及農民之政策。
婦女兒童從事勞動者，應按其年齡及身體狀態，予以特別之保護。

Article 153.

The State, in order to improve the livelihood of laborers and farmers and to improve their productive skill, shall enact laws and carry out policies for their protection.
Women and children engaged in labor shall, according to their age and physical condition, be accorded special protection.

第 154 條

勞資雙方應本協調合作原則，發展生產事業。勞資糾紛之調解與仲裁，以法律定之。

Article 154.

Capital and labor shall, in accordance with the principle of harmony and cooperation, promote productive enterprises. Conciliation and arbitration of disputes between capital and labor shall be prescribed

by law.

第 155 條

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

Article 155.

The State, in order to promote social welfare, shall establish a social insurance system. To the aged and the infirm who are unable to earn a living, and to victims of unusual calamities, the State shall give appropriate assistance and relief.

第 156 條

國家為奠定民族生存發展之基礎，應保護母性，並實施婦女兒童福利政策。

Article 156.

The State, in order to consolidate the foundation of national existence and development, shall protect motherhood and carry out the policy of promoting the welfare of women and children.

第 157 條

國家為增進民族健康，應普遍推行衛生保健事業及公醫制度。

Article 157.

The State, in order to improve national health, shall establish extensive services for sanitation and health protection, and a system of public medical service.

第五節 教育文化

Section 5. Education and Culture

第 158 條

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

Article 158.

Education and culture shall aim at the development among the citizens of the national spirit, the spirit of self-government, national morality, good physique, scientific knowledge, and the ability to earn a living.

第 159 條

國民受教育之機會，一律平等。

Article 159.

All citizens shall have equal opportunity to receive an education.

第 160 條

六歲至十二歲之學齡兒童，一律受基本教育，免納學費。其貧苦者，由政府供給書籍。已逾學齡未受基本教育之國民，一律受補習教育，免納學費，其書籍亦由政府供給。

Article 160.

All children of school age from six to 12 years shall receive free primary education. Those from poor families shall be supplied with books by the Government. All citizens above school age who have not received primary education shall receive supplementary education free of charge and shall also be supplied with books by the Government.

第 161 條

各級政府應廣設獎學金名額，以扶助學行俱優無力升學之學生。

Article 161.

The national, provincial, and local governments shall extensively establish scholarships to assist students of good scholastic standing and exemplary conduct who lack the means to continue their school education.

第 162 條

全國公私立之教育文化機關，依法律受國家之監督。

Article 162.

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

第 163 條

國家應注重各地區教育之均衡發展，並推行社會教育，以提高一般國民之文化水準，邊遠及貧瘠地區之教育文化經費，由國庫補助之。其重要之教育文化事業，得由中央辦理或補助之。

Article 163.

The State shall pay due attention to the balanced development of education in different regions, and shall promote social education in order to raise the cultural standard of the citizens in general. Grants from the National Treasury shall be made to frontier regions and economically poor areas to help them meet their educational and cultural expenses. The Central Government may either itself undertake the more important educational and cultural enterprises in such regions or give them financial assistance.

第 164 條

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

Article 164.

Expenditures of educational programs, scientific studies and cultural services shall not be, in respect of the Central Government, less than 15 percent of the total national budget; in respect of each province, less than 25 percent of the total provincial budgets; and in respect of each municipality or hsien, less than 35 percent of the total municipal or hsien budget. Educational and cultural foundations established in accordance with law shall, together with their property, be protected.

第 165 條

國家應保障教育、科學、藝術工作者之生活，並依國民經濟之進展，隨時提高其待遇。

Article 165.

The State shall safeguard the livelihood of those who work in the fields of education, sciences and arts, and shall, in accordance with the development of national economy, increase their remuneration from time to time.

第 166 條

國家應獎勵科學之發明與創造，並保護有關歷史、文化、藝術之古蹟、古物。

Article 166.

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

第 167 條

國家對於左列事業或個人，予以獎勵或補助：

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

Article 167.

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

1. Educational enterprises in the country which have been operated with good record by private individuals;
2. Educational enterprises which have been operated with good record by Chinese citizens residing abroad;
3. persons who have made discoveries or inventions in the fields of learning and technology; and
4. Persons who have rendered long and meritorious services in the field of education.

第六節 邊疆地區**Section 6. Frontier Regions****第 168 條**

國家對於邊疆地區各民族之地

Article 168.

The State shall accord to the various racial groups in the frontier

位，應予以合法之保障，並於其地方自治事業，特別予以扶植。

regions legal protection of their status and shall give them special assistance in their local self-government undertakings.

第 169 條

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

Article 169.

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

第一四章 憲法之施行及修改

Chapter XIV. Enforcement and Amendment of the Constitution

第 170 條

本憲法所稱之法律，謂經立法院通過，總統公布之法律。

Article 170.

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

第 171 條

法律與憲法牴觸者無效。
法律與憲法有無牴觸發生疑義時，由司法院解釋之。

Article 171.

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

第 172 條

命令與憲法或法律牴觸者無效。

Article 172.

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

第 173 條

憲法之解釋，由司法院為之。

Article 173.

The Constitution shall be interpreted by the Judicial Yuan.

第 174 條

憲法之修改，應依左列程序之一為之：

Article 174.

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

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

1. Upon the proposal of one-fifth of the total number of the delegates to the National Assembly and by a resolution of three-fourths of the delegates present at a meeting having a quorum of two-thirds of the entire Assembly, the Constitution may be amended.
2. Upon the proposal of one-fourth of the Members of the Legislative Yuan and by a resolution of three-fourths of the Members present at a meeting having a quorum of three-fourths of the Members of the Yuan, an amendment may be drawn up and submitted to the National Assembly by way of referendum. Such a proposed amendment to the Constitution shall be publicly

案，應於國民大會開會
前半年公告之。

published half a year before the National Assembly convenes.

第 175 條

本憲法規定事項，有另定實施
程序之必要者，以法律定之。
本憲法施行之準備程序，由制
定憲法之國民大會議定之。

Article 175.

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

中華民國憲法增修條文

Additional Articles of the Constitution of The Republic of China

- | | |
|--|---|
| <ol style="list-style-type: none"> 1. 中華民國八十年五月一日總統(80)華總(一)義字第2124號令制定公布全文10條 2. 中華民國八十一年五月二十八日總統(81)華總(一)義字第2656號令增訂公布第11~18條條文 3. 中華民國八十三年八月一日總統(83)華總(一)義字第4488號令修正公布全文10條 4. 中華民國八十六年七月二十一日總統(86)華總(一)義字第8600167020號令修正公布全文11條 5. 中華民國八十八年九月十五日總統(88)華總(一)義字第8800213390號令修正公布第1、4、9、10條條文(中華民國八十九年三月二十四日大法官解釋字第499號解釋該次修正條文因違背修憲正當程序，故應自本解釋公布之日起失其效力，原八十六年七月二十一日之增修條文繼續適用) 6. 中華民國八十九年四月二十五日總統(89)華總(一)義字第8900108350號令修正公布全文11條 7. 中華民國九十四年六月十日總統華總(一)義字第09400087551號令修正公布第1、2、4、5、8條條文；並增 | <ol style="list-style-type: none"> 1. Additional Articles 1 to 10 promulgated per 1 May 1991 Presidential Order No. Hua-Zong-I-Yi-2124 2. Additional Articles 11 to 18 promulgated per 28 May 1992 Presidential Order No. Hua-Zong-I-Yi-2656 3. Additional Articles 1 to 18 amended as Articles 1 to 10 and promulgated per 1 August 1994 Presidential Order No. Hua-Zong-I-Yi-4488 4. Additional Articles 1 to 10 amended as Articles 1 to 11 and promulgated per 21 July 1997 Presidential Order No. Hua-Zong-I-Yi-8600167020 5. Additional Articles 1, 4, 9, and 11 amended and promulgated per 15 September 1999 Presidential Order No. Hua-Zong-I-Yi-8800213390 6. Additional Articles to the Constitution of the Republic of China amended by the fifth session of the Third National Assembly and promulgated per 25 April 2000 Presidential Order No. Hua-Zong-I-Yi-8900108350 7. Amendment to the Additional Articles to the Constitution of the Republic of China submitted by the Legislative Yuan to the National Assembly and approved thereby by way of referendum and promulgated per 10 June 2005 Presidential Order No. |
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訂第 12 條條文

Hua-Zong-I-Yi-09400087551

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

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

第 1 條

中華民國自由地區選舉人於立法院提出憲法修正案、領土變更案，經公告半年，應於三個月內投票複決，不適用憲法第四條、第一百七十四條之規定。憲法第二十五條至第三十四條及第一百三十五條之規定，停止適用。

Article 1.

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

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

第 2 條

總統、副總統由中華民國自由地區全體人民直接選舉之，自中華民國八十五年第九任總統、副總統選舉實施。總統、副總統候選人應聯名登記，在選票上同列一組圈選，以得票最多之一組為當選。在國外之中華民國自由地區人民返國行使選舉權，以法律定之。總統發布行政院院長與依憲法經立法院同意任命人員之任免命令及解散立法院之命令，無須行政院院長之副署，不適用憲法第三十七條之規定。

Article 2.

The president and the vice president shall be directly elected by the entire populace of the free area of the Republic of China. This shall be effective from the election for the ninth-term president and vice president in 1996. The presidential and the vice presidential candidates shall register jointly and be listed as a pair on the ballot. The pair that receives the highest number of votes shall be elected. Citizens of the free area of the Republic of China residing abroad may return to the ROC to exercise their electoral rights and this shall be stipulated by law.

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

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

The president may, by resolution of the Executive Yuan Council, issue emergency decrees and take all necessary measures to avert imminent danger affecting the security of the State or of the people or to cope with any serious financial or economic crisis, the restrictions in Article 43 of the Constitution notwithstanding. However, such decrees shall, within ten days of issuance, be presented to the Legislative Yuan for ratification. Should the Legislative Yuan withhold ratification, the said emergency decrees shall forthwith cease to be valid.

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

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

總統於立法院通過對行政院院長之不信任案後十日內，經諮

The president may, within ten days following passage by the Legislative Yuan of a no-confidence vote against the president of

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

總統、副總統之任期為四年，連選得連任一次，不適用憲法第四十七條之規定。

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

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

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

立法院提出總統、副總統彈劾案，聲請司法院大法官審理，經憲法法庭判決成立時，被彈劾人應即解職。

第 3 條

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

行政院依左列規定，對立法院負責，憲法第五十七條之規定，停止適用：

- 一、 行政院有向立法院提出施政方針及施政報告之

the Executive Yuan, declare the dissolution of the Legislative Yuan after consulting with its president. However, the president shall not dissolve the Legislative Yuan while martial law or an emergency decree is in effect. Following the dissolution of the Legislative Yuan, an election for legislators shall be held within 60 days. The new Legislative Yuan shall convene of its own accord within ten days after the results of the said election have been confirmed, and the term of the said Legislative Yuan shall be reckoned from that date.

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

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

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

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

Should a motion to impeach the president or the vice president initiated by the Legislative Yuan and presented to the grand justices of the Judicial Yuan for adjudication be upheld by the Constitutional Court, the impeached person shall forthwith be relieved of his duties.

Article 3.

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

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

1. The Executive Yuan has the duty to present to the Legislative Yuan a statement on its administrative policies and a report on its

責。立法委員在開會時，有向行政院院長及行政院各部會首長質詢之權。

- 二、行政院對於立法院決議之法律案、預算案、條約案，如認為有窒礙難行時，得經總統之核可，於該決議案送達行政院十日內，移請立法院覆議。立法院對於行政院移請覆議案，應於送達十五日內作成決議。如為休會期間，立法院應於七日內自行集會，並於開議十五日內作成決議。覆議案逾期未議決者，原決議失效。覆議時，如經全體立法委員二分之一以上決議維持原案，行政院院長應即接受該決議。
- 三、立法院得經全體立法委員三分之一以上連署，對行政院院長提出不信任案。不信任案提出七十二小時後，應於四十八小時內以記名投票表決之。如經全體立法委員二分之一以上贊成，行政院院長應於十日內提出辭職，並得同時呈請總統解散立法院；不信任案如未獲通過，一年內不得對同一行政院院長再提不信任案。

國家機關之職權、設立程序及總員額，得以法律為準則性之規定。

各機關之組織、編制及員額，應依前項法律，基於政策或業務需要決定之。

第 4 條

立法院立法委員自第七屆起一百一十三人，任期四年，連選得連任，於每屆任滿前三個月內，依左列規定選出之，不受

administration. While the Legislative Yuan is in session, its members shall have the right to interpellate the president of the Executive Yuan and the heads of ministries and other organizations under the Executive Yuan.

2. Should the Executive Yuan deem a statutory, budgetary, or treaty bill passed by the Legislative Yuan difficult to execute, the Executive Yuan may, with the approval of the president of the Republic and within ten days of the bill's submission to the Executive Yuan, request the Legislative Yuan to reconsider the bill. The Legislative Yuan shall reach a resolution on the returned bill within 15 days after it is received. Should the Legislative Yuan be in recess, it shall convene of its own accord within seven days and reach a resolution within 15 days after the session begins. Should the Legislative Yuan not reach a resolution within the said period of time, the original bill shall become invalid. Should more than one-half of the total number of Legislative Yuan members uphold the original bill, the president of the Executive Yuan shall immediately accept the said bill.
3. With the signatures of more than one-third of the total number of Legislative Yuan members, the Legislative Yuan may propose a no-confidence vote against the president of the Executive Yuan. Seventy-two hours after the no-confidence motion is made, an open-ballot vote shall be taken within 48 hours. Should more than one-half of the total number of Legislative Yuan members approve the motion, the president of the Executive Yuan shall tender his resignation within ten days, and at the same time may request that the president dissolve the Legislative Yuan. Should the no-confidence motion fail, the Legislative Yuan may not initiate another no-confidence motion against the same president of the Executive Yuan within one year.

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

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

Article 4.

Beginning with the Seventh Legislative Yuan, the Legislative Yuan shall have 113 members, who shall serve a term of four years, which is renewable after re-election. The election of members of the Legislative Yuan shall be completed within three months prior to

憲法第六十四條及第六十五條之限制：

- 一、自由地區直轄市、縣市七十三人。每縣市至少一人。
- 二、自由地區平地原住民及山地原住民各三人。
- 三、全國不分區及僑居國外國民共三十四人。

前項第一款依各直轄市、縣市人口比例分配，並按應選名額劃分同額選舉區選出之。第三款依政黨名單投票選舉之，由獲得百分之五以上政黨選舉票之政黨依得票比率選出之，各政黨當選名單中，婦女不得低於二分之一。

立法院於每年集會時，得聽取總統國情報告。

立法院經總統解散後，在新選出之立法委員就職前，視同休會。

中華民國領土，依其固有疆域，非經全體立法委員四分之一之提議，全體立法委員四分之三之出席，及出席委員四分之三之決議，提出領土變更案，並於公告半年後，經中華民國自由地區選舉人投票複決，有效同意票過選舉人總額之半數，不得變更之。

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

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

the expiration of each term, in accordance with the following provisions, the restrictions in Article 64 and Article 65 of the Constitution notwithstanding:

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

Members for the seats set forth in Subparagraph 1 of the preceding paragraph shall be elected in proportion to the population of each Special Municipality, county, or city, which shall be divided into electoral constituencies equal in number to the number of members to be elected. Members for the seats set forth in Subparagraph 3 shall be elected from the lists of political parties in proportion to the number of votes won by each party that obtains at least 5 percent of the total vote, and the number of elected female members on each party's list shall not be less than one-half of the total number.

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

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

The territory of the Republic of China, defined by its existing national boundaries, shall not be altered unless initiated upon the proposal of one-fourth of the total members of the Legislative Yuan, passed by at least three-fourths of the members present at a meeting attended by at least three-fourths of the total members of the Legislative Yuan, and sanctioned by electors in the free area of the Republic of China at a referendum held upon expiration of a six-month period of public announcement of the proposal, wherein the number of valid votes in favor exceeds one-half of the total number of electors.

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

Impeachment of the president or the vice president by the Legislative Yuan shall be initiated upon the proposal of more than one-half of the total members of the Legislative Yuan and passed by more than two-thirds of the total members of the Legislative Yuan, whereupon it shall be presented to the grand justices of the Judicial Yuan for adjudication. The provisions of Article 90 and Article 100 of the Constitution and Article 7, Paragraph 1 of the Additional

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

第 5 條

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

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

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

司法院大法官，除依憲法第七十八條之規定外，並組成憲法法庭審理總統、副總統之彈劾及政黨違憲之解散事項。

政黨之目的或其行為，危害中華民國之存在或自由民主之憲政秩序者為違憲。

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

第 6 條

考試院為國家最高考試機關，掌理左列事項，不適用憲法第八十三條之規定：

- 一、 考試。
- 二、 公務人員之銓敘、保障、撫卹、退休。

Articles of the Constitution shall not apply.

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

Article 5.

The Judicial Yuan shall have 15 grand justices. The 15 grand justices, including a president and a vice president of the Judicial Yuan to be selected from amongst them, shall be nominated and, with the consent of the Legislative Yuan, appointed by the president of the Republic. This shall take effect from the year 2003, and the provisions of Article 79 of the Constitution shall not apply. The provisions of Article 81 of the Constitution and pertinent regulations on the lifetime holding of office and payment of salary do not apply to grand justices who did not transfer from the post of a judge.

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

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

The grand justices of the Judicial Yuan shall, in addition to discharging their duties in accordance with Article 78 of the Constitution, form a Constitutional Court to adjudicate matters relating to the impeachment of the president or the vice president, and the dissolution of unconstitutional political parties.

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

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

Article 6.

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

1. Holding of examinations;
2. Matters relating to the qualification screening, security of tenure, pecuniary aid in case of death, and retirement of civil servants; and

三、公務人員任免、考績、級俸、陞遷、褒獎之法制事項。

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

憲法第八十五條有關按省區分別規定名額，分區舉行考試之規定，停止適用。

第 7 條

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

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

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

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

監察委員須超出黨派以外，依據法律獨立行使職權。

憲法第一百零一條及第一百零二條之規定，停止適用。

第 8 條

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

第 9 條

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

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

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

Article 7.

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

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

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

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

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

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

Article 8.

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

Article 9.

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

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

台灣省政府之功能、業務與組織之調整，得以法律為特別之規定。

第 10 條

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

經濟及科學技術發展，應與環境及生態保護兼籌並顧。

國家對於人民興辦之中小型經濟事業，應扶助並保護其生存與發展。

國家對於公營金融機構之管理，應本企業化經營之原則；其管理、人事、預算、決算及審計，得以法律為特別之規定。國家應推行全民健康保險，並促進現代和傳統醫藥之研究發展。

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

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

1. A province shall have a provincial government of nine members, one of whom shall be the provincial governor. All members shall be nominated by the president of the Executive Yuan and appointed by the president of the Republic.
2. A province shall have a provincial advisory council made up of a number of members, who shall be nominated by the president of the Executive Yuan and appointed by the president of the Republic.
3. A county shall have a county council, members of which shall be elected by the people of the said county.
4. The legislative powers vested in a county shall be exercised by the county council of the said county.
5. A county shall have a county government headed by a county magistrate who shall be elected by the people of the said county.
6. The relationship between the central government and the provincial and county governments.
7. A province shall execute the orders of the Executive Yuan and supervise matters governed by the counties.

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

Article 10.

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

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

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

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

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

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

平等。

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

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

國家應尊重軍人對社會之貢獻，並對其退役後之就學、就業、就醫、就養予以保障。

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

國家肯定多元文化，並積極維護發展原住民族語言及文化。

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

國家對於僑居國外國民之政治參與，應予保障。

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

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

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

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

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

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

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

第 11 條

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

Article 11.

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

第 12 條

憲法之修改，須經立法院立法委員四分之一之提議，四分之三之出席，及出席委員四分之三之決議，提出憲法修正案，並於公告半年後，經中華民國自由地區選舉人投票複決，有效同意票過選舉人總額之半數，即通過之，不適用憲法第一百七十四條之規定。

Article 12.

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