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**MASARYKOVA UNIVERZITA
PRÁVNICKÁ FAKULTA**

150/1948 Coll.

Constitutional Act

of 9 May 1948

Constitution of the Czechoslovak Republic

The Constituent National Assembly of the Czechoslovak Republic has enacted the following Constitutional Act.

DECLARATION

We, the Czechoslovak People, declare that we are firmly resolved to build up our liberated State as a People's democracy which will ensure to us a peaceful road to socialism.

We are determined to defend with all our strength the achievements of our national and democratic revolution against all the endeavors of domestic and foreign reaction, as we have proved afresh before the whole world by the action we took in defense of the People's Democratic Order in February 1948.

We mutually pledge ourselves that our two nations shall labor at this great task together, hand in hand, thus continuing the progressive and humanitarian traditions of our history.

The Czechs and Slovaks, two brotherly nations, members of the great Slav family of nations, lived already a thousand years ago jointly in a single State, and jointly accepted from the East the highest achievement of the culture of that era-Christianity. As the first in Europe they raised on their standards, during the Hussite revolution, the ideas of liberty of thought, government of the people, and social justice.

For centuries on the Czech and Slovak people fought the feudal exploiters and the German Hapsburg Dynasty for social and national liberation. The thoughts of freedom, progress and humanity were the guiding ideas of our two nations when in the 19th century, they entered, by the joint effort of Slovak and Czech intellectual pioneers who had sprung from the people, upon the era of national revival. Under this flag also both our nations began their joint struggle against German imperialism during the first World War, and, inspired by the Great October Revolution, they created after centuries of subjection, on October 28th, 1918, their common State – the democratic Republic of Czechoslovakia.

Already then, during the first resistance movement, our people, inspired by the great example of the revolutionary struggle of the Russian workers and peasants, longed for a better social order, for socialism. But this progressive endeavor, true to our best traditions, was shortly brought to nought, when, upon the split of the workers' movement in December 1920, the numerically weak § of capitalists and landowners succeeded in turning back, in spite of the democratic Constitution, the progressive development of our Republic, and in establishing the capitalist economic order with all its attendant evils, above all the nightmare of unemployment.

When before long a new imperialist expansion, in the foul likeness of German nazism, threatened both our nations with destruction, then once again, as the nobility had betrayed the people in the Hussite Wars, now the latter-day ruling class, the bourgeoisie, allied itself in the time of greatest peril with the enemy against the people and thus enabled world imperialism to settle its differences, albeit temporarily, at the expense of both our nations, by the shameful Munich Pact.

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two nations again united in the common struggle for liberation, a struggle which, at the cost of the lives of countless of our best sons and with the aid of the Allies, above the great Slav Power, the Union of Soviet Socialist Republics, reached its climax through the Slovak and Czech risings of 1944 and 1945 with the national and democratic revolution of our people, and was brought to a victorious conclusion in the liberation of Prague by the Red Army on May 9th, 1945.

We have decided now that our liberated State shall be a national State, rid of all hostile elements, living in brotherly harmony with the family of Slav States and in friendship with all peace-loving nations of the world. We wish it to be a People's democratic State where the People not only make the laws through their representatives, but also carry them into effect through their representatives. We wish it to be a State in which the entire economy shall serve the people and be so directed that general prosperity should grow, that there should be no economic crises and that the national income should be justly distributed. Along this road we wish to attain to a social order in which exploitation of man by man shall be completely abolished – to socialism.

In this spirit we have laid down in the second part of this Constitution its Fundamental Articles, and in the third we have expounded them in detail, whereby we propose to give a firm foundation to the Legal Order of our People's democracy.

FUNDAMENTAL ARTICLES OF THE CONSTITUTION

Art. I

- (1) The Czechoslovak State is a People's democratic Republic.
- (2) The People are the sole source of all power in the State.

Art. II

- (1) The Czechoslovak Republic is a unitary State of two Slav nations possessing equal rights, the Czechs and the Slovaks.
- (2) The territory of the State forms a single and indivisible whole.

Art. III

- (1) The People's democratic Republic recognizes no privileges; work for the benefit of the community and participation in the defense of the State is the duty of all.
- (2) The State guarantees to all its citizens, men and women alike, freedom of the person and its expression and takes care that every citizen receive the same possibilities and the same opportunities
- (3) All citizens have the right to education, the right to work, to a just reward for work done, and to leisure after work. National Insurance shall provide for all citizens in cases of incapacity for work.

Art. IV

- (1) The sovereign People discharge the State power through representative bodies which are elected by the People, controlled by the People and accountable to the People.
- (2) The franchise to the representative bodies is universal, equal, direct, and secret. Every citizen has the right to vote on reaching the age of eighteen. Every citizen may be elected on reaching the age of twenty-one.
- (3) To deal with public matters and to exercise their democratic rights the people form voluntary associations, in particular political, trade union, cooperative, cultural, women's, youth and gymnastic associations.

Art. V

The supreme organ of legislative power is the National Assembly of one Chamber. It has three hundred members (deputies), elected for a term of six years.

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Art. VII

The supreme organ of governmental and executive power is the Government. It is accountable to the National Assembly. It is appointed and recalled by the President of the Republic.

Art. VIII

(1) The State power in Slovakia is vested in and carried into effect and the national individuality of the Slovak nation is represented by the Slovak National Organs.

(2) The Slovak National Organs ensure, in the spirit of the People's democracy, the equality of the Czechs and Slovaks. All organs of the Republic shall endeavour, in harmony with the Slovak National Organs, to ensure that equally favorable conditions be created for the economic, cultural and social life of both nations.

Art. IX

(1) The national organ of legislative power in Slovakia is the Slovak National Council. It has one hundred members (deputies), elected in Slovakia for a term of six years.

(2) The national organ of governmental and executive power in Slovakia is the Board of Commissioners. It is accountable to the Slovak National Council and to the Government of the Republic. It is appointed and recalled by the Government of the Republic.

Art. X

The State power in parishes, districts, and regions is vested in and carried into effect and the rights and liberties of the People are safeguarded by the National Committees.

Art. XI

(1) The judicial power is exercised by independent courts.

(2) The judges are both judges by profession and lay judges; they are both equal in any decision.

(3) The judges discharge their office independently, being bound solely by the Legal Order of the People's democracy.

Art. XII

(1) The economic system of the Czechoslovak Republic rests:

On the nationalization of mineral wealth, industry, the wholesale trade and of finance;

On the ownership of the land in accordance with the principle "The land belongs to those who till it";

On the protection of small and medium-sized enterprise, and on the inviolability of personal property.

(2) The entire national economy of the Czechoslovak Republic shall serve the People. In this public interest the State directs all economic activity by a Uniform Economic Plan.

DETAILED PROVISIONS OF THE CONSTITUTION

PART ONE

Rights and duties of citizens

Equality

§ 1

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Personal Freedom

§ 2

Personal freedom is guaranteed. It may be restricted or withheld only on the basis of the law.

§ 3

(1) No one shall be prosecuted, except in cases permitted under the law, and then only by a court or authority competent by law, and in the manner prescribed by law.

(2) No one shall be arrested, unless he be caught in the act itself, except on a written circumstantiated warrant granted by a judge. This warrant shall be served at the time of the arrest, or, if this is not possible, within 48 hours thereafter.

(3) No one shall be taken into custody by a public functionary, except in such cases as are prescribed by law, whereupon he shall either be released within 48 hours or brought before a court or such authority as may be competent, according to the nature of the case, to deal with it further.

Right of Property

§ 8

Within general statutory limits every citizen may anywhere within the territory of the Czechoslovak Republic acquire real and other property and carry on gainful activity there.

§ 9

(1) Private ownership may be restricted only by law.

(2) Expropriation shall be possible only on the basis of the law and on payment of compensation except in such cases as it is or shall be prescribed by law that no compensation be given.

(3) No one shall misuse the rights of property to the detriment of the community.

Svoboda shromažďovací a společovací

§ 24

(1) The right to assemble and to form associations is guaranteed provided that the People's Democratic Order, or public law and order are not threatened thereby.

(2) The exercise of these rights shall be regulated by Acts.

§ 25

(1) In order to protect their rights, employed persons may associate together in a United Trade Union Organization and be entitled to defend their interests through the instrumentality thereof.

(2) The United Trade Union Organization shall be ensured a wide participation in the control of the economy and in dealing with all matters relating to the interests of the working population.

(3) The interests of the employed persons in individual works and offices shall be represented by the United Trade Union Organization and its bodies.

Freedom of Residence

§ 7

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Privacy of Mails and Privacy of Communicated News

§ 6

No one shall violate the privacy of letters under cover or other written matter, whether they be kept in a private place or despatched by mail or other means of transport, except in cases authorized by law and in the manner prescribed by law. The privacy of news communicated by telephone, telegraph, or other similar public means of communication, is likewise protected.

Social Rights

§ 26

- (1) All citizens shall have the right to work.
- (2) This right shall be secured especially by the organization of work directed by the State in pursuance of the planned economy.
- (3) Women shall be entitled to special regulation of conditions of work, in view of the circumstances of pregnancy, maternity and child care.
- (4) Special conditions of work in respect of young persons, in consideration of the requirements of their physical and mental development, shall be prescribed by Act.

§ 27

- (1) All working members of the population shall be entitled to a just remuneration for work done.
- (2) This right shall be secured by the wage policy of the State, pursued in concurrence with the United Trade Union Organization and directed towards the constant raising of the standard of living of the working population.
- (3) In assessing the remuneration for work done the decisive factors shall be the quality and quantity of the work done as well as its benefit to the community.
- (4) On the same conditions of work, men and women shall be entitled to equal remuneration for equal work.

§ 28

- (1) All working members of the population shall have the right to leisure.
- (2) This right shall be secured by the regulation of hours of work and of holidays with pay by Act, as well as by the care of the recreation of working members of the population.

§ 29

- (1) Every one shall be entitled to the protection of health. All citizens shall be entitled to medical care and to provision in old age, incapacity for work and loss of livelihood.
- (2) Women shall be entitled to special care in the events of pregnancy and maternity, children and young persons shall be entitled to all facilities for a full physical and mental development.
- (3) These rights shall be secured by the Acts relating to national insurance, as well as by the public health and social welfare services.
- (4) The protection of life and health at work shall be ensured in particular by State supervision and by regulations issued in respect of safety precautions in places of work.

Right to Education

§ 12

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§ 13

- (1) All schools shall be State schools.
- (2) Basic education shall be uniform, compulsory and free.
- (3) Details and exceptions shall be prescribed by Act.

§ 14

- (1) All education and all instruction shall be so provided as to be in accordance with the results of scientific research, and so as not to be inconsistent with the People's Democratic Order.
- (2) The supreme direction of all education and of all instruction, as well as the supervision thereof, shall be the competence of the State.

Inviolability of Domicile

§ 4

The inviolability of the domicile is guaranteed. It may be restricted only on the basis of the law.

§ 5

- (1) The premises of no one may be searched, except in cases permitted under the law, and then only by a court or public functionary competent by law, and in the manner prescribed by law.
- (2) A search may be carried out, unless the law directs otherwise, only on the strength of a written circumstantiated warrant granted by a judge or competent authority. This warrant shall be served at the time of the search, or, if this is not possible, within 48 hours thereafter.
- (3) The functionary carrying out the search shall produce his authority, and furnish the person whose premises he has searched, at the request of that person, at the time of the search, or, if this is not possible, within 48 hours thereafter, with a written statement giving the reasons for the search, and the result thereof, and a list of all articles seized.

Protection of the Family and of Youth

§ 10

- (1) The institution of marriage, the family and motherhood are under the protection of the State.
- (2) The state shall ensure that the family be the sound foundation of the development of the nation. Large families shall be granted special relief and assistance.

§ 11

- (1) To children the State shall ensure special care and protection. In particular the State shall take systematic measures in the interest of the increase of the population within the nation.
- (2) The rights of a child shall not be prejudiced by virtue of its origin. Details shall be prescribed by Act.
- (3) To youth the State shall ensure all opportunities for full physical and mental development.

Freedom of Conscience and of Religious Denomination

§ 15

- (1) Freedom of conscience is guaranteed.
- (2) No one shall suffer prejudice by virtue of his views, philosophy, faith or convictions be a ground for anyone to refuse to fulfil the civil duties laid upon him by law.

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denomination.

(2) All religious denominations as well as the absence thereof shall be equal before the law.

§ 17

(1) Every one shall be at liberty to carry out the acts connected with any religious denomination or absence thereof. The exercise of this right shall not, however, be inconsistent with public order and morality. This right shall not be misused for non-religious ends.

(2) No pressure, direct or indirect, shall be put upon anyone to take part in such acts.

Freedom of Expression and Protection of Cultural Assets

§ 18

(1) Freedom of expression is guaranteed.

(2) Every one may, within the limits of the law, express his opinion by word of mouth, in writing, print, pictorially, or in any other manner whatsoever. No one shall suffer prejudice by virtue exercise of this right.

§ 19

(1) Freedom of creative mental work is guaranteed. Scientific research and the promulgation of the results thereof, as well as art and its expressions, are free provided they do not violate the penal law.

(2) Cultural assets are under the protection of the State. The State shall ensure that these assets be available to all, and support science and the arts in the interest of the development of the national culture, of progress and of the general welfare; in particular the State shall ensure to creative workers favorable conditions for their work.

§ 20

(1) Every one shall have the right to bring his views and the fruits of his creative mental work to the general notice, and to distribute and perform them in any manner whatever.

(2) This right may be restricted by law only with a view to the public interest and to the cultural needs of the people.

§ 21

(1) Freedom of the press is guaranteed. It shall therefore not be permitted, as a rule, to subject the press to preliminary censorship.

(2) Who shall be entitled, and on what conditions, to publish periodical journals, in particular with regard to the principle that profit should not be the aim of such publication, shall be prescribed by Act.

(3) The manner of the planned direction of the issue and distribution of non-periodical publications, in particular books, musical scores, and reproductions of works of art, while maintaining the freedom of science the arts and with a view to the protection of valuable works, shall be prescribed by Act.

§ 22

(1) The right to produce, distribute, publicly exhibit, as well as to import and export motion pictures shall be reserved to the State.

(2) Broadcasting and television shall be the exclusive right of the State.

(3) The exercise of these rights shall be regulated and exceptions prescribed by Acts.

Fundamental Duties of the Citizen towards the State and the Community

§ 30

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national property and to guard against its being diminished or damaged.

§ 31

It is the duty of citizens to discharge all public functions to which they have been called by the People conscientiously and honestly in the spirit of the People's Democratic Order.

§ 32

It is the duty of every citizen to work in accordance with his abilities and to contribute by his work to the common weal.

§ 33

Taxes and public duties may be levied only on the basis of the law. Likewise the public authority may demand personal services only on the basis of the law.

§ 34

- (1) The defense of the State and of the People's Democratic Order is the supreme duty of every citizen. Service in the people's democratic army of the Czechoslovak Republic is the supreme honor for every citizen.
- (2) It is the duty of every citizen to undergo military training, to take part in military service, and to obey any call to the defense of the State.
- (3) For the purpose of the defense of the State and for the preparation of such defense, cooperation and material contributions may be demanded from, and restrictions and material services imposed upon, every one.
- (4) Public authorities and executive officers shall in the exercise of their official function, by virtue of their authority, take care also of the interests of the defense of the State.
- (5) Details shall be prescribed by Act.

General Provisions

§ 35

Penalties may be threatened or imposed only on the basis of the law.

§ 36

- (1) It is the duty of all public authorities to act in the discharge of their office or duty in accordance with the law and with the principles of the People's Democratic Order.
- (2) If any public functionary offends against this duty he shall be liable to punishment according to law.

§ 37

- (1) Statements and acts that constitute a threat to the independence, integrity and unity of the State, the Constitution, the Republican form of government and the People's Democratic Order, are punishable according to law.
- (2) The misuse of civil rights and liberties to such ends is inadmissible. In particular it is forbidden to spread, in any manner and in any form whatever, nazism and fascism and fascism, racial and religious intolerance, or chauvinism.

§ 38

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prescribed by Act.

Right of Petition

§ 23

Every one shall be entitled to petition with any public authority whatsoever.

PART TWO

The national assembly

§ 39

- (1) The seat of the National Assembly shall be Prague.
- (2) Temporarily the National Assembly may be summoned to another place.

§ 40

- (1) Details in respect of the conditions of the franchise, of the exercise thereof and of the carrying out of election of deputies of the National Assembly, shall be prescribed by Act.
- (2) What activity and which public functions are incompatible with the function of deputy, shall be prescribed by Act.

§ 41

- (1) The National Assembly shall verify the validity of the election of the individual deputies and decide upon the incompatibility of the function of deputy with another function.
- (2) Verification shall be carried out within six months after the Chamber has been constituted, or within three months after the day on which a substituted member, replacing a deputy, has taken the pledge.

§ 42

- (1) At his first sitting in the National Assembly a deputy shall take the following pledge: "I pledge myself that I will be loyal to the Czechoslovak Republic and her People's Democratic Order. I will uphold her laws and discharge my mandate according to the best of my knowledge and conscience, to the benefit of the People and of the State.
- (2) Refusal to take the pledge or a pledge taken with reservations shall involve the direct loss of the mandate.

§ 43

The deputies shall discharge their mandate personally. They may resign at any time.

§ 44

The deputies may not be prosecuted at all for voting in the National Assembly or in the Committees of the Chamber. For statements made there in the exercise of the mandate they shall be amenable only to the disciplinary power of the National Assembly.

§ 45

- (1) In order that criminal or disciplinary proceedings might be taken against a deputy in respect of any other offense or omission, the assent of the National Assembly shall first be obtained. If the National Assembly refuses this assent, no proceedings shall be taken in respect of that offense or omission then or ever after.

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§ 46

- (1) If a deputy be apprehended and arrested in the criminal act itself, the court or other competent authority shall be liable to notify the Chairman of the National Assembly at once of the arrest.
- (2) Unless the National Assembly make known within 14 days its assent to further custody, the deputy shall be released.
- (3) If the Chamber is not in session at the time of the arrest, the consent of the Presidium of the National Assembly shall be required. If the Presidium assents to further custody, the National Assembly shall decide in respect of the matter within 14 days after the date of its next sitting. This decision shall be final.

§ 47

Deputies shall have the right to refuse testimony in respect of matters confided to them in their capacity as members of the National Assembly, and shall be so entitled even after they have ceased to be such members. Excepted shall be cases relating to inducement to a misuse of the mandate.

§ 48

- (1) A deputy in public or private employment shall be entitled to leave-of-absence from the day on which he takes the pledge throughout the duration of the mandate.
- (2) The deputies shall be entitled during the exercise of the mandate to compensation, the amount whereof shall be prescribed by Act.
- (3) Further details in respect of the position of deputies, in particular in respect of their claim to salary (if in public or private employment), shall be prescribed by Act.

§ 49

- (1) It shall be the duty of the President of the Republic to summon the National Assembly for two ordinary sessions in each year, being the Spring Session and the Autumn Session. The Spring Session shall begin in March and the Autumn Session shall begin in October.
- (2) The President of the Republic shall prorogue the National Assembly at the end of each session. He may adjourn it for not longer than one month and not more often than once a year.
- (3) The President of the Republic shall summon the National Assembly for extraordinary sessions, if necessary. If an absolute majority of all the deputies apply to the Prime Minister that the National Assembly be recalled, making known to him at the same time the subject of proceedings, the President of the Republic shall summon the National Assembly so that it may convene within a fortnight after the application has been lodged. Should the President of the Republic fail to do so, the National Assembly shall convene within the following fortnight at the summons of its Presidium.

§ 50

- (1) The President of the Republic shall have the right to dissolve the National Assembly. He shall not be entitled to exercise this right during the last six months of his term of office.
- (2) New elections to the National Assembly shall be carried out within 60 days after the expiry of the election term of the National Assembly or after it has been dissolved by the President.
- (3) By virtue of a dissolution of the National Assembly criminal proceedings initiated under § 78 or 91 shall not be discontinued.

§ 51

The fundamental rules relating to the proceedings of the National Assembly, its relations with the Government and with the outside world in general shall be laid down in the National Assembly Standing Orders Act.

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§ 52

- (1) The sittings of the National Assembly shall be presided over by the Chairman of the National Assembly.
- (2) The Presidium of the National Assembly may appoint additional officers for the carrying out of specific parliamentary tasks.

§ 53

- (1) The sittings of the National Assembly shall as a rule be public.
- (2) Non-public sittings may take place only in cases provided for in the Standing Orders.

§ 54

- (1) The quorum of the National Assembly shall consist of not less than one-third of the deputies. The enactments of the National Assembly shall be valid if adopted by a simple majority of votes.
- (2) Enactments whereby the Constitution is amended, a Constitutional Act is adopted, or a decision in respect of a declaration of war is taken, shall be valid if adopted by a three-fifths majority of all the deputies. The same majority shall be required for the validity of an enactment whereby a conviction is brought in a criminal action against the President of the Republic or against members of the Government.

§ 55

- (1) The Prime Minister and the other members of the Government shall be entitled at any time to take part in the sittings of the National Assembly or of any of its Committees. They shall be permitted to speak whenever they so request.
- (2) A member of the Government shall appear before the Chamber in person at the request of the National Assembly, its Presidium or any of its Committees.
- (3) At other times a member of the Government may be represented by officials of his department.

§ 56

- (1) The National Assembly shall be entitled to interpellate the Prime Minister and the other members of the Government in respect of matters of their competence. It shall be the duty of the Prime Minister and the other members of the Government to reply to the interpellations of deputies.
- (2) The National Assembly may adopt addresses and resolutions.

§ 57

- (1) Bills may be moved on the conditions laid down in the Standing Orders, either by the Government or by deputies.
- (2) Every bill moved by deputies shall be accompanied by an estimate of the financial import of the bill and by a proposal for revenue to cover the expenditure involved.

§ 58

The President of the Republic shall have the right to return enactments of the National Assembly with his comments within one month after the day on which the enactment was submitted to the Prime Minister.

§ 59

- (1) If the National Assembly in a ballot taken by roll-call re-enact a returned enactment by an absolute majority of votes, it shall be promulgated as an Act.
- (2) Where the enactment is such that its adoption is subject to the affirmative vote of a three-fifths majority of all the deputies, the re-enactment (after having been returned by the President) shall be subject to that same

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Assembly.

§ 60

- (1) There shall be set out in every Act which member of the Government is to be charged with its implementation.
- (2) An Act shall be signed by the President of the Republic, the Chairman of the National Assembly, the Prime Minister, and the Minister charged with its implementation. If the President is prevented or ailing and if there is no Vice-President (§ 72, section 2), the Prime Minister shall sign for the President.
- (3) Members of the Government may for the purpose of signing Acts be represented by other members of the Government.

§ 61

- (1) In order to be valid, an Act shall be promulgated in the manner prescribed by Act.
- (2) Acts shall be promulgated by means of the following introductory clause:
- (3) An Act shall be promulgated within 8 days after having been signed by the President of the Republic, or after lapse of the period set out in § 58. If, however, the President makes use of his right as there set out, the Act shall be promulgated within 8 days after its re-enactment by the National Assembly (§ 59) has been notified to the Prime Minister.

§ 62

- (1) The National Assembly shall be competent to enact the State Budget Act and to audit the final State accounts. The estimates bill and the final accounts shall be laid before the National Assembly by the Government. The State budget shall be uniform. Further provision shall be made by Act.
- (2) The control of the public finances shall be regulated uniformly by Act for the entire territory of the State.

The Presidium of the National Assembly

§ 63

- (1) The National Assembly shall elect a Presidium of 24 from among the deputies.
- (2) The Presidium of the National Assembly shall consist of the Chairman of the National Assembly, the Vice-Chairmen, and the other members.
- (3) The Chairman of the National Assembly may be represented by one of the Vice-Chairmen, subject to the provisions of the Standing Orders.

§ 64

- (1) The Presidium of the National Assembly shall always be elected for a term of one year. The Chairman of the National Assembly and the Vice-Chairmen shall be elected by separate vote.
- (2) The first election shall take place as soon as the newly elected National Assembly is constituted. At subsequent elections the members of the Presidium shall remain in office until the new Presidium has been elected. If the election term of the National Assembly has expired or if the National Assembly has been dissolved, the members of the Presidium shall remain in office until such time as the new National Assembly elects its Presidium, and the provisions of §§ 43 to 48 shall continue to apply to them.
- (3) If for any reason the seat of any member of the Presidium falls vacant prior the expiry of the term of office of the Presidium, a by-election shall be held for the remainder of the term.
- (4) The National Assembly may recall its Presidium or the individual members thereof at any time.

§ 65

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(2) The implementation of the foregoing provision shall be regulated by Act.

§ 66

(1) At a time when the National Assembly is not in session, because

1. It has been prorogued or adjourned, or
2. Its election term has expired, or
3. It has been dissolved, or
4. Its convening is made impossible by exceptional circumstances,

the Presidium of the National Assembly shall remain in office (§ 64, section 2). The provisions of § 55 shall at such a time apply to the sittings of the Presidium, *mutatis mutandis*.

(2) The Presidium of the National Assembly shall during this time take urgent measures, including such measures as would otherwise require an Act. The Presidium shall at such a time be competent to deal with all matters appertaining to the competence of the National Assembly, with the exception of the matters set out in sections 3 and 4 below.

(3) If the National Assembly is not in session because its convening has been made impossible by exceptional circumstances (section 1, paragraph 4), the Presidium of the National Assembly shall not be entitled

- a) To elect the President of the Republic or the Vice-President;
- b) To amend the Constitution or Constitutional Acts.

(4) If the National Assembly is not in session for any of the reasons set out in section 1, paragraph 1 to 3, the Presidium of the National Assembly not be entitled

- a) To elect the President of the Republic or the Vice-President;
- b) To amend the Constitution or Constitutional Acts;
- c) To extend military service, or to impose permanent charges upon the State finances;
- d) To take decision in respect of a declaration of war.

(5) In respect of measures which would otherwise require an Act, or in order to sanction expenditure or revenue not provided for in the budget, the agreement of absolute majority of all members of the Presidium shall be necessary. In respect of other matters the presence of one-half of the members of the Presidium and the assent of a simple majority of present members shall be sufficient.

(6) Urgent measures which would otherwise require an Act may be proposed only by the Government. Such measures shall possess the temporary validity of an Act and shall be promulgated with reference to § 66 of the Constitution in accordance with § 61, *mutatis mutandis*. They shall be signed by the President of the Republic, the Chairman of the National Assembly, the Prime Minister, and not less than one-half of the members of the Government. Measures which the President of the Republic or the Prime Minister refuses to sanction shall not be promulgated.

(7) As soon as the National Assembly is again in session the Chairman shall report to the National Assembly on the proceedings of the Presidium. If a new National Assembly has in the meantime been elected, this report shall be made during the inaugurating session by the Chairman of the former National Assembly or by one of its Vice-Chairmen, even if they are not members of the newly elected National Assembly.

(8) Measures not ratified by the National Assembly within two months of its convening shall cease to be valid.

PART THREE

The president of the republic

§ 67

(1) Any citizen of the State who is eligible to the National Assembly and who has reached the age of 35 may be elected President of the Republic.

(2) The chief seat of the President shall be Prague.

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(2) The election of the President of the Republic shall be valid if an absolute majority of deputies is present at the sitting. A candidate shall be elected if he secures a three-fifths majority of the votes of those present.

(3) Should no decision be reached after two votes, a final ballot shall decide between those candidates who secure the greatest number of votes in the second ballot. The candidate who secures the greatest number of votes shall be elected. In the event of an even vote, decision shall be made by lot.

(4) Details shall be prescribed by Act.

§ 69

(1) The term of office shall be seven years, and shall begin on the day on which the newly elected President takes the pledge.

(2) Where the newly elected President takes the pledge before the acting President's term of office expires, and provided that this is not a case under § 72, section 1, the newly elected President's term of office shall be deemed to run from the day on which the former President's term of office expires.

(3) The election shall take place within the last four weeks of the acting President's term of office.

§ 70

(1) No one may be elected more than twice in succession. One who has been President of the Republic for two successive terms of office shall not again be eligible until seven years have elapsed since the end of his second term of office.

(2) These provisions shall not apply to the second President of the Czechoslovak Republic.

§ 71

(1) Republic shall not at the same time be a member of the National Assembly, or a member of the Government.

(2) If a deputy or a member of the Government is elected President of the Republic, he shall cease to discharge that function from the day of the election. His mandate, or membership in the Government, shall lapse on the day on which he takes the pledge.

§ 72

(1) If the President of the Republic dies, or resigns during the term of office, or loses his office under § 78, a new President shall be elected for a full term of office. The National Assembly shall to this end be summoned within 14 days.

(2) Until such time as a new President is elected and has taken the pledge, or where the President is prevented or ailing so as to be unable to discharge his office, the discharge of his function shall appertain to the Government, which may delegate certain specific acts to the Prime Minister; the supreme command of the armed forces shall during this time be held by the Prime Minister.

§ 73

(1) If the President has been prevented or ailing for a period exceeding six months (§ 72, section 2), and provided that the Government so decides, the National Assembly shall elect a Vice-President, who shall remain in office until the impediment passes.

(2) A member of the National Assembly who has been elected Vice-President may not discharge his mandate while he is Vice-President.

§ 74

(1) The President of the Republic

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the State boundaries shall be enacted by the National Assembly in the form of a Constitutional Act (§ 166). The negotiation of international treaties and agreements which do not require enactment by the National Assembly and where ratification is not a condition, may be delegated by the President to the Government and, with the consent of the Government, to individual members thereof. On what conditions economic treaties of a general character may be carried into effect even prior to the sanction of the National Assembly being expressed, shall be prescribed by Act;

2. Shall receive and appoint envoys;

3. Shall summon, adjourn and dissolve the National Assembly and prorogue it at the end of a session;

4. Shall sign the Acts of the National Assembly and the measures taken by the Presidium of the National Assembly under § 66; and shall have the right to return enactments with his comments;

5. May submit to the National Assembly oral or written reports regarding the condition of the Republic, and recommend to the Assembly such measures as he considers necessary and expedient;

6. Shall appoint the Prime Minister and the other members of the Government, prescribe the number of members of the Government and determine which of them shall direct a certain Ministry, recall the Government if it resigns, as well as its individual resigning members;

7. Shall have the right to be present and to take the chair at meetings of the Government, to invite the Government or individual members thereof to conferences, and to request reports from the Government and individual members thereof, on all matters within their sphere of competence. He may give notice of a report thus obtained to the Prime Minister and suggest to him that the Government consider taking appropriate measures;

8. Shall appoint all university professors, further judges by profession from the fifth grade of functional salary upwards, and officers of the armed forces, as well as other civil servants from the third grade upwards;

9. Shall award decorations, unless he empower another organ to do so, and grant permission to Czechoslovak citizens to accept foreign decorations and titles of honor;

10. Shall award, on recommendation of the Government, honorary gifts and allowances, as well as charitable gifts and allowances;

11. Shall have the right to proclaim an amnesty, to grant a pardon or to mitigate a sentence or the legal consequences of a criminal conviction and to order the abolition or suspension of criminal proceedings save in the case of acts suable by private persons. These rights shall not be exercised by a President against whom proceedings are about to be initiated under § 78, or in respect of a President charged or convicted under § 78, or of members of the Government charged or convicted under § 91;

12. Shall hold the supreme command of the armed forces, and proclaim, in pursuance of a Government decision, a state of war, and declare war in pursuance of a decision of the National Assembly.

(2) All governmental and executive power, in so far as it is not or shall not be by the Constitution or other Acts explicitly reserved to the President of the Republic, shall be vested in the Government.

§ 75

The President of the Republic shall take the following pledge the National Assembly:

§ 76

The President of the Republic shall not be accountable in respect of the exercise of his office. For any pronouncements made by him in connection with the office of President of the Republic the Government shall be accountable.

§ 77

An act of governmental or executive power performed by the President of the Republic, in order to be valid, shall be countersigned by a responsible member of the Government.

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shall be brought by the Presidium of the National Assembly, and he shall be tried by the National Assembly. No penalty may be awarded save the loss of the presidential office and of the fitness to regain it thereafter.

(2) Details shall be prescribed by Act.

§ 79

The provisions relating to the President of the Republic shall also apply to a Vice-President.

PART FOUR

The government

§ 80

(1) The Government shall consist of the Prime Minister, the Deputy Ministers and the other members of the Government (Ministers and State Secretaries).

(2) What functions are incompatible with the function of member of the Government shall be prescribed by Act.

(3) The regular seat of the Government shall be Prague.

§ 81

The members of the Government shall deliver the following pledge into the hands of the President of the Republic:

§ 82

Having been appointed by the President of the Republic, it shall be the duty of the Government to come before and present its program to the National Assembly and to ask for a vote of confidence.

§ 83

(1) The Government shall be accountable to the National Assembly throughout its term of office. The National Assembly may pass a vote of no-confidence in the Government.

(2) A motion of no-confidence shall be signed by not less than a hundred deputies and shall be submitted to the Presidium of the National Assembly, which shall report upon it within 8 days. The vote shall be valid if an absolute majority of all the deputies is present, and if a majority of votes be obtained in a ballot taken by a roll-call.

(3) The Government may at any time move a vote of confidence in the National Assembly. The motion shall be dealt with without being submitted to the Presidium.

§ 84

(1) The Government may resign and shall in that case tender its resignation into the hands of the President of the Republic.

(2) If the National Assembly passes a vote of no-confidence in the Government, or rejects a Government motion of confidence, the Government shall be bound to tender its resignation into the hands of the President of the Republic.

(3) If the resignation of the Government takes place at a time when the Government discharges the office of the President of the Republic (§ 72, section 2), the resignation shall be accepted by the Presidium of the National Assembly.

§ 85

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§ 86

- (1) A member of the Government may resign and shall in that case tender his resignation into the hands of the President of the Republic.
- (2) The National Assembly may also pass a vote of no-confidence upon an individual member of the Government. In that event, that member of the Government shall be bound to tender his resignation into the hands of the President of the Republic.
- (3) The provisions of § 83, section 3, shall apply, *mutatis mutandis*, to the motion of a vote of no-confidence and the manner of voting thereupon.

§ 87

- (1) Where an individual member of the Government resigns, the President of the Republic shall prescribe which of the remaining members of the Government shall provisionally discharge the functions of the resigning member, until such time as the Government is brought up to strength.
- (2) If the resignation of a member of the Government takes place at a time when the Government discharges the office of the President of the Republic (§ 72, section 2), the Presidium of the National Assembly shall accept the resignation and make temporary provision.

§ 88

- (1) The Prime Minister shall direct the work of the Government, summon and preside over its sittings and determine the order of business. He shall coordinate the activity of all central departments and supervise the implementation of the Government program.
- (2) The Prime Minister may appoint one of the Deputy Prime Ministers or another member of the Government to represent him.

§ 89

- (1) The Government shall decide in council, which shall be deemed to form a quorum provided that not less than one-half of the total number of members is present.
- (2) The Government shall decide in council regarding in particular:
 1. All more important matters of a political character;
 2. The appointment of judges, civil servants and officers of the armed forces from the fifth grade of salary upwards, provided that such appointment appertains to the central authorities, and in respect of proposals for the appointment of functionaries the appointment of whom appertains to the President of the Republic;
 3. The appointment and recall of the Chairman of the Board of Commissioners and individual Commissioners;
 4. Government bills to be moved in the National Assembly;
 5. Proposals that the President of the Republic use his right to return enactments with his comments (§ 58);
 6. Acts of the Slovak National Council, submitted to the Government by the Prime Minister under § 110, section 2;
 7. Government Orders.

§ 90

- (1) The Government may issue Orders for the implementation of a certain Act and within the limits of that Act. Orders may also be issued by individual Ministers provided that they are empowered thereto by that Act.
- (2) A Government Order shall be signed by the Prime Minister or the acting Deputy Prime Minister and the members of the Government charged with carrying the said Order into effect. An Order issued by a Minister shall, in order to be valid, require to be countersigned by the Prime Minister or the acting Deputy Prime

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by the general statutory regulations of individual Ministries and National Committees, as well as other authorities.

§ 91

(1) If a member of the Government, whether with intent or from gross negligence, violates the Constitution or other laws in the exercise of his he shall be held criminally liable.

(2) The indictment shall be brought by the Presidium of the National Assembly; the case shall be tried before the House.

§ 92

(1) Ministries shall be created by Act, which may delegate detailed regulation, in particular in respect of their competence, to a Government Order.

(2) Other authorities competent to perform the public administration shall likewise be created (§ 124, section 2) and their competence regulated by Act, which may delegate detailed regulation to a Government Order.

(3) The power to issue orders shall include the power to set up and regulate the function of public bodies not vested with sovereign power.

PART FIVE

Slovak national organs

§ 93

The Slovak National Organs shall under the Constitution discharge the legislative, governmental and executive power within the territory of Slovakia.

§ 94

The Slovak National Council shall discharge the legislative power (§ 96) in matters of a national or regional character, provided that these matters require special regulation so as to ensure the full development of the material and spiritual forces of the Slovak nation, and provided that the said matters are not such as require uniform regulation by Act.

§ 95

(1) The Board of Commissioners (individual Commissioners) shall in principle discharge all governmental and executive power in Slovakia (section 2 of this §), save for matters of foreign affairs, national defense and foreign trade.

(2) Save for the exercise of the governmental and executive power within the sphere of the legislative power of the Slovak National Council (§ 96, section 1), this power shall be vested in the Board of Commissioners (individual Commissioners) as in the executive organ of the Government (individual Ministers), in the following departments:

1. General internal administration;
2. Financial administration;
3. Health administration;
4. Social welfare and labor administration;
5. Technical administration;
6. Justice;
7. Food;
8. Agriculture;
9. Industry;

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(3) Orders issued by the Government and by Ministers for the implementation of an Act (§ 90) shall be valid throughout the territory of the State.

The Slovak National Council

§ 96

(1) The legislative power of the Slovak National Council shall consist in:

1. The care of the development of the national culture, that is, science, the arts of literature, drama, music and the dance, the fine arts, and the film; the care of historic monuments; all matters pertaining to libraries and museums; the care of specialized training in the sphere of home industry and popular art; the care of matters pertaining to Slovak cultural workers;
2. The care of national, secondary, technical and art education under the relevant Acts; of nursery schools and creches; of popular adult education, sports, physical culture, the tourist trade and rambling;
3. The public health service and social welfare save for such matters as are or shall be uniformly regulated by Acts valid throughout the territory of the State;
4. Funds and endowments, provided that the scope thereof is restricted to Slovakia only;
5. The merging and division of parishes and districts, and the regulation of their boundaries; topography;
6. The technical aspects of the construction of towns and villages and building regulations save for matters within the scope of the Uniform Economic Plan; the construction and maintenance of roads, highways and bridges not under the administration of the State; hydro-economic matters not within the scope of the Uniform Economic Plan, in particular the maintenance of riverbeds and streams, reservoirs and other waterworks, as well as the construction of fisheries, water supply lines and drainage installations;
7. The maintenance and development of the land, save for matters within the scope of the Uniform Economic Plan; the protection of agriculture and forestry from pests and natural catastrophes; veterinary care and the care of the breeding of domestic cattle; fruit-growing and pastures, hunting and fishing; the protection of land and forest property;
8. Handicrafts and the retail trade, in so far as the operator's personal labor predominates, as well as matters of local markets (provided the uniform regulation of labor law is not infringed thereby), as well as the regulation of distribution, commerce and trade;
9. Statistics and research in the sphere of special Slovak interests;
10. Matters of guardianship and the care of orphans.

(2) The Slovak National Council shall further decide by way of Acts of the Slovak National Council on matters the regulation of which has been delegated to the Slovak National Council by an Act.

§ 97

- (1) The seat of the Slovak National Council shall be Bratislava.
- (2) The Slovak National Council may be summoned temporarily to another place.

§ 98

- (1) Details in respect of the conditions of the franchise for the Slovak National Council, of the exercise thereof, and of the carrying out of the election of deputies of the Slovak National Council shall be prescribed by Act.
- (2) What activity and which public functions are incompatible with the function of deputy of the Slovak National Council shall be prescribed by Act.

§ 99

(1) The Slovak National Council shall verify the validity of the election of individual deputies of the Slovak National Council and decide upon the incompatibility of the function of deputy of the Slovak National

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substitute member, replacing a deputy of the Slovak National Council, takes the pledge.

§ 100

- (1) During his first sitting a deputy shall take the following pledge:
- (2) Refusal to take pledge or a pledge taken with reservations shall involve the direct loss of the mandate.

§ 101

- (1) The deputies of the Slovak National Council shall discharge their mandate personally. They may resign at any time.
- (2) They shall be entitled to compensation during the exercise of the mandate, the amount whereof shall be prescribed by Act of the Slovak National Council.
- (3) In respect of the discharge of the mandate of deputies of the Slovak National Council, their immunity and their right to refuse testimony, their entitlement to leave-of-absence and to continued payment of salary (if in public or private employment), the provisions relating to deputies (§s 44 to 47, and § 48, sections 1 and 3) shall apply mutatis mutandis.

§ 102

- (1) The Slovak National Council shall be summoned for sessions by the Prime Minister. It shall be the duty of the Prime Minister to summon the National Council to its first sitting not later than four weeks the day of the day of the elections.
- (2) The Prime Minister may adjourn the sessions of the Slovak National Council for not more than three months and not more often than twice a year. If during that time the absolute majority of deputies of the Slovak National Council applies to the Prime Minister that the Slovak National Council be recalled, it shall be the duty of the Prime Minister to recall the Slovak National Council so as to convene within a fortnights after lodgement of the application.
- (3) The Slovak National Council shall be dissolved by the Prime Minister on the authority of a decision of the Government.
- (4) New elections shall be carried out within 60 days after the expiry of the election term of the Slovak National Council or after it has been dissolved.

§ 103

- (1) The Slovak National Council shall elect a Presidium from among the deputies of the Slovak National Council.
- (2) The Presidium shall direct the work of the Slovak National Council and deal with its internal affairs.

§ 104

- (1) The fundamental rules relating to the proceedings of the Slovak National Council and its relations with the Board of Commissioners shall be laid down in the Slovak National Council Standing Orders Act which shall be enacted by the Slovak National Council. Subject to the provisions of this Act the Slovak National Council may regulate its internal affairs and lay down additional rules of procedure by autonomous resolution.
- (2) The sittings of the Slovak National Council shall be presided over by the Chairman or one of the Vice-Chairmen.
- (3) The sittings of the Slovak National Council shall as a rule be held in public. Non-public sittings may be held only in cases provided for in the Standing Orders.
- (4) The quorum of the Slovak National Council shall consist of not less than one-half of the total number of deputies of the Slovak National Council. The enactments of the Slovak National Council shall be valid if adopted by a simple majority of votes.

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the sittings of the Slovak National Council. They shall be permitted to speak whenever they so request.

§ 106

(1) The Chairman and the other members of the Board of Commissioners shall have the rights at any time to take part in the sittings of the Slovak National Council. They shall be permitted to speak whenever they so request.

(2) It shall be the duty of a member of the Board of Commissioners to appear before the Chamber in person whenever the Slovak National Council, its Presidium or any of its Committees so request.

(3) At other times a member of the Board of Commissioners may be represented by officials of his department.

§ 107

(1) The Slovak National Council shall be entitled to interpellate the Chairman and the other members of the Board of Commissioners in respect of matters within their sphere of competence. It shall be the duty of the chairman and the other members of the Board of Commissioners to reply to the interpellations of the deputies of the Slovak National Council.

(2) The Slovak National Council may adopt addresses and resolutions.

§ 108

(1) Bills of the Slovak National Council may be moved, subject to the provisions of the Standing Orders, either by the Government by the Board of Commissioners or by the deputies of the Slovak National Council.

(2) Each Bill of the Slovak National Council shall be accompanied by an estimate of the financial import of the bill and by a proposal regarding revenue to cover the expenditure involved, from that portion of the Uniform State Budget which is allocated to Slovakia, and that in accordance with the Budget Act.

(3) There shall be indicated in each Act of the Slovak National Council which member of the Board of Commissioners is to be charged with its implementation.

§ 109

Acts of the Slovak National Council, in so far as they infringe the Constitution or other laws, shall be void.

§ 110

(1) Acts of the Slovak National Council shall be signed by the Prime Minister, the Chairman of the Slovak National Council, the Chairman of the Board of Commissioners, and the Commissioner charged with the implementation of the Act.

(2) Where the Prime Minister is of opinion that an enactment of the Slovak National Council submitted to him for signature infringes the Constitution or a Constitutional Act, or exceeds the powers of the Slovak National Council or is inconsistent with the Uniform Economic Plan, or the Budget Act, he shall submit the said enactment to the Government which shall decide in respect thereof with final validity within two months.

§ 111

(1) All Acts of the Slovak National Council shall, in order to be valid, be promulgated in the manner prescribed by Act.

(2) The Acts of the Slovak National Council shall be promulgated by means of the following introductory clause

(3) The Acts of the Slovak National Council shall be promulgated within eight days after having been signed by the Prime Minister.

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the Acts of the Slovak National Council. Such interpretation shall require the approval of the Prime Minister in order to be valid.

The Board of Commissioners

§ 113

- (1) The Board of Commissioners shall consist of the Chairman and of the other members (Commissioners).
- (2) The usual seat of the Board of Commissioners shall be Bratislava.
- (3) Commissioners' Departments shall be created by Act, which may delegate detailed regulation, in particular respecting their function, to a Government Order.

§ 114

- (1) The Chairman and the other members of the Board of Commissioners shall be appointed and recalled by the Government, which shall also determine which Commissioner shall direct a certain Department.
- (2) The Board of Commissioners and its individual members may resign and shall in that case tender their resignation into the hands of the Prime Minister.

§ 115

- (1) A member of the Board of Commissioners may not be a member of the Government.
- (2) Which other functions are incompatible with the function of member of the Board of Commissioners, shall be prescribed by Act.

§ 116

The members of the Board of Commissioners shall deliver the following pledge into the hands of the Prime Minister:

§ 117

- (1) The Board of Commissioners and the members thereof shall be accountable to the Government.
- (2) It shall be the duty of the Board of Commissioners and of its members to abide by the directives and instructions of the Government, as it shall also be the duty of individual Commissioners to abide by the directives and instructions of the competent Ministers.
- (3) A Minister shall however be entitled, with the knowledge of the competent Commissioner, to exercise his authority in Slovakia also directly.

§ 118

Within the sphere of the legislative power of the Slovak National Council the Board of Commissioners shall, in the matters set out in § 96, section 1, be accountable also to the Slovak National Council.

§ 119

- (1) The Board of Commissioners (individual Commissioners) shall issue Orders within the sphere of the legislative power of the Slovak National Council (§ 96) and shall take appropriate measures within the territory of Slovakia.
- (2) The provisions of § 90 shall apply, *mutatis mutandis*, to the limits of the power of the Board of Commissioners (individual Commissioners) to issue Orders and to the manner of signing Orders.

§ 120

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§ 121

(1) In respect of the appointment of university professors, judges and other civil servants in Slovakia which appertains to the president of the Republic, the Board of Commissioners shall submit appropriate proposals to the Government. The Government may return the said proposals to the Board of Commissioners in so far as they are not consistent with the uniform State personnel policy.

(2) The appointment of judges and other civil servants, which otherwise appertains to the Government, shall in Slovakia be the function of the Board of Commissioners, which shall however obtain the preliminary approval of the Government.

(3) The appointment of civil Servants and employees which is otherwise the function of a Minister, shall in Slovakia be the function of a Commissioner, who shall, however, as a rule obtain the preliminary approval of the competent Minister.

(4) The competence of the Board of Commissioners and of individual Commissioners in the matters set out in sections 1 to 3 of this § shall be inoperative in respect of the appointment of civil servants and other employees in the National Security Corps and in those departments in which under § 95, section 1 the governmental and executive power is not vested in the Board of Commissioners, as also in respect of the appointment of civil servants and other employees attached to departments the competence of which extends throughout the territory of the State.

§ 122

(1) Where an Order, decision or measure of the Board of Commissioners (regulation or measure of a Commissioner) exceeds the competence of the Board of Commissioners (individual Commissioner), or infringes the Constitution, an Act, an Act of the Slovak National Council, a Government Order or the Order of a Minister, the Government may declare it void. The same right shall appertain to the Government where a decision or a measure of the Board of Commissioners is inconsistent with a decision of the Government.

(2) In the cases set out in section 1 of this paragraph a Minister may stay the execution of a Commissioner's measure pending a decision of the Government, which may declare the Commissioner's measure void.

PART SIX

National committees

§ 123

In accordance with the administrative system of the Czechoslovak Republic, National Committees shall be

1. Local,
2. District,
3. Regional.

§ 124

(1) National Committees shall discharge within the territory for which they have been elected, the public administration in all its branches, in particular the general internal administration, the administration of education and popular culture, labor administration and the administration of the health and social welfare services, as well as, subject to special provisions, the financial administration.

(2) Other organs shall be competent to discharge the public administration only exceptionally and by virtue of an Act.

§ 125

The National Committees, being the organs of the Uniform People's Administration, shall in particular have the following tasks:

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To support the maintenance and increase of the national property;

To take part in the preparation and implementation of the Uniform Economic Plan;

Subject to the provisions of the Uniform Economic Plan, to plan and direct economic, social and cultural development within their territory, to take steps to ensure the constant flow of agricultural and economic production, and to care for supplies and the feeding of the population;

To care for the maintenance of public health;

To administer law within their sphere of jurisdiction; in particular, to discharge within the limits of the law the criminal judicial power.

§ 126

(1) The National Committees shall in discharging their tasks lean on the direct participation and initiative of the People and shall be subject to control by the People. The members of the National Committees and the members of the organs thereof shall be accountable to the People for their activity.

(2) The manner in which the People shall exercise this control and carry into effect the said responsibility shall be prescribed by Act.

§ 127

(1) The number of members of the National Committees shall be prescribed by Act.

(2) Details regarding the conditions and the exercise of the right to elect the members of the National Committees as also regarding the holding of the elections shall be prescribed by Act.

§ 128

(1) The members of the National Committees shall take the following pledge before entering office:

(2) Refusal to take the pledge or a pledge taken with reservations shall directly involve the loss of the mandate.

§ 129

(1) The organizational principles of the National Committees as well as the principles of their activity and the proceedings before them shall be prescribed by Act.

(2) The organization of the People's Administration in the capital of the Republic shall be prescribed by special Act.

§ 130

(1) The entire public administration shall be effectively decentralized.

(2) The competence and territorial jurisdiction of the National Committees shall in accordance with their instances be so regulated as to enable them to deal without delay and effectively with all material and personnel matters of the public administration, inasmuch as these said matters do not affect the interests of higher units.

§ 131

(1) It shall be the duty of the National Committees to abide by the Acts and Orders and in the interest of the uniform public administration and the uniform State policy to respect the directives and instructions of superior organs.

(2) A National Committee of a lower instance shall be subordinate to a National Committee of a higher instance.

(3) The National Committees shall be subordinate to the organs of governmental and executive power, in particular to the Ministry of the Interior.

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activity endangers the proper operation of the public administration.

(2) New elections shall be held within the period prescribed by Act.

§ 133

The financial administration of the National Committees shall be regulated by Act and within the framework of the public economy subject to the requirements of the Uniform Economic Plan in such a way as to enable the National Committees adequately to discharge their tasks.

PART SEVEN

The judiciary

§ 134

No one shall be withheld from his lawful judge.

§ 135

(1) The jurisdiction in matters of civil law shall be discharged by civil courts, which may be regular courts or special courts or courts of arbitration.

(2) The jurisdiction in matters of criminal law shall be discharged by criminal courts save where the general regulations prescribe that criminal cases shall be dealt with by administrative criminal proceedings.

(3) In criminal proceedings extraordinary courts may be established and may be established only for a limited period and only in cases specified in advance by Act.

§ 136

(1) The jurisdiction of military criminal courts shall be regulated by special Act.

(2) The authority of military courts may be under an Act extended to the civilian population only in time of war or of national emergency and only in respect of acts committed in such a time.

§ 137

(1) There shall be established for the whole territory of the Czechoslovak Republic

1. The Supreme Court,
2. The Supreme Military Court,
3. The Administrative Court.

(2) The composition, organization and competence of these said courts and the manner of proceedings before them shall be regulated by Act.

§ 138

(1) The judiciary in all its instances shall be separated from the administration.

(2) The manner of settling disputes between the courts and the administrative authorities in matters of competence shall be regulated by Act.

§ 139

The organization of the courts, their competence and territorial jurisdiction as well as proceedings before them shall be regulated by Act.

§ 140

(1) The courts shall as a rule discharge their power through benches.

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prescribed by Act.

§ 141

(1) The conditions of obtaining the qualification for the office of judge by profession as well as the conditions of service of such judges shall be prescribed by Act.

(2) Judges by profession shall always be appointed permanently; they may be transferred, dismissed or pensioned against their will only in cases of a reorganization of the judiciary, for a limited period prescribed by Act or by virtue of a valid disciplinary finding; they may be pensioned also upon reaching a prescribed age or upon completion of a prescribed period of service. Details of the foregoing provisions as well as the circumstances in which judges by profession may be suspended from office shall be prescribed by Act.

(3) Judges by profession may not undertake other paid functions, permanent or temporary, save where exceptions are provided for by Act.

§ 142

(1) Lay judges shall be appointed by the competent National Committee, save in special cases otherwise provided for by Act.

(2) Provisions relating to the qualification for the office of lay judge, the appointment and recall of such judges, their legal position and accountability and the exercise of their office shall be laid down by Act.

§ 143

Judges shall declare on oath that they will abide by the laws and Orders, interpret them in the light of the Constitution and of the principles of the People's Democratic Order, and pronounce judgment impartially.

§ 144

(1) Proceedings at court shall as a rule be oral and public. The public may be excluded from the proceedings only in cases prescribed by Act.

(2) Judgment shall be pronounced in the name of the Republic.

(3) Judgment in criminal cases shall always be pronounced in public.

(4) Proceedings at criminal courts shall be based upon the principle of public prosecution. The accused shall be guaranteed the right to be defended by counsel.

§ 145

The liability of the State and the judge in respect of damages arising out of a violation of the law committed by the judge in the discharge of his office shall be prescribed by Act.

PART EIGHT

The economic system

§ 146

The means and instruments of production shall be either national property, or the property of People's Cooperatives, or in the private ownership of individual producers.

§ 147

National property shall in particular include also economic assets nationalized under special Acts (§ 153), as well as all public assets serving the common weal.

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mineral wealth and the mining thereof,

Sources of natural energy and power plants;

Coal mines and foundries;

Natural therapeutic springs;

The production of goods serving the health of the people;

Undertakings of not less than 50 employees or persons engaged therein, save for the undertakings of People's Cooperatives;

Banks and insurance institutions;

Public rail transport and regular road and air transport;

Postal services, public telegraph services and telephone services;

Broadcasting, television and motion pictures (§ 22).

§ 149

(1) National property shall as a rule be the tenure of the State (State ownership).

(2) Portions of the national property which are not of national significance and serve wholly or chiefly the inhabitants of a certain administrative unit (parish, district, region), may be the tenure of the Units of the People's Administration (communal ownership).

§ 150

The State shall administer the national property either directly or through the instrumentality of National Enterprises (§ 155).

§ 151

Economic enterprise shall be wither public (in particular enterprise of the state or of the Units of the People's Administration), or People's Cooperative, or private.

§ 152

(1) The right to economic enterprise shall be vested in the State exclusively

1. In the sphere of exclusively national property (§ 148), provided the said property is not under an Act the tenure of the Units of the People's Administration (§ 149, section 2);

2. Under the Nationalization Acts (§ 153);

3. Under the Acts relating to the regulation of internal and foreign trade, as well as to the international forwarding trade.

(2) The State may, in consideration of the public interest and of the requirements of the national economy, surrender the exploitation of certain economic or other assets to the Units of the People's Administration or to People's Cooperatives, or to other bodies corporate.

§ 153

(1) Which sectors of the economy and which economic and other assets are or shall be nationalized and to what extent shall be prescribed by Act.

(2) The extent of nationalization carried out under Nationalization Acts cannot be restricted.

(3) By nationalization the ownership of the affected enterprises and other economic units and property rights shall pass to the State.

§ 154

(1) Nationalized enterprise shall as a rule be organized by the State in the form of National Enterprises.

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§ 155

- (1) National Enterprises shall be a part of the national property and shall be subject to the supreme direction and supervision of the State.
- (2) National Enterprises shall be autonomous bodies corporate.

§ 156

The economy of the People's Administrative Units shall be directed by the National Committees. This economy or portions thereof may be organized in a form analogous to that of National Enterprises.

§ 157

- (1) People's Cooperatives shall be associations of workers for common activity, the aim of which is the raising of the standard of living of the members and the rest of the working population, not however to derive the greatest possible profit from the capital invested.
- (2) The State shall support the People's cooperative movement in the interest of the development of the national economy and the general welfare.

§ 158

- (1) The private ownership of small and medium enterprises up to 50 employees is guaranteed.
- (2) The personal property of the citizens is inviolable. This provision shall in particular relate to household utensils and articles of personal use, family dwelling house and savings derived from personal labor as the rights of inheritance connected therewith.

§ 159

- (1) The largest area of land which may be held in private ownership by individual or joint owners or by a family working together shall be 50 hectares.
- (2) The private ownership of land in respect of farmers who till the land in person, shall be guaranteed up to the limit of 50 hectares.
- (3) Details shall be prescribed by Act.

§ 160

The State shall, with the active participation of the farmers, so direct the agricultural policy that the technical level of agricultural production be gradually raised and the social and cultural gap between town and country be bridged.

§ 161

Private monopoly organizations operating for profit, in particular cartels, trusts and syndicates, are prohibited.

The Uniform Economic Plan

§ 162

The State shall direct all economic activity by means of the Uniform Economic Plan, in particular production, trade and transport, in such a way that an effective level of national consumption be ensured, that the quantity, quality and fluency of production be increased and the standard of living of the population thus be gradually raised.

§ 163

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of the Government. In this task the Government shall base its work upon the creative initiative of the working population and its associations.

(3) The Government shall submit to the National Assembly at regular intervals reports respecting the implementation of the Uniform Economic Plan.

§ 164

(1) It is the duty of every one who is allotted any task whatever in the operation and implementation of the Uniform Economic Plan to carry out the said task conscientiously and economically to the best of his personal and economic capacity.

(2) It shall be the duty of persons and bodies corporate to adapt their economic activity to the Uniform Economic Plan.

PART NINE

General provisions

§ 165

(1) State citizenship in the Czechoslovak Republic shall be one and uniform.

(2) The conditions upon which State citizenship is acquired and lost shall be prescribed by Act.

§ 166

The frontiers of the Czechoslovak Republic may be altered only by Constitutional Act.

§ 167

(1) Territorial administrative units shall be created with a view towards the requirements of the national economy and the cultural and social needs of the People.

(2) The administration of the Republic shall be based upon the regional administrative system. Regions shall be divided into districts, districts into parishes.

§ 168

The capital of the Czechoslovak Republic shall be Prague.

§ 169

(1) The colors of the Republic shall be white, red and blue.

(2) The coat of arms and the flags shall be prescribed by Act.

PART TEN

Concluding and transitional provisions

§ 170

The Constitution shall become operative upon the day of promulgation.

§ 171

(1) All parts of this Constitution (the Declaration, Fundamental Articles and Detailed Provisions) shall be valid as a whole.

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with the Constitution.

§ 172

(1) The Constitution may be amended and supplemented only by Acts which are designated as Constitutional Acts and are enacted under the relevant provisions (§ 54, section 2).

(2) Acts issued after the date set out in § 170 shall, in so far as they are inconsistent with this Constitution or or with Constitutional Acts, be void.

§ 173

(1) As from the day on which this Constitution becomes operative, the Constitutional Charter of the Czechoslovak Republic introduced by the Act No. 121 Coll., dated February 29th, 1921, and all the parts thereof shall cease to be valid.

(2) As from the same day all Constitutional and other Acts in so far as they are inconsistent with this Constitution or the principles of the People's Democratic Order or regulate matters at variance with this Constitution shall cease to be valid.

(3) The provisions of the foregoing section of this § shall not apply to the Acts relating to nationalization and land reform which became valid before this Constitution becomes operative.

§ 174

(1) The National Assembly elected under the Constitutional Act No. 74 Coll., relating to the transitional regulation, pending the operation of the new Constitution, of the election and competence of the National Assembly and the activity of the Constituent National Assembly, dated April 16th, 1948, shall be deemed a National Assembly elected in accordance with this Constitution. The election term of this National Assembly shall be deemed to run from the date of the election.

(2) If the National Assembly set out in the preceding section of this paragraph is constituted before this Constitution becomes operative, the changes required by this Constitution shall be carried out within 14 days after the Constitution becomes operative. Within the same period the members (deputies) of the National Assembly shall take the pledge under this Constitution irrespective of whether they have already taken the pledge under the provisions previously in force.

(3) Until such time as the National Assembly Standing Orders Act (§ 51) becomes operative, the provisions of the Act No. 140 Coll., relating to the Standing Orders of the Constituent National Assembly, dated July 2nd, 1947, shall apply, mutatis mutandis.

§ 175

(1) The Slovak National Council as at present constituted, or supplemented in accordance with the result of the elections to the National Assembly (§ 174, section 1), shall exercise the power which is under this Constitution vested in the Slovak National Council, until such time as a Slovak National Council is constituted which has been elected under the new Election Act (§ 98, section 1). Until such time as the Act of the Slovak National Council, relating to the Standing Orders of the Slovak National Council (§ 104, section 1) is issued, the provisions of the present Standing Orders of the Slovak National Council shall apply, mutatis mutandis.

(2) The Orders of the Slovak National Council issued prior to the date set out in § 170 shall be deemed Acts of the Slovak National Council, even where these Orders exceed the power vested in the Slovak National Council by this Constitution, provided that the said Orders are not in discord with the provisions of this Constitution.

§ 176

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(2) The National Committees in their present composition or supplemented shall discharge their authority until such time as National Committees are constituted under the new Act (§ 127).

(3) An Act shall prescribe the day on which the Regional National Committees will begin to function and the present Provincial National Committees will cease to exist; this shall also be the date on which the National Committees will begin to perform the function of the public administration in those departments which have not hitherto been part of their authority (§ 124).

§ 177

(1) The competence which has under regulations hitherto valid been exercised by the Presidium of the Government, shall on the date set out in § 170 pass to the Prime Minister.

(2) The Constitutional Acts relating to the regulation of State citizenship and matters connected therewith shall on that day lose the character of Constitutional Acts.

§ 178

The Constitution shall be implemented by the Government.