

บรรณานุกรม

กฎหมาย

พระราชบัญญัติธรรมนูญการปกครองแผ่นดินสยามชั่วคราว พุทธศักราช ๒๔๗๕

รัฐธรรมนูญแห่งราชอาณาจักรสยาม. พุทธศักราช ๒๔๗๕

รัฐธรรมนูญแก้ไขเพิ่มเติมว่าด้วยบทเฉพาะกาล พุทธศักราช ๒๔๘๓

รัฐธรรมนูญแห่งราชอาณาจักรไทย พุทธศักราช ๒๔๘๕

รัฐธรรมนูญแห่งราชอาณาจักรไทย (ฉบับชั่วคราว) พุทธศักราช ๒๔๙๐

รัฐธรรมนูญแห่งราชอาณาจักรไทย พุทธศักราช ๒๔๙๒

รัฐธรรมนูญแห่งราชอาณาจักรไทย พุทธศักราช ๒๔๙๕. แก้ไขเพิ่มเติม
พุทธศักราช ๒๔๙๕

รัฐธรรมนูญการปกครองราชอาณาจักรไทย พุทธศักราช ๒๕๐๑

รัฐธรรมนูญแห่งราชอาณาจักรไทย พุทธศักราช ๒๕๑๑

ราชกิจจานุเบกษา เล่มที่ ๔๙, ๕๐, ๕๑, ๕๕, ๖๓

รายงานการประชุมสภาผู้แทนราษฎร สมัยที่ ๑ - ครั้งที่ ๓๔/๒๕๑๕ ๑๖ พฤศจิกายน

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Appendix

THE FRENCH CONSTITUTION (Fifth Republic)

PREAMBLE

The French people hereby solemnly proclaims its attachment to the Rights of Man and the principles of national sovereignty as defined by the Declaration of 1789, reaffirmed and complemented by the Preamble of the Constitution of 1946

By virtue of these principles and that of the free determination of peoples, the Republic hereby offers to the Overseas Territories that express the desire to adhere to them, new institutions based on the common ideal of liberty, equality and fraternity and conceived with a view to their democratic evolution.

Article 1

The Republic and the peoples of the Overseas Territories who, by an act of free determination, adopt the present Constitution thereby institute a Community

The Community shall be based on the equality and the solidarity of the peoples composing it.

TITLE 1: ON SOVEREIGNTY

Article 2

France is a Republic, indivisible, Secular, democratic and social. It shall ensure the equality of all citizens before the law, without distinction of origin, race or religion. It shall respect all beliefs.

The national emblem is the tricolor flag, blue, white and red.

The national anthem is the "Marseillaise"

The motto of the Republic is "Liberty, Equality, Fraternity"

Its principle is government of the people, by the people and for the people

Article 3

National sovereignty belongs to the people, which shall exercise this sovereignty through its representatives and by means of referendums.

No section of the people, nor any individual, may attribute to themselves or himself the exercise thereof.

Suffrage may be direct or indirect under the Conditions stipulated by the Constitution. It shall always be universal, equal and secret.

Adopted by referendum on September 28, 1958,
promulgated on October 4, 1958, and amended in 1960, 1962
and 1963.

All French citizens of both sexes who have reached
their majority and who enjoy civil and political rights may
vote under the conditions to be determined by law.

Article 4

Political parties and groups shall be instrumental in the
expression of the suffrage. They shall be formed freely
and shall carry on their activities freely. They must
respect the principles of national sovereignty and democracy.

TITLE 11: THE PRESIDENT OF THE REPUBLIC

Article 5

The President of the Republic shall see that the Constitution
is respected. He shall ensure, by his arbitration, the
regular functioning of the governmental authorities, as
well as the continuance of the State.

He shall be the guarantor of national independence,
of the integrity of the territory, and of respect for
community agreements and treaties.

Article 6

The President of the Republic shall be elected for seven years by universal direct suffrage.

The modalities of implementation of the present Article shall be determined by an organic law.¹

¹New text adopted by referendum of October 28, 1962
The old Article 6 read as follows:

The President of the Republic shall be elected for seven years by an electoral college comprising the members of Parliament, of the General Councils and of the Assemblies of the Overseas Territories, as well as the elected representatives of the municipal councils.

These representatives shall be:

- the mayor for communes of fewer than 1,000 inhabitants;
- the mayor and the first deputy mayor for communes of from 1,000 to 2,000 inhabitants;
- the mayor, first deputy mayor and 2 municipal councillor chosen according to the order in which he appears on the council list for communes of from 2,000 to 2,500 inhabitants;

- the mayor and the first two deputy mayors for communes of from 2,501 to 3,000 inhabitants;

- the mayor, the first two deputy mayors and three municipal councillors chosen according to the order in which they appear on the council list for communes of from 3,001 to 6,000 inhabitants:

Article 7

The President of the Republic shall be elected by an absolute majority of the votes cast. If no such majority obtains at the first ballot, a second ballot shall take place on the second Sunday following the first ballot. May only stand at the second ballot the two candidates who received the greatest number of votes at the first ballot, if necessary after taking into account better placed candidates having withdrawn.

The Government shall be responsible for organizing

The election of the new President of the Republic shall take place twenty days at the least and thirty-five days at the most before the end of the mandate of the current President.

909.

In the case of vacancy of the office for any cause whatsoever or if the President is duly declared impeded from exercising his functions by the Constitutional Council, the matter being referred to the latter by the Government and the decision being taken by an absolute majority of the members of the Council, the functions of the President, except for those listed under Articles 11 and 12, shall be provisionally exercised by the President of the Senate, or, if the latter is in turn impeded, by the Government.

In case of vacancy or if the Constitutional Council declares the President permanently impeded from exercising his functions, the ballot for the election of the new President shall take place, except in case of force majeure officially noted by the Constitutional Council, twenty days at the least and thirty-five days at the most after the beginning of the vacancy or the declaration of the permanent character of the impediment

In case of vacancy of the Presidency of the Republic or during

-the mayor, the first two deputy mayors and six municipal councillors chosen according to the order in which they appear on the council list for communes of from 6,000 inhabitants;

-all the municipal councillors for communes of more than 9,000 inhabitants;

-in addition, for communes of more than 30,000 inhabitants, delegates appointed by the municipal council in the ratio of one delegate for every 1,000 inhabitants above 30,000

In addition, for communes of more than 30,000 inhabitants, delegates appointed by the municipal council in the ratio of one delegate for every 1,000 inhabitants above 30,000

In the Overseas Territories of the Republic, the elected representatives of the councils of the administrative units shall also form part of the electoral college under the conditions to be determined by an organic law.

The participation of member States of the Community in the electoral college for the President of the Republic shall be determined by agreement between the Republic and the member States of the Community.

The Procedures implementing the present article shall be determined by an organic law.

the period between the declaration of the impediment of President of the Republic and the election of his successor, the procedures of Articles 49, 50, and 89 may not be invoked.²

Article 8

The President of the Republic shall appoint the Premier. He shall terminate the functions of the Premier when the latter presents the resignation of the Government.

On the proposal of the Premier, he shall appoint the other members of the Government and shall terminate their functions.

Article 9

The President of the Republic shall preside over the Council of Ministers.

Article 10

The President of the Republic shall promulgate the laws within fifteen days following the transmission to the Government of the finally adopted law.

He may, before the expiration of this time limit, ask Parliament for a reconsideration of the law or of certain of its articles. This reconsideration may not be refused.

Article 11

The President of the Republic, on the proposal of the Government during (Parliamentary) sessions, or on joint motion of the two assem

2 New text adopted by referendum of October 28, 1962. The old Article 7 read as follows:

The President of the Republic shall be elected by an absolute majority on the first ballot. If this is not obtained, the President of the Republic shall be elected on a second ballot by a relative majority.

The voting shall begin at the summons of the Government
The election of the new President shall take place
twenty days at the least and fifty days at the most before
the expiration of the powers of the President in office.

In the event that the Presidency of the Republic has
been vacated, for any cause whatsoever, or impeded in its
functioning as officially noted by the Constitutional Council,
to which the matter has been referred by the Government,
and which shall rule by an absolute majority of its members,
the functions of the President of the Republic, with the
exception of those provided for by Articles 11 and 12 below,
shall be temporarily exercised by the President of the
Senate. In the case of a vacancy, or when the impediment
is declared definitive by the Constitutional Council, the
voting for the election of a new President shall take place,
except in case of force majeure officially noted by the
Constitutional Council, twenty days at the least and fifty
days at the most after the beginning of the vacancy or the
declaration of the definitive character of the impediment.
bills, published in the journal Officiel, may submit to
a referendum any bill dealing with the organization of the

governmental authorities, entailing approval of a Community agreement, or providing for authorization to ratify a treaty that, without being contrary to the Constitution, might affect the functioning of (existing) institutions.

When the referendum decides in favor of the bill, the President of the Republic shall promulgate it within the time limit stipulated in the preceding article.

Article 12

The President of the Republic may, after consultation with the Premier and the Presidents of the assemblies, declare the dissolution of the National Assembly.

General elections shall take place twenty days at the least and forty days at the most after the dissolution,

The National Assembly shall convene by right on the second Thursday following its election, If this meeting takes place between the periods provided for ordinary sessions, a session shall, by right, be held for a fifteen-day period.

There may be no further dissolution within a year following these elections.

Article 13

The President of the Republic shall sign the ordinances and decrees decided upon in the council of ministers.

He shall make appointments to the civil and military posts of the State.

Councillors of State, the Grand Chancellor of the Legion of Honor, Ambassadors and envoys extraordinary, Master Councillors of the Court of Accounts, prefects, representatives of the Government in the Overseas Territories general officers, rectors of academies (regional divisions of the public educational system) and directors of central administrations shall be appointed in meetings of the Council of Ministers.

An organic law shall determine the other posts to be filled in meetings of the Council of Ministers, as well as the conditions under which the power of the President of the Republic to make appointments to office may be delegated by him and exercised in his name.

Article 14

The President of the Republic shall accredit Ambassadors and envoys extraordinary to foreign powers; foreign Ambassadors and envoys extraordinary shall be accredited to him.



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Article 15

The President of the Republic shall be commander of the armed forces. He shall preside over the higher councils and committees of national defense.

Article 16

When the institutions of the Republic, the independence of the nation, the integrity of its territory or the fulfillment of its international commitments are threatened in a grave and immediate manner and when the regular functioning of the constitutional governmental authorities is interrupted, the President of the Republic shall take the measures commanded by these circumstances, after official consultation with the Premier, the Presidents of the assemblies and the Constitutional Council.

He shall inform the nation of these measures in a message.

These measures must be prompted by the desire to ensure to the constitutional governmental authorities, in the shortest possible time, the means of fulfilling their assigned functions. The Constitutional Council shall be consulted with regard to such measures.

906.

Parliament shall meet by right.

The National Assembly may not be dissolved during the exercise of emergency powers (by the President).

Article 17

The President of the Republic shall have the right of pardon.

Article 18

The President of the Republic shall communicate with the two assemblies of Parliament by means of messages, which he shall cause to be read, and which shall not be followed by any debate.

Between sessions, Parliament shall be convened especially for this purpose.

Article 19

The acts of the President of the Republic, other than those provided for under Articles 8 (first paragraph), 11, 12, 16, 18, 54, 56 and 61, shall be countersigned by the Premier and should circumstances so require, by the appropriate ministers.

TITLE 111: THE GOVERNMENT

Article 20

The Government shall determine and direct the policy of the nation.

It shall have at its disposal the administration and the armed forces.

It shall be responsible to Parliament under the conditions and according to the procedures stipulated in Articles 49 and 50.

Article 21

The Premier shall direct the operation of the Government. He shall be responsible for national defense. He shall ensure the execution of the laws. Subject to the provisions of Article 13, he shall have regulatory powers and shall make appointments to civil and military posts.

He may delegate certain of his powers to the ministers.

He shall replace, should the occasion arise, the President of the Republic as chairman of the councils and committees provided for under Article 15.

He may, in exceptional instances, replace him as chairman of a meeting of the Council of Ministers by virtue of an explicit delegation and for a specific agenda

Article 22

The acts of the Premier shall be countersigned, when circumstances so require, by the ministers responsible for their execution.

Article 23

The office of member of the Government shall be incompatible with the exercise of any Parliamentary mandate, with the holding of any office at the national level in business, professional or labor organizations, and with any public employment or professional activity.

An organic law shall determine the conditions under which the holders of such mandates, functions or employments be replaced.

The replacement of members of Parliament shall take place in accordance with the provisions of Article 25.

TITLE IV: THE PARLIAMENT

Article 24

The Parliament shall comprise the National Assembly and the Senate.

The deputies to the National Assembly shall be elected by direct suffrage.

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The Senate shall be elected by indirect suffrage. It shall ensure the representation of the territorial units of the Republic. Frenchmen living outside France shall be represented in the Senate.

Article 25

An organic law shall determine the term for which each assembly is elected, the number of its members, their emoluments, the conditions of eligibility and ineligibility and the offices incompatible with membership in the assemblies.

It shall likewise determine the conditions under which, in the case of a vacancy in either assembly, persons shall be elected to replace the deputy or senator whose seat has been vacated until the holding of new complete or partial elections to the assembly concerned.

Article 26

No member of Parliament may, be prosecuted, sought, arrested, detained or tried as a result of the opinions or votes expressed by him in the exercise of his functions.

No member of Parliament may, during Parliamentary sessions, be prosecuted or arrested for criminal or minor offenses without the authorization of the assembly of which he is a member except in the case of flagrante delicto.



When Parliament is not in session, no member of Parliament may be arrested without the authorization of the Secretarial of the assembly of which he is a member, except in the case of flagrante delicto, of authorized prosecution or of final conviction.

The detention or prosecution of a member of Parliament shall be suspended if the assembly of which he is a member so demands.

Article 27

All binding instructions (upon members of Parliament) shall be null and void.

The right to vote of the members of Parliament shall be personal.

An organic law may, under exceptional circumstances, authorize the delegation of a vote. In this case, no member may be delegated more than one vote.

Article 28

Parliament shall convene by right in two ordinary sessions a year. The first session shall begin on October 2nd and last eighty days.

The second session shall begin on April 2nd and may not last longer than ninety days.

If October 2nd or April 2nd is a public holiday, the opening of the session shall take place on the first weekday following.

Article 29

Parliament shall convene in extraordinary session at the request of the Premier, or of the majority of the members comprising the National Assembly, to consider a specific agenda.

When an extraordinary session is held at the request of the members of the National Assembly, the closure decree shall take effect as soon as the Parliament has exhausted the agenda for which it was called, and at the latest twelve days from the date of its meeting.

Only the Premier may ask for a new session before the end of the month following the closure decree.

Article 30

Apart from cases in which Parliament meets by right, extraordinary sessions shall be opened and closed by decree of the President of the Republic.

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Article 31

The members of the Government shall have access to the two assemblies. They shall be heard when they so request.

They may call the assistance of commissioners of government.

Article 32

The President of the National Assembly shall be elected for the duration of the legislature. The President of the Senate shall be elected after each partial re-election (of the Senate)

Article 33

The meetings of the two assemblies shall be public. An in extenso report of the debates shall be published in the Journal Officiel.

Each assembly may sit in secret committee at the request of the Premier or of one tenth of its members.

3 As adopted by parliamentary amendment in 1963. The old Article 28 read as follows:

Parliament shall convene, by right, in two ordinary sessions a year.

The first session shall begin on the first Tuesday of October and shall end on the third Friday of December.

The second session shall open on the last Tuesday of April; it may not last longer than three months.

TITLE V: ON RELATIONS BETWEEN
PARLIAMENT AND THE GOVERNMENT

Article 34

All laws shall be passed by Parliament.

Laws shall establish the rules concerning.

-civil rights and the fundamental guarantees granted to the citizens for the exercise of their public liberties; the obligations imposed by the national defense upon the persons and property of citizens;

-nationality, status and legal capacity of persons, marriage contracts, inheritance and gifts;

-determination of crimes and misdemeanors as well as the penalties imposed therefore; criminal procedure; amnesty; the creation of new juridical systems and the status of magistrates;

-the basis, the rate and the methods of collecting taxes of all types; the issuance of currency.

Laws shall likewise determine the rules concerning.

-the electoral system of the Parliamentary assemblies and the local assemblies;

-the establishment of categories of public institutions;

..b.

-the fundamental guarantees granted to civil and military personnel employed by the State;

-the nationalization of enterprises and the transfer of the property of enterprises from the public to the private sector.

Law shall determine the fundamental principles of:

- the general organization of national defense;
- the free administration of local communities, the extent of their jurisdiction and their resources;
- education;
- property rights, civil and commercial obligations;
- legislation pertaining to employment, unions and social security.

The financial laws shall determine the financial resources and obligations and with the reservations to be provided for by an organic law.

-Laws pertaining to national planning shall determine the objectives of the economic and social action of the State.

-The provisions of the present article may be developed in detail and amplified by an organic law.

Article 35

Parliament shall authorize the declaration of war.

Article 36

Martial law shall be decreed in a meeting of the Council of Ministers.

Its Prorogation beyond twelve days may be authorized only by Parliament.

Article 37

Matters other than those that fall within the domain of law shall be of a regulatory character.

Legislative texts concerning these matters may be modified by decrees issued after consultation with the Council of State. Those legislative texts which may be passed after the present Constitution has become operative shall be modified by decree, only if the Constitutional Council has stated that they have a regulatory character as defined in the preceding paragraph.

Article 38

The Government may, in order to carry out its program, ask Parliament to authorize it, for a limited period, to take through ordinances measures that are normally within the domain of law.

The ordinances shall be enacted in meetings of the Council of Ministers after consultation with the Council of State. They shall come into force upon their publication.

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but shall become null and void if the bill for their ratification is not submitted to Parliament before the date set by the enabling act.

At the expiration of the time limit referred to in the first paragraph of the present article, the ordinances may be modified only by law in those matters which are within the legislative domain.

Article 39

The Premier and the members of Parliament alike shall have the right to initiate legislation.

Government bills shall be discussed in the Council of Ministers after consultation with the Council of State and shall be filed with the Secretariat of one of the two assemblies. Finance bills shall be submitted first to the National assembly.

Article 40

Bills and amendments introduced by members of Parliament shall not be considered when their adoption would have as a consequence either a diminution of public financial resources, or the creation or increase of public expenditures.

Article 41

If it appears in the course of the legislative procedure that a Private Member bill or an amendment is not within the domain of law or is contrary to a delegation (of authority) granted by virtue of Article 38, the Government may declare its inadmissibility.

In case of disagreement between the Government and the President of the assembly concerned, the Constitutional Council, upon the request of either party, shall rule within a time limit of eight days.

Article 42

The discussion of Government bills shall pertain, in the first assembly to which they have been referred, to the text presented by the Government.

An assembly, given a text passed by the other assembly shall deliberate on the text that is transmitted to it.

Article 43

Government and Private Members bills shall, at the request of the Government or of the assembly concerned, be sent for study to committees especially designated for this purpose.

Government and Private Members bills for which such a request has not been made shall be sent to one of the permanent committees, the number of which shall be limited to six in each assembly.

Article 44

Members of Parliament and of the Government shall have the right of amendment.

After the opening of the debate, the Government may oppose the examination of any amendment which has not previously been submitted to committee.

If the Government so requests, the assembly concerned shall decide, by a single vote, on all or part of the text under discussion, retaining only the amendments proposed or accepted by the Government,

Article 45

Every Government, or Private Members bill shall be examined successively in the two assemblies of Parliament with a view to the adoption of an identical text.

When, as a result of disagreement between the two assemblies, it has become impossible to adopt a Government of Private Members bill after two readings by each assembly,

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of, if the Government has declared the matter urgent, after a single reading by each of them, the Premier shall have the right to have a joint committee meet, Composed of an equal number from both assemblies and instructed to offer for consideration a text on the matters still under discussion.

The text prepared by the joint committee may be submitted by the Government for approval of the two assemblies. No amendment shall be admissible except by agreement with the Government.

If the joint committee fails to approve a common text, or if this text is not adopted under the conditions set forth in the preceding paragraph, the Government may, after a new reading by the National assembly and by the Senate, ask the National Assembly to rule definitively. In this case, the National Assembly may reconsider either the text prepared by the joint committee or the last text adopted (by the National Assembly), modified, when circumstances so require, by one or several of the amendments adopted by the senate.

Article 46

The laws that the Constitution characterizes as organic shall passed and amended under the following conditions:

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A Government or Private Members bill shall be submitted to the deliberation and to the vote of the first assembly to which it is submitted only at the expiration of a period of fifteen days following its introduction.

The procedure of Article 45 shall be applicable, Nevertheless, lacking an agreement between the two assemblies, the text may be adopted by the National Assembly on final reading only by an absolute majority of its members.

The organic laws relative to the Senate must be passed in the same manner by the two assemblies.

Organic laws may be promulgated only after a declaration by the Constitutional Council on their constitutionality.

Article 47

Parliament shall pass finance bills under the conditions to stipulated by an organic law.

Should the National Assembly fail to reach a decision on first reading within a time limit of forty days after a bill has been filed, the Government shall it to the Senate, which must rule within a time limit of fifteen days. The procedure set forth in Article 45 shall then be followed.

Should Parliament fail to reach a decision within a time limit of seventy days, the provisions of the bill may be enforced by ordinance.



Should the finance bill establishing the resources and expenditures of a fiscal year not be filed in time for it to be promulgated before the beginning of that fiscal year, the Government, shall immediately request Parliament for the authorization to collect the taxes and shall make available by decree the funds needed to meet the Government commitments already voted.

The time limits stipulated in the present article shall be suspended when parliament is not in session.

The Court of Accounts shall assist Parliament and the Government in supervising the implementation of the finance laws.

Article 48

The discussion of the bills filed of agreed upon by the Government shall have priority on the agenda of the agenda of the assemblies in the order set by the Government.

One meeting a week shall be reserved, by priority, for questions asked by members of Parliament and for answers by the Government,

Article 49

The Premier, after deliberation by the Council of Ministers, may pledge the responsibility of the Government to the

etc.

National Assembly with regard to the program of the Government, or with regard to a declaration of general policy, as the case may be.

The National Assembly may question the responsibility of the Government by the vote of a motion of censure. Such a motion shall be admissible only if it is signed by at least one tenth of the members of the National Assembly. The vote may only take place forty-eight hours after the motion has been filed; the only votes counted shall be those favorable to the motion of censure, which may be adopted only by a majority of the members comprising the Assembly. Should the motion of censure be rejected, its signatories may not introduce another motion in the course of the same session, except in the case provided for in the paragraph below.

The Premier may, after deliberation by the Council of Ministers, pledge the Government's responsibility to the National Assembly on the vote of a text. In this case, the text shall be considered as adopted, unless a motion of censure, filed in the succeeding twenty-four hours, is voted under the conditions laid down in the previous paragraph.

The Premier shall be entitled to ask the Senate for approval of a general policy declaration.

Article 50

When the National Assembly adopts a motion of censure, or when it disapproves the program or a declaration of general policy of the Government, the Premier must submit the resignation of the Government to the President of the Republic.

Article 51

The closure of ordinary or extraordinary sessions shall by right be delayed, should the occasion rise, in order to permit the application of the provisions of Article 49.

TITLE VI: ON TREATIES AND
INTERNATIONAL AGREEMENTS

Article 52

The President of the Republic shall negotiate and ratify treaties.

He shall be informed of all negotiations leading to the conclusion of an international agreement not subject to ratification.

Article 53

Peace treaties, commercial treaties, treaties or agreements relative to international organizations, those that imply

a commitment for the finances of the State, those that modify provisions of a legislative nature, those relative to the status of persons, those that call for the cession, exchange or addition of territory may be ratified or approved only by a law.

They shall go into effect only after having been ratified or approved.

No cession, no exchange, no addition of territory shall be valid without the consent of the populations concerned.

Article 54

If the Constitutional Council, the matter having been referred to it by the President of the Republic, by the Premier, or by the President of one or the other assembly, shall declare that an international commitment contains a clause contrary to the Constitution, the authorization to ratify or approve this commitment may be given only after amendment of the Constitution.

Article 55

Treaties or agreements duly ratified or approved shall, upon their publication, have an authority superior to that of laws, subject, for each agreement or treaty, to its application by the other party.

TITLE VII: THE CONSTITUTIONAL
COUNCIL

Article 56

The Constitutional Council shall consist of nine members, whose term of office shall last nine years and shall not be renewable. One third of the membership of the Constitutional Council shall be renewed every three years. Three of its members shall be appointed by the President of the Republic, three by the President of the National Assembly, three by the President of the Senate.

In addition to the nine members provided for above, former Presidents of the Republic shall be members ex officio for life of the Constitutional Council.

The President shall be appointed by the President of the Republic. He shall have the casting vote in case of a tie.

Article 57

The office of member of the Constitutional Council shall be incompatible with that of minister or member of Parliament. Other incompatibilities shall be determined by an organic law.

Article 58

The Constitutional Council shall ensure the regularity of the election of the President of the Republic.

It shall examine complaints and shall announce the results of the vote.

Article 59

The Constitutional Council shall rule, in the case of disagreement, on the regularity of the elections of deputies and senators.

Article 60

The Constitutional Council shall ensure the regularity of referendum procedures and shall announce the results thereof.

Article 61

Organic laws, before their promulgation, and standing orders of the Parliamentary assemblies, before they come into application, must be submitted to the Constitutional Council, which shall rule on their constitutionality.

To the same end, laws may be submitted to the Constitutional Council, before their promulgation, by the president of the Republic, the Premier or the President of one or the other assembly.

In the cases provided for by the two preceding paragraphs, the Constitutional Council must make its ruling within a time limit of one month. Nevertheless, at the request of the Government, in case of emergency, this period shall be reduced to eight days.

In these same cases, referral to the Constitutional Council shall suspend the time limit for promulgation.

Article 62

A provision declared unconstitutional may not be promulgated or implemented.

The decisions of the Constitutional Council may not be appealed to any jurisdiction whatsoever. They must be recognized by the governmental authorities and by all administrative and judicial authorities.

Article 63

An organic law shall determine the rules of organization and functioning of the Constitutional Council, the Procedure to be followed before it, and in particular the periods of allowed for having disputes before it.

TITLE VIII: ON JUDICIAL AUTHORITY

Article 64

The President of the Republic shall be the guarantor of the independence of the judicial authority.

He shall be assisted by the High Council of the judiciary. An organic law shall determine the status of magistrates, Magistrates may not be removed from office,

Article 65

The High Council of the Judiciary shall be presided over by the President of the Republic. The Minister of justice shall be its Vice President ex officio. He may preside in place of the President of the Republic.

The High Council shall, in addition, include nine members appointed by the President of the Republic in conformity with the conditions to be determined by an organic law.

The High Council of the judiciary shall present nominations for judges of the Court of Cassation and for First Presidents of Courts of Appeal. It shall give its opinion, under the conditions to be determined by an

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organic law, on proposals of the Minister of justice relative to the nomination of the other judges, It shall be consulted on questions of pardon under conditions to be determined by an organic law.

The High Council of the judiciary shall act as a disciplinary council for judges. In such cases, it shall be presided over by the First President of the Court of Cassation.

Article 66

No one may be arbitrarily detained.

The judicial authority, guardian of individual liberty, shall ensure respect for this principle under the conditions stipulated by law.

TITLE IX: THE HIGH COURT OF JUSTICE

Article 67

A High Court of Justice shall be instituted.

It shall be composed of members (of Parliament) elected, in equal number, by the National Assembly and the Senate after each general or partial election to these assemblies. It shall elect its President from among its members.

An organic law shall determine the composition of the High court, its rules, and also the procedure to be followed before it.

Article 68

The President of the Republic shall not be held accountable for actions performed in the exercise of his office except in the case of high treason. He may be indicted only by the two assemblies ruling by identical vote in open balloting and by an absolute majority of the members of said assemblies. He shall be tried by the High court of Justice.

The members of the Government shall be criminally liable for actions performed in the exercise of their office and deemed to be crimes or misdemeanors at the time they were committed. The procedure defined above shall be applied to them, as well as to their accomplices, in case of a conspiracy against the security of the State. In the cases provided for by the present paragraph, the High Court shall be bound by the definition of crimes and misdemeanors, as well as by the determination of penalties, as they are established by the criminal laws in force when the acts are committed.

TITLE X: THE ECONOMIC AND
SOCIAL COUNCIL

Article 69

The Economic and Social Council, whenever the Government calls upon it, shall give its opinion on the Government bills, ordinances and decrees, as well as on the Private Members bills submitted to it.

A member of the Economic and Social Council may be designated by the latter to present, before the Parliamentary assemblies, the opinion of the Council on the Government of Private Members bills that have been submitted to it.

Article 70

The Economic and Social Council may likewise be consulted by the Government of any problem of an economic or social character of interest to the Republic or to the Community. Any plan or any bill dealing with a plan of an economic or social character shall be submitted to it for its advice.

Article 71

The composition of the Economic and Social Council and its rules of procedure shall be determined by an organic law

TITLE XI: ON TERRITORIAL UNITS

Article 72

The territorial units of the Republic are the communes, the departments, the Overseas Territories. Other territorial units may be created by law.

These units shall be free to govern themselves through elected councils and under the conditions stipulated by law.

In the departments and the territories, the Delegate of the Government shall be responsible for the national interests, for administrative supervision, and for seeing that the laws are respected.

Article 73

Measures of adjustment required by the particular situation of the Overseas Departments may be taken with regard to their legislative system and administrative organization.

Article 74

The Overseas Territories of the Republic shall have a special organization, which takes into account their own interests within the general interests of the Republic. This organization shall be defined and modified by law after consultation with the Territorial Assembly concerned.

Article 75

Citizens of the Republic who do not have ordinary civil status, the only status referred to in Article 34, may keep their personal status as long as they have not renounced it.

Article 76

The Overseas Territories may retain their status within the Republic.

If they express the desire to do so by a decision of their Territorial Assemblies taken within the time limit set in the first paragraph of Article 91, they shall become Overseas Departments of the Republic or member States of the Community, either in groups or as single units.

TITLE XII: ON THE COMMUNITY

Article 77

In the Community instituted by the present Constitution the States shall enjoy autonomy; they shall administer themselves and manage their own affairs democratically and freely.

There shall be only one citizenship in the Community.
All citizens shall be equal before the law, wherever
their origin, their race and their religion. They shall
have the same duties.

Article 78

The Community's jurisdiction shall extend over foreign
policy, defense, currency, common economic and financial
policy, as well as over policy on strategic raw materials.

It shall include, in addition, except in the case of
specific agreements, the supervision of the tribunals,
higher education, the general organization of external
transportation and transportation within the Community,
as well as of telecommunicationa.

Special agreements may create other common jurisdictions
or regulate any transfer of jurisdiction from the Community
to one of its members.

Article 79

The member States shall benefit from the provisions of
Article 77 as soon as they have exercised the choice
provided for in Article 76.

Until the measures required for implementation of the present title go into force, matters within the common jurisdiction shall be regulated by the Republic.

Article 80

The President of the Republic shall preside over and represent the Community.

The institutional organs of the Community shall be an Executive Council, a Senate and a Court of Arbitration.

Article 81

The member States of the Community shall participate in the election of the President according to the conditions stipulated in Article 6.

The President of the Republic, in his capacity as President of the Community, shall be represented in each State of the Community.

Article 82

The Executive Council of the Community shall be presided over by the President of the Community. It shall consist of the Premier of the Republic, the heads of Government of each of the member States of the Community, and the ministers responsible for the common affairs of the Community.

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The Executive Council shall organize the cooperation of members of the Community at Government and administrative levels.

The organization and procedure of the Executive Council shall be determined by an organic law.

Article 83

The Senate of the Community shall be composed of delegates whom the Parliament of the Republic and the legislative assemblies of the other members of the Community shall choose from among their own membership. The number of delegates of each State shall be determined according to its population and the responsibilities it assumes in the Community.

The Senate of the Community shall hold two sessions a year, which shall be opened and closed by the President of the Community and may not last longer than one month each

The Senate of the Community, when called upon by the President of the Community, shall deliberate on the common economic and financial policy before laws on these matters are voted upon by the Parliament of the Republic and, should circumstances so require, by the legislative assemblies of the other members of the Community

The Senate of the Community shall examine the acts and treaties or international agreements, which are specified in Articles 35 and 53, and which commit the Community.

The Senate of the Community shall take executive decisions in the domains in which it has received delegation of power from the legislative assemblies of the members of the Community. These decisions shall be promulgated in the same form as the law in the territory of each of the States concerned.

An organic law shall determine the composition of the Senate and its rules of procedure.

Article 84

A Court of Arbitration of the Community shall rule on litigations occurring among members of the Community.

Its composition and its jurisdiction shall be predetermined by an organic law.

Article 85

By derogation from the procedure provided for in Article 89. the provisions of the present title that concern the functioning of the common institutions shall be amendable by identical laws passed by the Parliament of the Republic and by the Senate of the Community.

The provisions of the present title may also be amended by agreements concluded between all the States of the Community, the new provisions shall be put into force under the conditions required by the Constitution of each State.

Article 86

A change of status of a member state of the Community may be requested, either by the Republic, or by a resolution of the legislative assembly of the State concerned confirmed by a local referendum, the organization and supervision of which shall be ensured by the institutions of the Community. The procedures governing this change shall be determined by an agreement approved by the Parliament of the Republic and the legislative assembly concerned.

Under the same conditions, a member State of the Community may become independent. It shall thereby cease to belong to the Community.

A member State of the Community may also, by means of agreements, become independent without thereby ceasing to belong to the Community.

4 Added by parliamentary amendment of May 18.1960.

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An independent State not a member of the Community may, by means of agreements, join the Community without ceasing to be independent.

The position of these States within the Community shall be determined by agreements concluded to this end, in particular the agreements mentioned in the preceding paragraphs as well as, should the occasion arise, the agreements provided for in the second paragraph of Article 85.⁵

Article 87

The special agreements made for the implementation of the present title shall be approved by the Parliament of the Republic and the legislative assembly concerned.

TITLE XIII: ON AGREEMENTS OF ASSOCIATION

Article 88

The Republic or the Community may make agreements with states that wish to associate themselves with the Community in order to develop their own civilizations.

TITLE XIV: ON AMENDMENT



Article 89

The initiative for amending the Constitution shall belong both to the President of the Republic on the proposal of the Premier and to the members of Parliament.

The Government of Private Members bill for amendment must be passed by the two assemblies in identical terms. The amendment shall become definitive after approval by a referendum.

However, the proposed amendment shall not be submitted to a referendum when the President of the Republic decides to submit it to Parliament convened in Congress; in this case, the proposed amendment shall be deemed to be approved only if it is accepted by a threefifths majority of the votes cast. The Secretariat of the Congress shall be that of the National Assembly.

No amendment procedure may be undertaken or followed when the integrity of the territory is in jeopardy.

The republican form of government shall not be subject to amendment.

⁵Added by parliamentary amendment of May 18, 1960.

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