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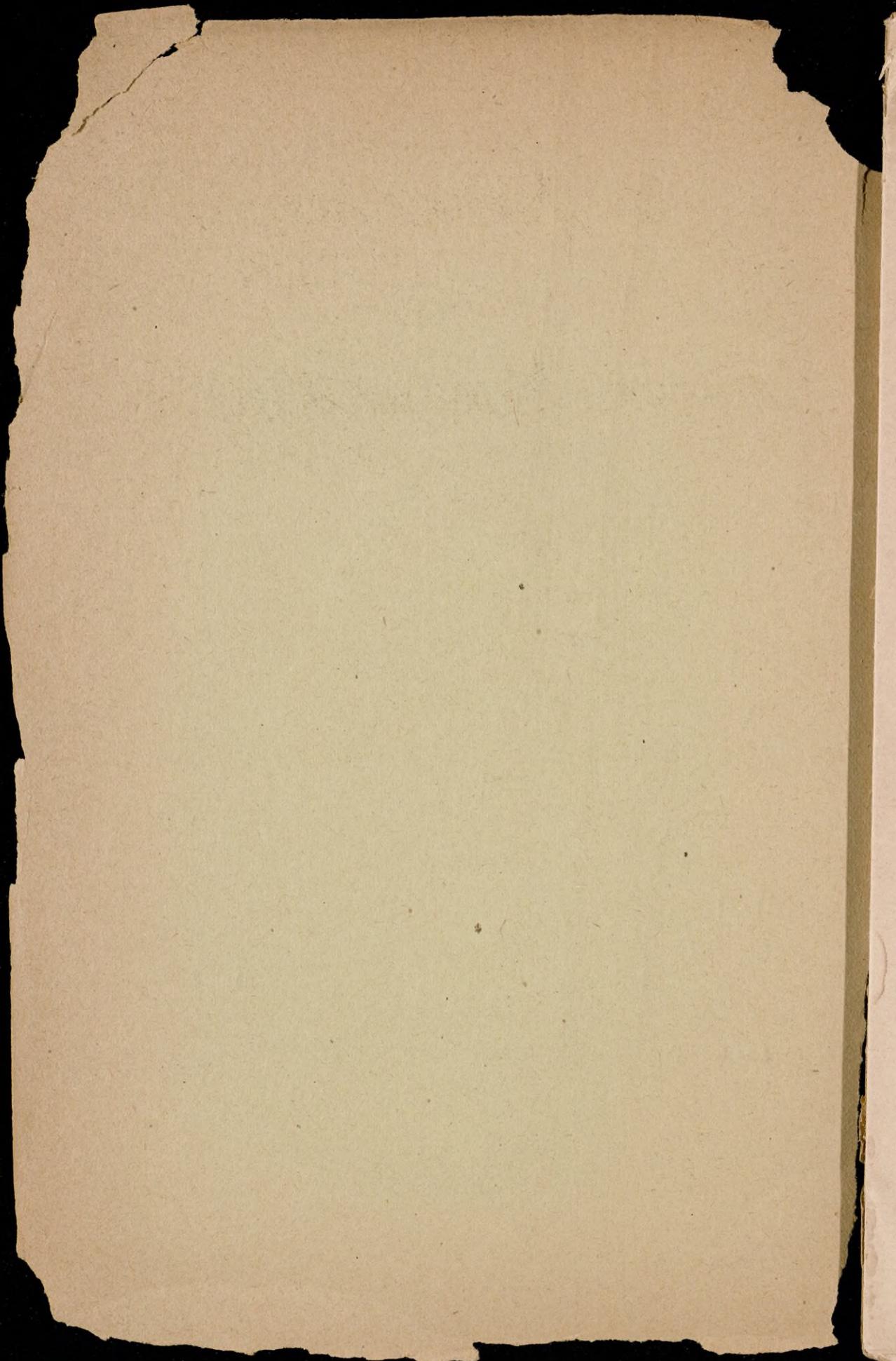
THE CONSTITUTION  
OF THE  
CZECHOSLOVAK REPUBLIC

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WITH INTRODUCTION  
BY JIŘÍ HOETZL AND  
V. JOACHIM

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ÉDITION DE LA SOCIÉTÉ  
L'EFFORT DE LA TCHÉCOSLOVAQUIE  
PRAGUE



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# RULES OF FRANCHISE. THE CONSTITUTIONAL COURT.

By V. JOACHIM.

## ELECTIONS TO THE CHAMBER OF DEPUTIES.

(Act of Parliament of 29. February 1920 No. 123. Code of Laws and Regulations.)

There are 23 parliamentary Constituencies, the smallest of which elect 6 members, the largest (Prague) 45.

The right to vote is enjoyed by every citizen who has attained the age of 21 years and who is entered on the standing List of Voters (see below).

A voter has the right to vote only in one constituency and must record his vote in person.

Any citizen of the Czechoslovak Republic, irrespective of sex who on the day of election has attained the age of 30 years may be elected deputy, provided that he (or she) has been a Czechoslovak citizen for at least three years and has not been legally deprived by the Court of the right to vote.

Every voter entered upon the List of Voters is obliged to vote: an exception, however, is made in favour of persons 70 years of age and over, sick persons etc. (whoever without reasonable grounds of excuse fails to take part in an election is liable to a fine of 20 to 5000 crowns or to a term of imprisonment varying from 24 hours to one month).

\* \* \*

Twenty-one days at the latest, before the election day and not later than 12 o'clock noon the various political parties present before the Chairman of the Election Committee of the Constituency, their lists of candidates. Such lists are only valid if they are attested by the officially confirmed signatures of at least 100 voters whose names appear on the List of Voters for the particular constituency.

To each list of candidates there must be annexed a written declaration, personally signed by all the candidates, to the effect that they accept their nomination as candidates and that their names do not appear with their consent on any other list of candidates and that they have not been nominated in any other constituency.

The Election Committee of the Constituency examines the lists of candidates to see if they conform to the formalities prescribed and to amend them, if necessary, with the assistance of representatives of the political parties.

Fourteen days at the least before the election day the Chairman of the Election Committee publishes in the official journals of the constituency all the valid lists of candidates, indicating the parties, the election number assigned to each, and giving a complete and exact designation of each candidate.

The lists of candidates are then printed in the form of ballot papers, all having the same type and the same size of lettering, being printed on paper of the same colour and form and having the seal of the Election Committee of the constituency affixed to them all in the same place.

The Chairman of the Election Committee of the constituency sends the papers to the local authorities in each community with the request to place them in the hands of the electors three days at the latest before the day of election.

The cost of printing the ballot papers is met as follows: Up to the 31<sup>st</sup> of December 1924 the State pays two-thirds and the political parties one-third; after the 31<sup>st</sup> of December 1924 the State pays one half and the parties one half.

A party may, however, declare that it does not desire its list of Candidates (ballot papers) to be sent in the official way, to the voters of certain districts or indeed of the whole constituency, and may at the same time for these districts or for the whole constituency order a definite number of official ballot papers and place them itself in the hands of the electors.

If a party does not deposit at the proper time a certain sum on account to meet the expenses of printing, it is assumed that the party has withdrawn its list and retired from the election.

Printers or persons employed in the printing trade are obliged to carry out the orders of the Chairman of the Election Committee of any constituency issued for the purpose of getting the ballot papers duly printed in good time.

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Every township is a place of poll. Elections take place on Sundays, polling commencing at 8 o'clock a. m.

On the day before the elections, and on the polling day itself it is prohibited to sell or to serve drinks containing alcohol.

The elections take place under the direction of a local electoral committee composed — as all other committees are, which assist at elections — of representatives of the various parties.

It is the duty of the electoral committee to make sure that every voter in their district is in possession of all ballot papers which the authorities ought to deliver to him and to see that they are free from erasures or markings of any kind. Where papers are lacking, or have suffered erasure or been marked in any way, the Committee sees to the recipients getting others, so that the voter shall have all the lists of candidates in so far as they should have been delivered to him officially.

The voter receives, further, an official envelope. Every envelope is of the same size, quality and colour, and may not carry any distinguishing mark.

The voter himself places the ballot paper in the envelope. He does this in a booth so arranged that no one can see him and afterwards in the presence of the electoral committee, puts the envelope into the urn. The lists of candidates of which he makes no use he places in a box specially provided for the purpose.

The voter may place in the urn the list of candidates of any party he likes.

\* \* \*

At the conclusion of the polling the electoral Committee of the constituency makes a first partial scrutiny, that is to say, counts the number of ballot papers given for each party. Even such lists of candidates on which the names of the candidates are struck out or altered are counted in favour of the party to which they belong, so that erasure, or striking out (even if all names be struck out) or alteration have no effect whatsoever. This is the system of the "strictly binding lists", as it is called.

On the second day (the Tuesday) following the polls the Election Committee of the constituency meets and on the basis of reports from all the districts composing the constituency, carry out what is called the *first scrutiny*.

They ascertain the sum total of all valid votes given to the individual parties; this total is then divided by the number of seats allotted to the particular constituency; and the resultant figure (no regard being paid to remainders) is the "election number" that is, the number of votes necessary to secure the election of one member.

The total number of votes given for each party list is now divided by this "election number" and the committee allots to each party a

number of seats equivalent to the number of times that the "election number" is contained in the sum total of votes obtained by the party.

The candidates belonging to the different parties are allotted the seats which fall to those parties, in the order in which their names appear on the lists of candidates. If a list of candidates printed as a ballot paper differs from the original list handed in to the Electoral Committee of the Constituency, the contents and the order of the names of the original list have priority.

Seats not assigned at the first scrutiny are allotted eight days after the completion of the elections throughout the whole Republic, by a Central Electoral Committee attached to the Ministry of the Interior. This is the *second scrutiny*.

Before the commencement of the second scrutiny such members of the Central Electoral Committee as are party agents present to the Chairman of the Committee the lists of candidates of their respective parties: these lists may contain the names of any number of candidates, yet only of those who have already sought election in some constituency and failed to be elected at the first scrutiny.

At the second scrutiny consideration is given only to the votes of parties which in at least one constituency obtained 20,000 votes (or the "electoral number", should this be less than 20,000) and which presented a list of candidates for the second scrutiny.

The Committee counts the votes remaining over, obtained by the different parties together throughout the Republic, and ascertains the necessary quotient (the "electoral number"). This number is, in this case, the round sum irrespective of any remainder, which is arrived at by dividing the total of all votes remaining over from the first scrutiny by the number of seats to be filled, plus one.

The Committee allots to each party a number of seats corresponding to the number of times that the "electoral number" is contained in the surplus of votes given to the party in all the constituencies taken together.

If, at the second scrutiny all the seats are not allotted, the Committee assigns one seat each to those parties which have the largest remainders of votes still left. This is known as the *third scrutiny*.

Here, too, the candidates of the various parties are taken in the order in which their names appear on the lists.

\* \* \*

All the candidates who have failed to obtain election at the 1<sup>st</sup>, 2<sup>nd</sup> or 3<sup>rd</sup> scrutiny are "reserves". That is to say, if a seat becomes vacant, no bye-election takes place, but a "reserve" candidate of the same party as the late member automatically succeeds to his seat. The "reserve"

man must have stood as a candidate for the same constituency in which the vacancy occurs and the order of the names on the list of candidates is followed. If no such candidate is available the "reserve" man is taken in the due order from the list of candidates presented for the second scrutiny.

## ELECTIONS TO THE SENATE.

(Act of Parliament of 29. Feb. 1920. No. 134 in the Code of Laws and Regulations.)

All persons are entitled to vote whose names are duly entered on the Standing List of Voters, and who, at the date of the first publication of the same have attained the age of 26 years.

Eligibility for membership commences at the age of 45 years.

There are 13 constituencies each of which, in general, is composed of two such constituencies as send members to the Chamber of Deputies. The smallest constituency sends up 4 members, the largest (that of Prague) 23.

The franchise rules governing elections to the Chamber of Deputies apply also to the Senatorial elections (see above).

If elections to the two chambers take place within 4 weeks of each other, no person may stand as candidate for both houses. The election of a candidate in defiance of this provision is invalid.

In cases other than that just mentioned, if a deputy be elected senator, or vice versa a senator be elected deputy, he shall take his seat in that chamber to which he was last elected.

## THE STANDING LISTS OF VOTERS.

(Act of Parliament of 19. Dec. 1919 No 663 in the Code of Laws and Regulations, supplemented by the Act of 23 Jan. 1920 No. 44.)

Not only parliamentary elections but also all municipal and local elections take place on the basis of the Standing Lists of Voters (for the Senate with the restriction of age-26 years).

All citizens of the Czechoslovak Republic, irrespective of sex, who on the date of the publication of the lists have attained the age of 21 years and have resided in one polling district for the preceding three months and who have not been deprived of the franchise by a judgment of the courts or condemnation for some crime, have their names entered on the Standing List of Voters.

The lists are compiled and carefully kept up-to-date by a local election Committee which is set up for every polling district and is com-

posed of the burgomaster, or a deputy nominated by him, as chairman, together with 4 to 8 assessors. These assessors (or deputy assessors if necessary) are appointed for a term of three years by the political Bureau of Control (a State office). In nominating the members of the Committee (or their deputies should it be necessary to appoint such in the course of the three years) care is taken that as far as possible all political parties shall be equally represented and regard paid to nomination proposals emanating from the political parties themselves.

Communities with less than 5000 inhabitants form a single electoral district and a separate list of voters is drawn up for it. Houses are entered thereon according to the order in which they are numbered in the community, commencing at the lowest number, and then the occupants of each house in alphabetical order.

Communities with more than 5000 inhabitants are divided by the above-mentioned Committee into several electoral districts. Voters have to supply particulars of their surname, Christian name, the date of their birth and their occupation.

The burgomaster has to submit the lists to public scrutiny for a period of eight week days twice in the year commencing on the 15<sup>th</sup> of June and the 15<sup>th</sup> of December respectively.

Every person has the right to look through the list, and to make copies and extracts so long as he does not hinder others from exercising the same right.

In communities where the population exceeds 5000 the lists, on the demand of any one citizen and at his cost, must be printed in good time and in sufficient numbers and issued not later than the first day of the term appointed for sending in claims and objections.

During the period in which the lists are on view objections may be presented in writing at the burgomaster's office. Persons unable to write may make their objections orally. If the objection concerns the inclusion of a name entered on the list, the objection must be at once communicated to the voter affected who is allowed three days in which to file his answer at the burgomaster's office.

The ultimate decision with regard to objections lies with the Revising Committee attached to the Bureau of Control, the chairman of which is an official of that Bureau while the members are 8 to 12 assessors nominated by the Chairman for 3 years from the ranks of the various political parties. The revised lists are exposed to public scrutiny for 8 days at the end of January and at the end of July.

Against the decisions of the Revising Committee an appeal lies to the Electoral Court [see below]. The judgment of this latter Court, however, does not affect the matter at issue unless it be communicated to

the burgomaster's office either officially or by the party affected, at least ten days before the election takes place.

Elections take place — on the basis of the revised lists published at the end of January — between February 1 and July 31: on the basis of the revised lists published at the end of July, between August 1 and January 31.

## THE ELECTORAL COURT.

(Act of Parliament of 29. Feb. 1920 No. 125 in the Code of Laws and Regulations.)

The Electoral Court is composed of a president, 12 assessors and the requisite number of permanent officials.

The premier president for the time being of the Supreme Administrative Court acts as president. The permanent officials are appointed by the president and taken from the staff of the Supreme Administrative Court. The assessors are elected by the Chamber of Deputies (the original idea of allowing the Senate to elect a part of the assessors was abandoned, for the small number of the assessors made it impossible properly to apply the principle of proportional representation). All citizens of the Czechoslovak Republic who are versed in law, who have attained the age of 40 years, who have been Czechoslovak citizens for at least ten years and have not lost their right to vote are eligible for this post. Members of the Electoral Court may not become members of parliament nor members of any County Council (Council of a župa).

The Electoral Court is the exclusively competent authority:

1. to decide appeals against the decision of the Revising Committee in accordance with the law dealing with the Standing List of voters.

2. to examine into and confirm the validity of elections of members of the National Assembly and County Councils (Councils of the župy)

3. to decide appeals respecting elections to the National Assembly, County Councils and County Commissions and committees;

4. to decide whether a member of the National Assembly or County Council has forfeited his seat for

a) having lost the right to be elected;

b) having lost his membership of the party whose candidate he was, and that for some disreputable and dishonourable cause.

Appeals must be made in writing within 14 days of the date on which the decision of the Revising Committee is made known to the appellant, or of the last date on which the revised list of voters was on view, or of the date of the official announcement of the final result of the election: the appeals must bear the signature of a lawyer.

Appeals are conducted under a system of procedure in which the parties participate by question and answer, and in general a full

bench of the Electoral Court delivers judgment after the case has been conducted orally and in public. (Plaints, however, relative to the lists of candidates may be decided on the motion of the President of the Electoral Court, by a Commission consisting of the President, 3 assessors and a permanent official).

The Electoral Court in its finding states to what extent the election is annulled and, according to circumstances, designates the person who is elected in place of the member whose election has been declared invalid.

The presenting of complaints and documents relative thereto as well as all procedure is exempt from the payment of fees and stamps.

### THE CONSTITUTIONAL COURT.

(Act of Parliament of 9 March 1920. No. 162 in the Code of Laws and Regulations.)

Laws promulgated either by the National Assembly or by the Diet of Rousinia, which are in conflict with the Charter of the Constitution or with laws amending or supplementing it, are invalid. The decision as to whether a law is valid or not in this sense pertains exclusively to the Constitutional Court. Furthermore this Court is competent to decide whether measures adopted by the Standing Commission under § 54 of the Charter of the Constitution are in conflict with Constitutional law (or whether or not they modify the competence of the civil service departments except where it is a matter of enlarging the competence of an office already set up, by imposing new duties upon it).

The Constitutional Court is composed of 7 members, three of whom are nominated by the President of the Republic as follows: the Chamber of Deputies, the Senate, and the Diet of Rousinia each propose three of their members and the President of the Republic chooses one member from each group. The President at the same time nominates one of the three members to be President of the Constitutional Court. Of the remaining 4, two each are taken from the ranks of the judges of the Supreme Court of Justice and the Supreme Administrative Court.

For each member a substitute is nominated to sit when necessary and the procedure of nomination is the same as in the case of that of the original member.

The members of the Constitutional Court as well as the substitute members must be persons well versed in the law, eligible for membership of the Senate, and who are neither members of parliament nor civil servants.

The members of the Constitutional Court are nominated for a term of 10 years.

The question whether a particular law is in conflict with the Charter of the Constitution is decided by the Constitutional Court exclusively on the motion of the Supreme Court of Justice, or the Supreme Administrative Court, the Electoral Court, the Chamber of Deputies, the Senate or the Diet of Rassinia. A resolution to carry such a motion must be passed by a majority in the above-mentioned bodies in each case.

It must be made within 3 years at least of the date on which the law in question was promulgated.

Such an application is made under a system of procedure in which the parties participate by question and answer, and in the presence of the legislative assemblies and the government. Exact limits are fixed to the duration of the proceedings. They may not last longer than 10 months. The proceedings are public and oral. Should any of the parties fail to send their representatives to the hearing, the proceeding shall not be thereby in any way prejudiced. Five votes at least are always necessary for finding against the validity of a law.

The finding of the Constitutional Court is reported by the President of that Court to the Government. It is the duty of the Minister of the Interior to publish the finding within eight days and without comment in the official Code of Laws and Regulations. At the same time the finding is to be published in the official press with detailed grounds for the decision.

The publication of the finding in the official Code of Laws and Regulations has the effect of making it binding, from the date of its publication, upon the legislative bodies, the Government, all public offices, and on the Courts.

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# THE DEFINITIVE CONSTITUTION OF THE CZECHOSLOVAK REPUBLIC.

(By Dr. JIŘÍ HOETZEL)

The National Assembly of the Czechoslovak Republic — a body which was the product of the Revolution — determined, by an enactment dated 29<sup>th</sup> February 1920, on the definitive Constitution of the land. Conditions resulting from the War prevented this Constitution being elaborated with the parliamentary co-operation of non-Czech citizens of the Republic (i. e. Germans and Magyars), particularly as the frontiers of our state had not at all points as yet been finally determined upon. The National Assembly, with due regard to this fact, endeavoured to elaborate a Constitution which should be both just and impartial, so that our state might in all honour defend it against criticism however severe — a criticism taking just account of all attendant circumstances.

The Charter of the Constitution expressly declares the Czechoslovak Republic to be a democratic republic. It is a unified, not a federative state. Only the territory of Russia (Podkarpatská Rus) enjoys a special position in regard of public rights, defined in par. 3. of the Charter. By these provisions, the Treaty of St. Germain-en-Laye (articles 10—13) made on September 10<sup>th</sup> 1919 between the Allied and Associated Powers of the one part and the Czechoslovak Republic of the other part, has been carried into effect within the state itself. The Czechoslovak Republic, it is true, was under no obligation according to article 1 of the said treaty, to declare the articles 10—13 as fundamental (constitutional) articles. By doing so in par. 3 of the Charter the Republic clearly shews that she desires fully to guarantee the autonomic existence of the territory of Russia. Our Republic has done more than its international duty, not only formally but also *de facto*, in admitting the members of the National Assembly (deputies and senators) elected in Russia, to full rights of discussion, of voting and participation in *all* acts of the National Assembly, although article 13 of the Treaty of St. Germain lays down: „Toutefois ces députés ne jouiront pas du droit de vote dans

la Diète Tchecoslovaque en toutes matières législatives du même ordre que celle attribuées à la Diète ruthène."

The organisation of the territory of Russia is being carried out and is facilitated by section 8 of par. 3 of the Constitutional Charter. The unity of our State recognized *inter alia* in article 10 of the Treaty of St. Germain, is emphasized in par. 4, according to which, citizenship of the Republic is one and uniform.

At the head of the Charter of the Constitution stands the principle that: "The people is the sole fountain of state authority in the Czechoslovak Republic."

The Charter does not treat this principle as a mere formula but endeavours to give constitutional life to it, limiting its application only in cases where the integrity and security of the state categorically demand restrictive stipulations.

Legislative power is unified — the autonomic diet of Russia of course forms an exception. Our little state could not permit the different provincial diets, previously existing, to continue their functions. Par. 7, therefore, of the Charter declares the legislative, and executive powers of the diets of Bohemia, Moravia and Silesia at an end. The legislative body (National Assembly) is composed of two chambers: the House of Deputies and the Senate. Both chambers are elected by direct ballot on the basis of democratic rules of suffrage which recognize the absolute equality of both sexes (par. 8—17 of the Charter). The elections take place on the principles of proportional representation carefully worked out to the minutest details. A second and a third scrutiny secure as perfect a representation as is possible to the weaker political parties. The Rules of Franchise both for the House of Deputies as for the Senate draw no distinctions in regard of race or religion: they are equally just to all. It has been the earnest endeavour of our state to apply, in all its consequences, the principle expressed in Sect. 1 of Article 7 of the Treaty of St. Germain (§ 128. Sec. 1 of the Constitutional Charter). Our State has also conscientiously applied this principle in drawing up the Rules of Franchise.

It is important to note, too, that our Rules of Franchise are totally devoid of all that electoral trickery so characteristic of the Austrian franchise. A proportionately large number of seats has been, it is true, given to the constituency of Prague, but this is explained by the fact on the one hand this electoral district contains the capital of the Republic with its enormous possibilities of development and that on the other hand, the district was purposely neglected by the Austro-German governments. It is absolutely certain that the large influx of population continually going on will result in a large increase in the number of inhabitants. The Rules of Franchise, calculated to cover

a long period of time, had to be adapted to these facts and circumstances. As to the technical aspect of electoral procedure great care has been taken to secure that every elector may record his vote without suffering from any outside constraint whatsoever. Here too all persons are treated exactly alike no regard being paid to difference of race or religion.

Great care has been bestowed upon the organisation of the body legislative. Tough political fights ended in compromise and the Chamber of Deputies emerged as the political factor par excellence. It is this chamber alone that by a vote of non-confidence can compel the resignation of the Government (par. 75 and 78 of the Charter of the Constitution). The Senate on the other hand exercises rather the functions of amendment and moderation. The limit of age prescribed for eligibility to the Senate (45 years) is a guarantee that this chamber will be composed of members of experience and judgment. As an offset to this somewhat high passive age-limit, the active franchise is enjoyed by all citizens who have attained the age of 26 years (and not 30 as was proposed in many quarters). The reciprocal relations of the two Chambers in respect of lawmaking — as determined by the Charter of the Constitution after protracted struggles and discussions — do not follow the lines of those of any other country. In principle the two chambers are in so far equal that they both enjoy the right of initiative, and that even Government bills may be first introduced in either house. Only in the case of Budget and Army Bills must the measures first pass through the House of Deputies. On the whole it may confidently be said that more discipline and conservatism have been introduced into the legislative labours of the new National Assembly and certainly more settled economical and political conditions in Europe generally will contribute also thereto.

It is naturally of the greatest importance to our state that all parliamentary work should take an undisturbed and effective course. Much care has therefore been devoted to the elaboration of Rules of Procedure. It is particularly worthy of notice that these Rules concede to racial minorities within the state the maximum of rights compatible with the practical working of the parliamentary machine. A comparison with the conditions existing in the former parliaments of Vienna and Budapest will shew how infinitely better is the lot of the racial minorities in our Republic than was the lot of the Czechs and Slovaks under the old regime at Vienna and Budapest. At the same time, it was necessary that the Rules of Procedure should keep in check, if not render absolutely impossible, all malicious attempts to frustrate the practical labours of Parliament.

The democratic spirit of our Constitution is likewise shewn in par. 54 of the Charter of the Constitution. This paragraph provides for

the setting up of a permanent Committee — two-thirds of the members of which are taken from the House of Deputies and one-third from the Senate — which shall take the place of the National Assembly when the latter is unable to sit. Governmental and executive authority is thus, in principle, devoid of such power as was possessed, for example, by the Government of the former Austrian Empire in virtue of the notorious Article XIV of the law relating to the representation of the Empire. The Charter of the Constitution does not permit the Government of our state to remain for one moment without the control, nor yet without the aid of the legislative body.

The President of the Republic, it is true, has been conceded certain prerogatives in respect of the National Assembly: it is he who convokes, prorogues, terminates, and dissolves parliament; but strict limits have been set, in the interests of parliament, to these prerogatives (par. 28—31 of the Charter of the Constitution). The President is bound to convoke parliament at least twice a year to regular sessions; besides which he may summon it to extraordinary sessions if need be. On the request of a qualified majority of either chamber, both chambers assemble, if necessary automatically, at the summons of their respective presidents, without regard to the wishes of the President of the Republic. The Charter of the Constitution protects in this matter even parliamentary minorities, for they too have the right to demand the convocation of parliament and if the President of the Republic take no steps to this end the parliament meets automatically within a certain period on the summons of its presidents. This provision (par. 28 of the Charter of the Constitution) proves how our State protects a minority in a sphere so sensitive as is that of parliament. A minority has the right to compel the summoning of parliament!

The President of the Republic is entitled to return, with his observation thereon, any law passed by the National Assembly (§ 47 of the Charter of the Constitution). In spite of the veto of the President the Assembly may promulgate the law in its original form with the assent of an absolute majority of both houses (or otherwise under the special conditions set out in § 48 of the Charter of the Constitution).

It is appropriate here to point out that the Charter of the Constitution is placed in its entirety under the special and effective protection of a Constitutional Court. It is intended that the Charter of the Constitution be the foundation stone of the whole life of the state, the fountain of the rights of all citizens. An ordinary law may not conflict with the Constitution without becoming null and void. The judgment of the Constitutional Court declaring a law invalid causes it or its defective part to lose its binding force for the future. This institution likewise serves as a protection of the rights of minorities whether racial or religious.

In this connection may be also noted the provision of § 55. of the Charter, stipulating that Government decrees (bye-laws) may be issued only on the basis of a law and within its terms. The power to issue orders "praeter legem", as exercised, for instance, in France does not exist here. It is the duty of the Courts to see that this principle is duly observed (§ 102. of the Charter of the Constitution) and they have power to declare as null and void every decree or bye-law which does not conform to the law.

### GOVERNMENTAL AND EXECUTIVE POWER.

This power in its highest aspects is shared between the President of the Republic and the Government. The election of the President is indirect, that is, he is chosen by the two chambers of Parliament assembled in united session. The President enjoys such governmental and executive power as is expressly assigned to him by the Charter of the Constitution or by other laws of the Republic; all other Governmental and executive power rests in the hands of the Government. The functions of the President as set out in § 64. of the Charter of the Constitution are very comprehensive and effective and enable the President to exercise a great influence on the direction of the affairs of the State, without at the same time burdening him with details. As the President of the Republic is not responsible at law for his political acts (except as set forth in § 67 of the Charter), governmental and executive power has been in principle placed in the hands of the responsible factors, that is, the Government. The Constitution expressly introduces the principle of collective responsibility of the Government (§ 75 and 78 of the Charter). A characteristic feature of our Constitution is the effort to secure that all the more important matters of government be settled in a Council of ministers, a cabinet meeting (§§ 80 and 81 of the Charter of the Constitution), the idea being to render it impossible for an individual minister to abuse his position. This effort, as evidenced by the Charter of the Constitution, to ensure a collective and corporate discussion and action in the affairs of government goes so far as to deny to ministers the right of appointing civil servants of the VII and VIII classes. These provisions, too, of the Constitutional Charter are a protection to minorities and aim at assuring an undisturbed and responsible conduct of the affairs of government.

Democratisation among us is not confined to legislative authority; one of our great tasks is the democratisation of the public administration, and to this work the foundations have been laid by § 86 of the Charter where it is laid down that the civic element shall as far as possible be represented in the subordinate offices of State. The law

creating special administrative bodies for the counties (župy) and the districts (okresy) represents an effort to put this constitutional principle into practice. It is a bold step towards reorganizing public administration in a more democratic direction. The civic element thus participates in all political administration (interior) in the subordinate offices (ministries are an exception). This participation is particularly conspicuous in the organisation of the administrative Courts (contentieux a priori et a posteriori), where is it a matter of the protection of the rights and interests of citizens. The Czechoslovak Republic has in this way introduced for us a new kind of autonomy, giving even racial and religious minorities the opportunity of collaborating in the management of their own affairs, or indeed of settling the same themselves. Such collaboration or power of settlement will have a great importance for the solution of the problem of minorities generally (§ 133 of the Charter of the Constitution). We have often been asked whether we have not gone too far in our efforts at democratisation. It was necessary, however, to proceed energetically towards the reorganization of the administration as it was bequeathed to us by Austria. Much will depend on the maturity of our people which is now favourably influenced by the fact that all citizens may at last participate in the public administration.

The good quality of administration does not depend only on the good quality of juridical rules: in reality everything depends on the moral and intellectual qualities of those who are charged with the administration. Every state has to take measures which in this respect have a preventive or repressive effect. The most effective measure here is the duty imposed on a state official or on the State itself to make good any damage caused to a citizen through the illegal exercise of public power. In this regard our Republic has had in mind the examples especially of France and England, and has determined this question by special enactments, hoping thus to assure a just application of juridical rules for the benefit of all citizens generally and of minorities in particular. §§ 92 and 93 of the Constitutional Charter form the basis of these measures to which effect will be given as soon as conditions become normal again.

A special section (Part V) of the Charter of the Constitution is devoted to the so-called fundamental rights and liberties of citizens. The enumeration of them is much more comprehensive than is usual in Constitutional Charters and emphasis has been given to certain matters the importance of which was manifest in former Austria. Privileges derived from sex, birth or calling are not recognized; private ownership is inviolable, § 109 of the Charter declaring that private ownership may be limited or abolished only by law, that is, not by any mere executive measure. All these rights guaranteed by the Constitution are protected,

by the Supreme Administrative Court, a court which, in the technical sense, sees to the legality of the public administration when claims or complaints are advanced from any quarter. Our State is thus fitted out with all the attributes and means of a State based upon Right. That it is possible in certain cases to limit by an ordinary law the rights and liberties guaranteed by the Constitution or even, in circumstances of some extraordinary nature, to suspend these rights partially or completely, is nothing new. We meet with the same thing in other democratic republics.

Part VI of the Constitutional Charter deals with the protection of racial and religious minorities (section 2 of § 106 and § 122 of the Charter treat also of this matter). Our Constitution has adopted the stipulations of the Treaty of St. Germain relative hereto and has gone further than our international engagements require, in declaring §§ 131 and 132 of the Charter, as fundamental (constitutional) articles, though the Treaty of Saint Germain in no way requires this. Here again our State desired to give a proof of its good will to settle the rights of minorities with perfect equity. This was also the case with regard to the provisions in the Constitution as to the use of languages where our scrupulous desire to fulfil our international engagements went so far as to cause us to adopt the very terminology of the conclusion of art IV of the Treaty of St. Germain, the Czechoslovak language being designated as the state, official language (*langue d'Etat, langue officielle*).

It is clear to every unbiassed observer that the provisions of the Constitution relating to language are permeated both in letter and in spirit with the idea of perfect justice. The view that the Treaty of St. Germain prohibits the limitation of the language rights of minorities to a certain percentage of those minorities or to a certain area, is not supported by the Treaty of St. Germain itself (art. 7, sect IV). The Charter of the Constitution declares solemnly in its 134<sup>th</sup> paragraph that every species of forcible denationalisation is strictly forbidden.

To sum up, it may be said that the definitive Constitution of the Czechoslovak Republic aims at being the democratic and just basis of public life in our State. It is a matter then, especially for our minorities, racial and religious, loyally to acknowledge these good traits and aims of our Constitution and to act accordingly.

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# THE LAW OF FEBRUARY 29<sup>th</sup>, 1920

WHEREBY THE CONSTITUTIONAL CHARTER OF THE  
CZECHOSLOVAK REPUBLIC IS INTRODUCED.

*WE, the Czechoslovak nation, desiring to consolidate the perfect unity of our people, to establish the reign of justice in the Republic, to assure the peaceful development of our native Czechoslovak land, to contribute to the common welfare of all citizens of this State and to secure the blessings of freedom to coming generations, have in our National Assembly this 29<sup>th</sup> day of February 1920 adopted the following Constitution for the Czechoslovak Republic; and in doing so we declare that it will be our endeavour to see that this Constitution together with all the laws of our land be carried out in the spirit of our history as well as in the spirit of those modern principles embodied in the idea of Self-determination, for we desire to take our place in the Family of Nations as a member at once cultured, peace-loving, democratic and progressive.*

## Article I.

1. Enactments which are in conflict with the Constitutional Charter or with laws which may supplement or amend it are invalid.
2. The Constitutional Charter may be altered or amended only by laws specifically designated as Constitutional laws.

## Article II.

A constitutional court shall decide as to whether the laws of the Czechoslovak Republic and of the Diet of Carpathian Ruthenia (Rusinia) conform with Article I.

## Article III.

1. The Constitutional Court shall consist of seven members, two of whom shall be appointed by the High Court of Administration and two by the High Court of Justice; the remaining two members and the Chairman shall be nominated by the President of the Republic.

2. The appointment of representatives of the above-mentioned Courts to the Constitutional Court, the tenure of office, the rules of procedure and the definition of its jurisdiction shall be established by a specific enactment.

#### Article IV.

1. The present National Assembly shall sit until the convocation of Parliament (the Senate and the Chamber of Deputies).

2. Such laws as may have been enacted by the National Assembly but not made public in the official record by the day of the assembling of Parliament, shall not be promulgated if returned by the President of the Republic to the National Assembly.

3. Regulations of the provisional Constitution, limiting the period of exercise of the rights of the President of the Republic (§11 of the Provisional Constitution) and delimiting the duty of the Government to publish the law enacted shall remain valid as to laws enacted by the present National Assembly.

#### Article V.

The present President shall remain in office until a new election takes place. The duties and obligations of the President, as defined in the Constitutional Charter, become effective simultaneously with the adoption of the Constitutional Charter.

#### Article VI.

Until the election of the full number of members of Parliament, as required by the Constitutional Charter, the number of members actually elected shall determine the quorum necessary for the enactment of legislation.

#### Article VII.

1. The provisions of articles I, II, III (§ 1) and VI shall be an integral part of the Constitutional Charter, as set forth in §33 of that Charter.

2. Provisions as to the execution of laws, as postulated in the Constitutional Charter, shall not form part of that Charter, as set forth in preceding paragraph, unless the Charter provides otherwise.

#### Article VIII.

1. The Constitutional Charter shall become valid on the day of its proclamation.

2. Paragraph 20 does not apply to members of the present National Assembly.

#### Article IX.

On the day designated in article VIII, § 1, all laws and regulations in conflict with the spirit of this Charter and the republican form of the State, as well as all previously enacted Constitutional Laws, shall become invalid, even if part of the latter are not opposed to the Constitutional Laws of the Czechoslovak Republic.

#### Article X.

The foregoing nine articles shall become valid simultaneously with the Constitutional Charter. The execution of these enactments is hereby placed in the hands of the Government.

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# THE CONSTITUTIONAL CHARTER OF THE CZECHOSLOVAK REPUBLIC.

## SECTION I.

### GENERAL PROVISIONS.

#### § 1.

1. The people are the sole source of all State power in the Czechoslovak Republic.

2. This Constitutional Charter determines through what organs the sovereign people shall express their will in laws, provides for the execution of these laws, and guarantees to the people their rights and liberties. Such limitations are imposed upon these organs of Government, as shall preserve to the people all rights guaranteed by this Charter.

#### § 2.

The Czechoslovak State shall be a Democratic Republic, of which shall be an elected President.

§ 3.

1. The territories of the Czechoslovak Republic shall form a united and indivisible unit, the frontiers of which may be altered only by Constitutional Law.

2. The autonomous territory of Carpathian Russia, which shall receive the widest measure of self-government compatible with the unity of the Czechoslovak Republic, shall be an integral part of this unit by the terms of its voluntary declaration as set forth in the Treaty between the Allied Powers and the Czechoslovak Republic of September 10th, 1919. Carpathian Russia shall have its own Diet, which shall elect its presiding officer and other officials.

4. This Diet shall legislate in linguistic, educational and religious matters, in matters of domestic administration and in such other matters as may be assigned to it by the laws of the Czechoslovak Republic. Laws enacted by this Diet, and signed by the President of the Republic, shall be published in a separate series and shall be counter-signed by the Governor of Russia.

5. Carpathian Russia shall be represented in Parliament by Deputies and Senators elected according to the general suffrage law of the Czechoslovak Republic.

6. The head of Russia shall be a Governor, appointed by the President of the Czechoslovak Republic on the recommendation of the Government, and he shall be responsible also to the Diet of Russia.

7. Public officials in Russia shall be, in so far as possible, selected from the population of Russia.

8. Details as to the right of suffrage and eligibility to the Diet shall be defined by special legislation.

9. The law enacted by the Parliament defining the frontiers of Carpathian Russia shall form part of the Constitutional Charter.

§ 4.

1. Citizenship in the Czechoslovak Republic is single and uniform.

2. The law regulates the conditions governing the acquisition, the rights and duties, and the termination of citizenship in the Czechoslovak Republic.

3. A citizen or subject of a foreign State cannot at the same time be a citizen of the Czechoslovak Republic.

§ 5.

1. The capital of the Republic is Prague.

2. The colours of the Republic are white, red and blue.

3. Official emblems and flags shall be determined upon by law.

S E C T I O N II.

LEGISLATIVE POWERS, CONSTITUTION AND COMPETENCY  
OF PARLIAMENT AND OF BOTH ITS CHAMBERS.

§ 6.

1. The legislative power of the whole Czechoslovak Republic shall rest in the hands of Parliament, which shall be composed of a Chamber of Deputies and a Senate.

2. The seat of both Chambers shall be at Prague. In case of urgent necessity, Parliament may be temporarily summoned to some other locality in the Czechoslovak Republic.

§ 7.

1. The legislative and administrative powers of the former Diets is hereby abolished.

2. Unless they provide otherwise, enactments of Parliament shall be binding throughout the Czechoslovak Republic.

§ 8.

The Chamber of Deputies shall be composed of 300 members, elected according to a general, equal, direct and secret suffrage, on a basis of proportional representation. Elections shall be held on Sundays.

§ 9.

The right to vote for the Chamber of Deputies appertains to all citizens of the Czechoslovak Republic without distinction of sex, who are 21 years of age and who comply with the other provisions of the electoral regulations.

§ 10.

All citizens of the Czechoslovak Republic without distinction of sex who are 30 years of age and who comply with the conditions of the suffrage law may be elected as Deputies to the Chamber.

§ 11.

The term for which the Chamber of Deputies is elected shall be six years.

§ 12.

Details as to the exercise of suffrage rights and the manner of carrying out elections are set forth in the provisions dealing with elections to the Chamber of Deputies.

§ 13.

The Senate shall consist of 150 members elected according to general, equal, direct and secret suffrage on a basis of proportional representation. Elections shall be held on Sundays.

§ 14.

The right to vote for the Senate appertains to all citizens of the Czechoslovak Republic without distinction of sex who are 26 years of age and who comply with the other provisions of the law concerning the constitution and the rights and powers of the senate.

§ 15.

All citizens of the Czechoslovak Republic without distinction of sex who are 45 years of age and who comply with the other conditions concerning the constitution and the rights and powers of the Senate are eligible to the Senate.

§ 16.

The term for which the Senate is elected shall be eight years.

§ 17.

Specific provisions as to the exercise of the suffrage and the manner of elections are set forth in the law governing the constitution and law of the Senate.

§ 18.

No person may be at the same time a member of both chambers.

§ 19.

1. An electoral court shall pass upon the validity of elections to Parliament.
2. Details shall be settled by law.

§ 20.

1. If a Civil Servant become a member of Parliament, he shall be granted leave automatically pending his term in Parliament; he shall be entitled to his regular salary, but with no local allowances, and he shall retain from his official duties his right to seniority promotion. University professors are entitled to leave of absence; if they make use of this right, the same provisions apply to them as to other state servants.

2. All other public servants and officials shall have the right to obtain leave pending their term as members of Parliament.

3. Members of Parliament cannot enter the Civil Service until after the expiration of one year from the time they cease to be members.

4. This provision does not apply to Ministers. The time limit in section 3 shall not affect deputies or senators who were Civil Servants before they became members of Parliament, provided that they return to the same department.

5. District Governors cannot become members of Parliament.

6. Members of the Constitutional Court, commissioners of an Electoral Court and members of District Assemblies cannot at the same time be members of Parliament.

#### § 21.

Members of both Chambers can resign their mandates at any time.

#### § 22.

1. Members of Parliament shall execute their functions in person. They shall not receive orders from anybody.

2. They shall not address to public authorities requests in the personal interest of individuals, unless they do so in their professional capacity.

3. At their first sitting, members of Parliament shall take the following oath: "I pledge myself to be faithful to the Czechoslovak Republic, to uphold its laws and to carry out my mandate to the best of my knowledge and conscience." Refusal to take this oath or the making of any reservation thereto shall disqualify for membership in Parliament.

#### § 23.

Members of Parliament shall not be prosecuted for the exercise of their functions as members. For statements made in the Chamber, members shall be amenable only to the disciplinary statutes of the Chamber.

#### § 24.

1. Only with the consent of the respective Chambers shall members of Parliament become liable to civil or criminal prosecution. If this consent be not granted, such prosecution shall become permanently null and void.

2. This provision does not apply to the legal liability of a member as responsible editor.\*

#### § 25.

If a member of either Chamber be apprehended and arrested in the commission of a criminal act, the Court or other authority having jurisdiction shall inform the Chairman of the respective Chamber of the arrest. If the Chamber or the Committee defined under paragraph 54 does not

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\* In reference to libel and incitement to crime.

within a fortnight give its consent to the arrest, it become null and void forthwith. If the Committee does consent to the arrest, the Chamber must give its decision within 14 days after its first sitting.

§ 26.

Members of both Chambers shall have the right to refuse to give testimony in reference to matters confided to them as members of the Chamber, even after they cease to be members. In the trial of a case of attempting to corrupt a member, testimony cannot be refused.

§ 27.

Members of both Chambers shall have a right to remuneration as specified by law.

§ 28.

1. The President of the Republic shall summon both Chambers twice a year for a Spring and an Autumn session, the former to begin in March, the latter in October.

2. Furthermore he may summon Parliament for extraordinary sessions whenever he may deem it necessary. If at least one half of the members of either Chamber applies to the Prime Minister stating the object for summoning it, the President shall summon the Assembly within a fortnight from the date of such application; should he fail to do so, the Chairmen of both Chambers shall convoke Parliament within the following fortnight.

3. If four months shall have elapsed from the last ordinary Session, the President is obliged to summon Parliament, if at least two-fifths of either Chamber so desire, within a fortnight from the date of their application. Should he fail to do so, the Chairmen of both Chambers shall, within the following fortnight, convoke Parliament.

§ 29.

The Session of both Chambers shall begin and end simultaneously.

§ 30.

1. The President of the Republic shall declare the session of Parliament at an end.

2. He may prorogue Parliament for not longer than a month, and not more frequently than once a year.

§ 31.

1. The President shall have the right to dissolve Parliament.

2. He shall not be allowed the exercise of this right during the last six months of his term of office. After the expiration of the elec-

toral term, or after the dissolution of either Chamber, new elections shall take place within 60 days.

3. The dissolution of the Senate shall not stay criminal proceedings inaugurated before the Senate in accordance with §§ 67 and 79.

§ 32.

Either Chamber may function, unless otherwise provided in this law, if at least two-thirds of the members are present. Its decisions are valid should a majority of one half of those present be obtained.

§ 33.

The decision as to a declaration of war or as to the amendment of this Charter shall require a three-fifths majority of all the members of each Chamber.

§ 34.

1. The decision of the Chamber of Deputies for the impeachment of the President of the Republic, the Prime Minister, or other members of the Government, shall require a two-thirds majority with two-thirds of the members present.

2. The procedure before the Senate sitting as a Court of Prosecution shall be regulated by law.

§ 35.

Each Chamber shall elect its own Chairman and other officers.

§ 36.

The sittings of both Chambers shall be public. Sittings *in camera* may be held only where the rules of procedure so provide.

§ 37.

1. The basic principles of the relations between both Chambers and between the Government and Parliament and between the public and Parliament shall be regulated by specific law, which shall conform to the Constitutional Charter. The internal order of each Chamber shall be regulated by its own rules of procedure.

2. So long as the Chamber of Deputies and the Senate do not create a new body of rules, the rules of procedure of the present National Assembly shall be binding upon them.

§ 38.

1. Whenever both Chambers meet in joint session as the National Assembly (§§ 56, 59, 61, 65), this body shall be governed by the rules of procedure of the Chamber of Deputies.

2. Such a joint session shall be summoned by the Prime Minister, and its presiding officer shall be the Chairman of the Chamber of Deputies.

3. The Chairman of the Senate shall act as Vice-chairman of the National Assembly.

§ 39.

The Ministers shall have the right to participate at any time in the meetings of either Chamber or of Committees. They shall be allowed to speak whenever they demand to be heard.

§ 40.

1. At the request of either Chamber or of a Committee a Minister shall appear before that body.

2. Otherwise he may be represented by an official of his department authorised by him.

§ 41.

1. Proposals for legislation may originate either with the Government or in either Chamber.

2. Every proposal made by members of either Chamber shall be accompanied by an estimate of the financial issue involved and by a proposal for the defraying of the necessary cost.

3. Proposals of the Government for Budget and Army Bills must first be presented to the Chamber of Deputies.

§ 42.

A Constitutional Law shall be valid only with the consent of both Chambers. This applies also to other laws, unless otherwise provided by §§ 43, 44 and 48.

§ 43.

1. The Senate shall act on a Bill proposed and passed by the Chamber of Deputies within six weeks, and on the Budget and Army Bills within one month. The Chamber of Deputies shall act on a Bill proposed and passed by the Senate within three months.

2. These periods are counted from the day of presentation of printed Bills by one Chamber to the other, and may be altered by mutual consent; the Senate must act in all cases of Budget and Army Bills within one month as set forth in the preceding paragraph.

3. If during such a period, the term of the Chamber which is to take action on the Bill of the other expires, or if the chamber be prorogued or dissolved, the date is reckoned from the first day of its next sitting.

4. If either Chamber does not give its decision within the period specified, it is presumed that it gives its assent to the decision of the first Chamber.

§ 44.

1. A measure passed by the Chamber of Deputies shall become law, despite an adverse decision of the Senate, if the Chamber of Deputies declares by a majority of 50 per cent of all its members that it adheres to its first decision. Should the Senate reject a Draft Bill passed by the Chamber of Deputies by a majority of all its members, the Bill becomes law provided that the Chamber of Deputies re-enacts its decision by a three-fifths majority of all its members.

2. Proposals of the Senate shall be referred to the Chamber of Deputies: Should the Chamber of Deputies reject a proposal of the Senate and if the latter re-enacts its Bill by a 50 per cent majority of all its members, the Bill shall be referred back to the Chamber of Deputies. Should the Chamber of Deputies reject the Bill for the second time by a majority of 50 per cent of all its members, the Bill shall not become law.

3. Bills so rejected may not be presented to either Chamber until after the lapse of one year.

4. Should either Chamber amend a Bill originating in the other Chamber, its action shall be deemed a rejection of the Bill.

§ 45.

Should either Chamber have under consideration a Bill already passed by it or a Bill passed by the other Chamber (§ 44, section 2), and should it be dissolved or its term of office expire before action has been taken, its new decision shall be considered its second action in accordance with § 44.

§ 46.

1. Should Parliament reject a Bill presented by the Government, the latter can proclaim a referendum, but this action on the part of the Government must be unanimous.

2. All citizens qualified to vote for the Chamber of Deputies shall be qualified to vote at the referendum.

3. The method of referendum shall be determined by law.

4. Referendum is inadmissible in respect of such Government Bills as amend the Constitution. (Art. 1. Introductory Law.)

§ 47.

The President of the Republic shall have the right to return with comments any Bill passed by Parliament within a month of its presentation to the Government.

§ 48.

1. Should both Chambers, by ballot, taken on roll call, affirm the returned Bill by a majority of 50 per cent of all their members, the Bill shall become law.

2. Should the Bill not receive a majority of votes in both Chambers, the Bill becomes law, provided that the Chamber of Deputies in the new ballot, taken by roll call, passes it by a three-fifths majority of all its members.

3. Should it be a Bill for the adoption of which the presence of a larger number of members and a larger majority is required, it is necessary that such presence and majority be obtained for the adoption of the returned Bill.

4. Provisions under § 45 apply accordingly.

§ 49.

1. For a Bill to become valid as law, it must be made public as specified by statute.

2. For the proclamation of all laws the following preamble must be prefaced: "The Parliament of the Czechoslovak Republic has resolved upon the following law."

3. The law shall be published within eight week days from the expiration of the period laid down in § 47. Should the President make use of his right referred to in § 47, the law shall be issued within eight week days of the announcement of its reenactment by Parliament to the Government (§ 48).

§ 50.

In every law it shall be specified to which member of the Government its execution is entrusted.

§ 51.

1. The law shall be signed by the President of the Republic, the Prime Minister and the Minister entrusted with its execution. If the President be incapacitated or ill, and there is no Vice-President, the Prime Minister may sign on behalf of the President.

2. The Prime Minister may be represented for the purposes of signing laws as specified by § 71.

§ 52.

1. Each Chamber shall have the right to put questions to the Prime Minister and other members of the Government on matters within the scope of their competence, to enquire into administration, to elect committees to whom the Ministers shall provide information, and to adopt proclamations and resolutions.

2. The Prime Minister and the members of the Government shall answer questions put to them.

§ 53.

The exercise of control of the financial administration and of the State debt shall be regulated by law.

§ 54.

1. During the period elapsing between the dissolution of either Chamber and its re-assemblage or between the expiration of its term of office and its convocation and during the period of adjournment, there shall sit a Committee of twenty-four members. Sixteen members of this Committee with an equal number of alternates shall be chosen by the Chamber of Deputies from its members and eight members, with an equal number of alternates, shall be chosen by the Senate from its members. Each alternate shall represent only the member of the Committee, as the alternate to whom he has been chosen. This Committee shall act on all matters of immediate urgency, even if in ordinary circumstances they should require the enactments of legislation and shall exercise control of all Government and Executive Powers. The term of office of the Committee is one year.

2. The first election shall take place immediately after both Chambers organise. Presiding officers of both Chambers shall vote. When a Chamber shall meet after election, the members of the Committee of twenty-four shall be elected by the newly organised Chamber even if the term of office of preceding members of the Committee of twenty-four has not expired.

3. Elections shall be based on the principle of proportional representation. Party coalition is admissible. Should all Parties agree on the choice of candidates, the Committee shall be elected by the vote of the Chamber. Should more than twenty Deputies and ten Senators oppose such election, it shall be carried out as first provided.

4. Members of the Committee shall remain in office until a new Committee is elected. Alternates take the place of members unable temporarily or permanently to carry out their duties. Should a member or alternate be incapacitated for service, while Parliament is in Session, bye-elections to fill his post for the balance of the term of the Committee shall be held. The new member must belong to the same political group as the old member, unless that group decides not to present a candidate or to refrain from voting.

5. A member of the Government shall not be a member or alternate of the Committee of twenty-four.

6. When the Committee has been elected, it shall elect its Chairman and second Vice-chairman from among the members elected by

the Chamber of Deputies and a first Vice-chairman from among the members elected by the Senate.

7. The members of the Committee shall be subject to the provisions in §§ 23 to 27 of the Constitutional Charter.

8. The Committee shall be competent in all matters falling within the legislative and administrative powers of Parliament excepting:

- a) The election of the President or the Vice-president of the Republic.
- b) The amendment of the Constitutional Charter (see article 1 of the Introductory Law) and the changing of the competence of Public Officials, unless it be a question of widening the scope of their activities by new duties.
- c) Burdening the citizens in the State with permanent financial obligations, increasing the military duties of the citizens or disposing of State property.
- d) Giving consent to a declaration of war.

9. Provisions which under ordinary circumstances would require the enactment of legislation or expenditures apart from the Budget, require the assent of half of all the members.

10. In all other cases the presence of half of the members shall be sufficient and a 50 per cent majority of those present shall be decisive. The Chairman shall vote only to cast the decisive vote.

11. Urgent provisions which under ordinary circumstances could be promulgated only by enactments of legislation, are admissible only on the recommendation of the Government approved by the President of the Republic.

12. Provisions of the Committee referred to in the last article shall have the provisional validity of Law only if published in the official record with reference to § 54 of the Constitutional Charter and if signed by the President of the Republic, by the Prime Minister or his Deputy and half of the members of the Government. Provisions to which the President has refused to assent cannot be entered on record.

13. The Constitutional Court shall have jurisdiction over such provisions of this Committee that under ordinary circumstances would require the enactment of legislation and therefore all such provisions shall be laid before it by the Government simultaneously with their publication in the record.

14. The Chairman and the Vice-chairman of the Committee shall report at the next meeting of the Chamber of Deputies and of the Senate the activities of the Committee, even if meanwhile their terms of office as members of Parliament shall have expired.

15. Provisions not approved by both Chambers within two months after their first Session shall lose their validity.

S E C T I O N III.

GOVERNMENTAL AND EXECUTIVE POWERS.

§ 55.

Decree shall be issued only for the execution and within the limitations of each specific law.

President of the Republic.

I.

§ 56.

1. The President of the Republic shall be elected by the National Assembly (§ 38).

2. Any citizen of the Czechoslovak Republic, eligible to the Chamber of Deputies and not less than 35 years of age, may be elected President of the Republic (§ 67).

§ 57.

1. The election shall be valid only if half of all members of both chambers shall be present and if a majority of three-fifths of those present shall be obtained.

2. Should two ballots produce no result, a third ballot shall be cast to decide between those two candidates who at the previous balloting obtained the greatest number of votes. The candidate who obtains the largest number of votes shall be elected. In the case of a tie, the decision shall be made by lot.

3. Details shall be determined by law.

§ 58.

1. The period of office shall be counted from the day when the new President takes his oath according to § 65.

2. The term of office shall be seven years.

3. Elections shall be held during the last four weeks prior to the expiration of the President's term of office.

4. No one shall be elected more than twice in succession. He who has been elected President twice in succession cannot again be elected until the expiration of seven years from his last term of office. This provision, however, does not apply to the first President of the Czechoslovak Republic.

5. The President remains in office until his successor shall be elected.

§ 59.

Should the President die or resign his position during his term of office, a new election shall be held according to §§ 56 and 57. The President so elected shall serve seven years. The National Assembly shall be convened for this purpose within fourteen days (§ 38).

§ 60.

Until a new President is elected (§ 59) or should the President be unable to execute the duties of his office, the execution of his functions shall appertain to the Government which may invest the Prime Minister with the specific functions.

§ 61.

1. Should the President be unable to execute the duties of his office for more than six months (§ 60), and should the Government in the presence of three-quarters of its members so decide, the National Assembly (§ 38) shall elect a Vice-president who shall remain in office until the President shall be able to resume his functions.

2. Disqualifications for presidential office (§ 58) shall apply to the office of Vice-president.

§ 62.

The same provisions as to the election of the President shall apply to the election of the Vice-president.

§ 63.

1. The President of the Republic shall not be at the same time a member of Parliament. Should a member be elected Vice-president, he shall not during his service as Vice-president fulfil his mandate as member of Parliament.

2. The President's official residence shall be in Prague.

II.

§ 64.

1. The rights and duties of the President of the Republic are as follows :

- a) He shall represent the State in its relations with other States, shall negotiate and ratify international treaties. Commercial treaties, and treaties which for the State or its citizens entail financial or personal burdens, especially military burdens, as well as treaties affecting the territories of the State require the affirmation of Parliament. The affirmation of Parliament takes the form of a Constitutional Law (article 1 of the introductory law);
- b) He shall receive and appoint diplomatic representatives ;

- c) He shall declare the existence of a state of war, shall declare war with the previous consent of Parliament, and shall lay before Parliament for approval peace treaties which have been concluded ;
- d) He shall convoke, provogue and dissolve Parliament (§ 28—31) and shall proclaim its Sessions at an end ;
- e) He shall have the right to return with comment any law enacted by Parliament (§ 47). He shall sign all laws enacted by Parliament (§ 51), all laws enacted by the Diet of Carpathenian Ruthenia (§ 3) and the ordinances of the Committee of Twenty-Four (§ 54) ;
- f) He shall report verbally or in writing to the National Assembly on the state of the Republic, and shall recommend for consideration measures which he deems necessary and useful ;
- g) He shall appoint and dismiss Cabinet ministers and define their number ;
- h) He shall nominate University Professors, judges, all State Officials and army officers of the sixth class upward ;
- i) He shall grant donations and pensions in special cases on the recommendation of the Government ;
- j) He shall be commander-in-chief of the armed forces of the Republic ;
- k) He shall grant pardon as per § 103.

2. All governmental and executive power, in so far as it does not or shall not explicitly appertain to the President according to the Constitutional Charter and the laws adopted after November 15<sup>th</sup> 1918, shall be reserved to the Government (§ 70).

### III.

#### § 65.

The President of the Republic shall take an oath before the National Assembly (§ 38) on his honour and conscience to look to the welfare of the Republic and its people, and to abide by the Constitution and laws.

#### § 66.

The President of the Republic shall not be answerable at law in the exercise of his functions. The Government shall be answerable for all the President's official utterances.

#### § 67.

1. He may be prosecuted only for high treason before the Senate upon an indictment found against him by the Chamber of Deputies (§ 34).

The only punishment shall be the loss of his office and permanent disqualification for the Presidency.

2. Details shall be determined by law.

§ 68.

Every governmental or executive act of the President shall also bear the signature of the member of the Government responsible for its execution.

§ 69.

The same provisions shall apply to the Vice-president that apply to the President of the Republic.

## THE GOVERNMENT.

§ 70.

1. The Prime Minister and other Ministers of the Government shall be appointed and dismissed by the President of the Republic.

2. The official seat of the Government shall be in Prague (§ 6, No. 2).

§ 71.

The Government shall choose from among the members a deputy Prime Minister. Should this deputy fail to attend, he shall be represented by the oldest member of the Government.

§ 72.

The President of the Republic shall determine as to which member of the Government shall direct each department.

§ 73.

The members of the Government shall take an oath before the President on their honour and conscience that they will conscientiously and impartially perform their duties and abide by the Constitution and other laws of the Republic.

§ 74.

No member of the Government shall be a member of the Board of Directors or Controllers or a representative of any limited liability company, carrying on a business for profit.

§ 75.

The Government shall be responsible to the Chamber of Deputies, which may vote its lack of confidence in the government. Such a vote

shall be valid if more than half of all the members are present, if a 50 per cent majority be obtained, and if the vote be taken by roll call.

§ 76.

Every motion for a vote of lack of confidence shall be signed by not less than a hundred deputies and shall be referred to a Committee which must report thereon within eight days.

§ 77.

The Government may bring forward before the Chamber of Deputies a proposal for a vote of confidence. Such proposal shall be acted upon without being referred to a Committee.

§ 78.

1. Should the Chamber of Deputies vote lack of confidence in the Government or should it reject the Government's proposal for a vote of confidence, the Government shall resign to the President. The President shall then determine who shall direct Government affairs until a new Government be formed.

2. Should the Government resign at a time when there is no President or Vice-president, the decision as to the resignation and as to the direction of Government affairs shall be referred to the Committee defined under § 54.

§ 79.

1. Should the Prime Minister or any other member of the Government either consciously or from gross neglect violate the Constitution or other Laws while acting in his official capacity, he shall be responsible at Law.

2. The right of prosecution shall be reserved to the Chamber of Deputies (§ 34). The trial shall be conducted by the Senate.

3. Details shall be determined by Law.

§ 80.

The Government shall be competent to act as a body if in addition to the Prime Minister or his Deputy more than half the Ministers be present.

§ 81.

The Government shall decide in session :

- a) Government Draft Bills for Parliament, Government decrees (§ 84), as well as any proposals that the President exercise his right defined under § 47 ;
- b) All matters of a political nature ;

c) Appointments of Judges, State Officials and Army Officers of the eighth class and higher grades, so far as such appointments shall fall under the jurisdiction of the central authorities; as well as proposals for appointments of officials nominated by the President of the Republic (§ 64 No. 8).

§ 82.

The President of the Republic shall have the right to be present at and to preside over meetings of the Government and to demand from the Government or its individual members written reports on any matter in their jurisdiction.

§ 83.

The President of the Republic shall have the right to call the Government or its members to conference.

§ 84.

Every Government Decree shall be signed by the Prime Minister or his deputy and the Minister invested with its execution. It must be signed by at least half of the members of the Government.

## MINISTRIES AND SUBORDINATE ADMINISTRATIVE OFFICES.

§ 85.

The competence of Ministries shall be determined by Law.

§ 86.

In subordinate administrative offices the citizens must so far as possible be represented and the widest protection of the rights and interests of the citizens shall be assured.

§ 87.

1. No one may hold at the same time an elective subordinate office and an office which has jurisdiction over the former.
2. Exceptions to this rule shall be determined by Law.

§ 88.

1. A Court composed of independent judges, having jurisdiction throughout the Republic, shall hear final appeals for protection against administrative rulings.
2. Details shall be determined by Law.

§ 89.

The lower offices of state administration shall be defined in principle by Law, the detail execution of which may be regulated by decrees in Council.

§ 90.

State offices charged with financial functions but without executive power shall be established and organised by government decrees.

§ 91.

The constitution and competence of local autonomous governing-bodies shall be determined by special Laws.

§ 92.

Special laws shall provide for the guarantee by the State against damages caused by unlawful execution of public offices.

§ 93.

State officials in their official functions shall abide by the Constitution and other Laws. The same shall apply to non-official members of administrative bodies.

S E C T I O N IV.

JUDICIAL POWERS.

§ 94.

1. The Law shall be administered by Public Law Courts whose organisation, jurisdiction and procedure shall be regulated by Law.
2. No one shall be tried other than before his legal judge.
3. Only in cases of criminal procedure, may Courts be established for a limited period in cases specified in advance by Law.

§ 95.

1. Jurisdiction in civil matters shall be reserved to civil courts, either ordinary or extraordinary, and courts of arbitration; jurisdiction in criminal matters shall be reserved to public criminal courts, so far as it shall be not reserved by special law for courts martial or so far as these matters cannot be dealt with according to general regulations in police or financial prosecutions.
2. A single Supreme Court of Justice shall be established for the whole Czechoslovak Republic.

3. The competence and functions of juries shall be determined by special laws.

4. Trial by jury may be temporarily suspended in cases provided for by law.

5. The jurisdiction of courts martial may be extended to the civil population according to legal regulations in times of war only and for acts committed at such times only.

§ 96.

1. Judicial power in all courts shall be separated from administrative power.

2. Solution of disputes as to competence between courts and administrative authorities shall be determined by law.

§ 97.

1. Conditions as to the qualification of judges shall be determined by law.

2. The conditions of service of the judges shall be determined by law.

§ 98.

1. All judges shall be independent in the exercise of their conscience and they shall be bound only by law.

2. When taking the oath of office judges shall pledge themselves to abide by the law.

§ 99.

1. Judges shall be appointed permanently; they may be transferred, dismissed or pensioned against their will, only if a new juridical organisation be set up for a time specified by law or on the grounds of lawful disciplinary proceedings; they may be also pensioned after a valid finding when they have attained the age stated by law. Details shall be determined by a special law which shall also define the conditions under which judges may be suspended.

2. Senates at law courts of the first and second instance shall be permanent for one year except where specified by law.

§ 100.

Judges shall not perform other paid functions permanent or temporary, except where permitted by law.

§ 101.

1. Verdicts shall be given in the name of the Republic.

2. Proceedings before law courts shall be verbal and public. Verdicts in criminal matters shall always be proclaimed in public. The public may be excluded during the proceedings only under circumstances defined by law.

3. In criminal proceedings the principle of prosecution shall be adopted.

§ 102.

The judges shall have the right, in determining a point of law, to enquire into validity of a Governmental Decree; in the case of a law they can only enquire as to whether it was properly promulgated (§ 51).

§ 103.

1. The President of the Republic shall have the right to grant an amnesty or pardons, to mitigate a sentence and the legal consequences of verdicts of criminal courts, especially the loss of the suffrage right to the National Assembly and other representative bodies; he shall also have the right to order the abolition or the suspension of criminal legal proceedings with the exception of such proceedings in which the action is brought by private individuals.

2. These rights shall not be exercised by the President in the case of members of the Government accused or sentenced according to § 79

§ 104.

A special law shall define the responsibility of the State and judges for any damages caused by the latter's breach of right in performing their duties.

Par. 105.

1. In cases of private property claims coming for adjudication before an administrative authority in which the plaintiff is dissatisfied with the decision of the latter, he may, after exhausting corrective efforts, appeal to the Courts.

2. Details shall be determined by law.

S E C T I O N V.

RIGHTS, LIBERTIES AND DUTIES OF THE CITIZEN.  
EQUALITY.

§ 106.

1. Privileges due to sex, birth or occupation shall not be recognised.

2. All persons residing in the Czechoslovak Republic shall enjoy within its territory in equal measure with the citizens of this Republic complete and absolute security of life and liberty without regard to origin, na-

tionality, language, race or religion. Exceptions to this principle may be made only so far as is compatible with international law.

3. Only such titles may be conferred as designate official rank or a profession. This enactment in no way affects academic honours.

## PERSONAL FREEDOM AND FREEDOM OF PROPERTY.

### § 107.

1. Personal freedom shall be guaranteed. Details shall be laid down by an enactment which shall form part of this Constitutional Charter.

2. No person shall be deprived of personal liberty or restricted in the enjoyment of the same except upon legal grounds. Public authorities can demand personal services from a citizen only on legal grounds.

### § 108.

1. Every citizen of the Czechoslovak State may take up his abode wheresoever he will in the Czechoslovak Republic, may acquire there real property and carry on any calling for the purpose of earning profits within the limits of the law.

2. This right shall only suffer restriction in the public interests and on the basis of law.

### § 109.

1. Private ownership may be restricted only by law.

2. Expropriation is possible only on the basis of law. Compensation shall be given in all cases unless it is or shall be provided by law that no compensation be given.

### § 110.

The right to emigrate abroad may be restricted only by law.

### § 111.

1. Taxation and public levies generally may be imposed only by law.

2. Likewise only by law may fines and punishments be prescribed and imposed.

## DOMESTIC LIBERTY.

### § 112.

1. Domestic rights are inviolable.

2. Details shall be laid down by a law which shall form part of this Constitutional Charter.

## FREEDOM OF THE PRESS, THE RIGHT OF FREE ASSEMBLY AND ASSOCIATION.

### § 113.

1. Freedom of the Press as well as the right to assemble peaceably and without arms and to form associations is guaranteed. It is therefore in principle inadmissible to place the press under preliminary \* censorship. The manner in which the right of forming associations and the right of free assembly shall be exercised shall be determined by law.

2. An association may be dissolved only when its conduct violates the law of the land or disturbs public peace and order.

3. Restrictions may be imposed by law especially in cases of assembly in places which serve as public thoroughfares, in cases of the establishment of associations for the purpose of profit, and in cases of the participation of foreigners in political associations. The law shall also state what restrictions shall be placed on the principles of the foregoing paragraphs in time of war or in case of events taking place within the State seriously threatening the republican form of government, the Constitution or public peace and order.

### § 114.

1. The right of association to safeguard and ameliorate conditions of employment and economic conditions shall be guaranteed.

2. All acts of individuals or societies which constitute an intentional violation of this right, are prohibited.

## THE RIGHT OF PETITION.

### § 115.

The right to petition shall be enjoyed by every person. Legal persons and corporations shall enjoy this right only within the bounds of their competence.

## POSTAL INVIOABILITY.

### § 116.

1. Inviolability of matter entrusted to the mail is guaranteed.
2. Details shall be determined by enactment.

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\* Under the Austrian regime publications were submitted to the censor before being issued.

LIBERTY OF INSTRUCTION AND OF CONSCIENCE.  
LIBERTY OF EXPRESSING OPINION.

§ 117.

1. Every person may within the limits of the law express his or her opinion by word, in writing, in print, by picture etc.

2. The same applies to legal persons within the limits of their competence.

3. No one shall suffer in the sphere of his work or employment for exercising this right.

§ 118.

Scientific research and the publication of its results, as well as art is free so far as it does not violate the penal code.

§ 119.

Public instruction shall be given so as not to be in conflict with the results of scientific investigation.

§ 120.

1. Private establishments for instruction and education are permitted to be set up only within the limits of the law.

2. The supreme authority and control over all instruction and education shall be in the hands of the State.

§ 121.

Liberty of conscience and religious creed is guaranteed.

§ 122.

All inhabitants of the Czechoslovak Republic enjoy in the same degree as the citizens of the Republic, the right to profess and exercise publicly and privately any creed, religion or faith whatsoever, so far as the exercise of the same is not in conflict with public law and order or with morality.

§ 123.

No one shall be compelled either directly or indirectly to take part in any religious rite or ceremony whatsoever, rights pertaining to paternal or guardian authority being nevertheless respected.

§ 124.

All religious confessions shall be equal before the law.

§ 125.

The performance of specific religious rites may be prohibited if they are in conflict with public order or public morals.

MARRIAGE AND FAMILY.

§ 126.

Wedlock, family and motherhood shall be under the special protection of the law.

MILITARY SERVICE.

§ 127.

1. Every able-bodied citizen of the Czechoslovak Republic shall undergo military training and shall obey the summons when called upon for the defence of the State.

2. Details shall be settled by enactment.

SECTION VI.

PROTECTION OF NATIONAL, RELIGIOUS AND RACIAL  
MINORITIES.

§ 128.

1. All citizens of the Czechoslovak Republic shall be in all respects equal before the law and shall enjoy equal civic and political rights whatever be their race, their language or their religion.

2. Difference in religion, belief, confession or language shall within the limits of the common law constitute no obstacle to any citizen of the Czechoslovak Republic particularly in regard of entry into the public services and offices, of attainment to any promotion or dignity, or in regard to the exercise of any trade or calling.

3. Citizens of the Czechoslovak Republic may, within the limits of the common law, freely use any language they chose in private and business intercourse, in all matters pertaining to religion, in the press and in all publications whatsoever, or in public assemblies.

4. This, however, does not affect the rights conferred on the state organs in these matters by laws already in force or to be passed in the future with a view to public order, the security of the State or effective control.

§ 129.

The principles on which the rights as to language in the Czechoslovak Republic are based shall be determined by a special enactment which shall form part of this Constitutional Charter.

§ 130.

In so far as citizens of the Czechoslovak Republic are entitled by the common law to establish, manage and administer at their own cost philanthropic, religious, or social institutions, they are all equal, no matter what be their nationality, language, religion or race and may, in such institutions, make use of their own language and worship according to their own religious ceremonies.

§ 131.

In towns and districts in which there lives a considerable fraction of Czechoslovak citizens speaking a language other than Czechoslovak, the children of such Czechoslovak citizens shall, in public instruction and within the bounds of the general regulations relating thereto, be guaranteed a due opportunity to receive instruction in their own tongue. The Czechoslovak language at the same time may be prescribed as a compulsory subject of instruction.

§ 132.

In towns and districts where there is living a considerable fraction of Czechoslovak citizens belonging to some minority, whether in respect of religion, or nationality, or language, and where specific sums of money from public funds as set out in the state budget or in the budget of local or other public authorities to be devoted to education, religion, or philanthropy, a due share in the use and enjoyment of such sums shall be secured to such minorities within the limits of the general regulations for public administration.

§ 133.

The method of carrying out the principles embodied in § 131 and 132 and especially the interpretation to be assigned to the expression "considerable fraction" shall be determined by special enactment.

§ 134.

Every manner whatsoever of forcible denationalisation is prohibited. Non-observance of this principle may be proclaimed by law to be a punishable act.

Follow the signatures:

T. G. MASARYK. TUSAR. STANĚK. HOUDEK.

AN ACT  
DATED THE 29<sup>th</sup> OF FEBRUARY 1920

IN PURSUANCE OF § 129 OF THE CONSTITUTIONAL CHARTER  
ESTABLISHING THE PRINCIPLES OF LANGUAGE RIGHTS WITHIN  
THE CZECHOSLOVAK REPUBLIC.

§ 1.

The Czechoslovak language shall be the state, official language of the Republic (Art. 7 of the Treaty made between the leading Allied and Associated Powers and the Czechoslovak Republic and signed at St. Germain on Laye on the 10<sup>th</sup> September 1919).

It is thus in particular the language :

1. In which the work of all the courts, offices, institutions, undertakings and organs of the Republic shall be conducted, in which they shall issue their proclamations and notices as well as their inscriptions and designations. (Exceptions to this section are laid down in § 2 and § 5 as well as in § 6 relating to Russia.)

2. In which the principal text on state and other banknotes shall be printed.

3. Which the armed forces of the country shall use for the purpose of command and as the language of the service ; in dealings with men and companies not knowing this language their mother tongue may also be used.

Detailed regulations will be issued as to the duty of state officials and employees, as well as of officials and employees of state institutions and undertakings to know the Czechoslovak language.

§ 2.

In respect of national and language minorities (Chap. 1. Treaty of St. Germain) the following rules shall apply :

It shall be the duty of courts, offices and organs of the Republic whose competence relates to a jurisdictional district in which according to the latest census at least 20% of the citizens speak the same language — and that a language other than Czechoslovak — to accept (in all matters which they have to settle on the ground of their competence applying to such a district) from any member of this minority any complaints in this language and to deal with complaints not only in the Czechoslovak language but also in that in which the complaint itself is presented. Where there are several district courts in one community that whole community shall be deemed to be a single jurisdictional district.

It shall be laid down by regulation to what extent and for what courts and offices it will be possible to restrict the settlement of cases to the language of the parties themselves. These courts and offices are those whose competence is limited to one district, namely a district with such a national minority, as well as courts and offices immediately subordinate to them.

Under similar conditions it is the duty of the Public Prosecutor to frame the charges against an accused speaking another tongue in this language too, or even in this language alone.

The executive authority shall determine in such cases what language shall be used.

If the party to any matter is not the initiator of the proceedings, he shall (if the other conditions of § 2 are fulfilled) be entitled on the same principles to have his case dealt with also in his own language, or even in it alone so far as it is known, or otherwise at his request.

In districts where there lives a national minority in the terms of § 2 the language of the national minority shall be used concurrently with the Czechoslovak language in proclamations and notices issued by the state courts, offices and organs and for their inscriptions and designations.

### § 3.

It is the duty of autonomic offices, representative councils and all public corporations in the state whatsoever to accept and to deal with oral or written matter in the Czechoslovak language.

It shall always be possible to make use of this language in meetings and conferences; proposals and suggestions put forward in this language must be dealt with.

The state executive authority shall determine upon the language to be used for public proclamations and notices and for the inscriptions and designations for which the autonomic offices are responsible.

It is the duty of the autonomic offices, representative councils and public corporations to accept — under the conditions of § 2 — all

matters presented to them in a language other than Czechoslovak and to deal with the same, and also to permit the use of another language in meetings and conferences.

§ 4.

The State offices, using the state official language, shall, in their official proceedings in those parts of the Republic which before the 28<sup>th</sup> of October 1918 pertained to the Kingdoms and Lands represented in the Imperial (Austro-Hungarian) Council or to the Kingdom of Prussia use regularly the Czech language, in Slovakia regularly the Slovak language.

Matters presented in the Czech language and officially dealt with in Slovak or presented in Slovak and dealt with in Czech shall be deemed to have been dealt with in the language in which they were presented.

§ 5.

The instruction in all schools established for members of a national minority shall be given in their language. Likewise educational and cultural institutions set up for them shall be administered in their language. (Art. 9. Treaty of St. Germain).

§ 6.

The Diet which shall be set up for Rumania shall have the right reserved to it of settling the language question for this territory in a manner consonant with the unity of the Czechoslovak State. (Art. 10. Treaty of St. Germain.)

Until this settlement has been made this law shall apply, due regard, however, being paid to the special circumstances of that territory in respect of language.

§ 7.

Disputes regarding the use of a language in the courts, offices, institutions, undertakings and organs of the State as well as in the autonomic offices and public corporations shall be settled by the competent organs of State control as matters of state administration detached from the causes out of which they arose.

§ 8.

Details as to the carrying out of this law shall be fixed by the State executive authority which will, in the spirit of this law, lay down rules regulating the use of languages for autonomic offices, representative bodies, and public corporations as well as for those offices and public organs whose competence extends to districts which are less

than jurisdictional districts, or organs which have no district of their own.

The rules shall also prescribe what measures shall be taken towards facilitating the dealings of officials with persons who do not speak the language in which the Court, office or organ conducts its business in the sense of this law. They shall also prescribe the measures to be taken to protect the different parties from legal damage which might accrue to them from ignorance of the language in question.

Exceptions to the terms of this act necessary for securing undisturbed administration may also be made by regulation for the period of five years commencing from the day on which this law comes into force.

Finally rules shall be laid down which are essential for securing the successful carrying out of this law.

### § 9.

This law shall come into force on the day on which it is promulgated. It abrogates all rules relating to language which were in force previous to the 28<sup>th</sup> of October 1918.

All the Ministers are entrusted with the execution of this law.

T. G. MASARYK,  
TUSAR,  
STANĚK,  
HOUDEK,  
BENEŠ,  
SONNTAG,  
HABRMAN,

PRAŠEK,  
VESELÝ,  
KLOFÁČ,  
HEIDLER,  
WINTER,  
FRANKE,  
HAMPL.

# ACT OF THE 29th OF FEBRUARY 1920

SETTING FORTH THE CONSTITUTION AND JURISDICTION OF THE  
SENATE.

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## SECTION I.

### THE CONSTITUTION OF THE SENATE.

#### § 1.

The Senate of the Czechoslovak Republic shall consist of 150 elected members. No one may be at the same time a member of the Chamber of Deputies and of the Senate.

If the elections to the one chamber follow within four weeks at the latest after the elections to the other, no one may stand as candidate for both chambers. The election of a candidate in defiance of this enactment is invalid.

Anyone who, in any other case than that just referred to, being a member of the Chamber of Deputies is elected senator, or vice versa, being a member of the Senate is elected to the Chamber of Deputies, shall take his seat in that chamber to which he has been last elected.

#### § 2.

The rules of franchise laid down for elections to the Chamber of Deputies shall be applicable to elections for the Senate except in such cases as this law otherwise provides.

#### § 3.

All citizens who have the right to vote at elections to the Chamber of Deputies are entitled to vote at elections to the Senate if they have attained on the day of the publication of the standing Lists of Voters (Law of 19<sup>th</sup> December 1919 No. 663 Code of Laws & Regulations) the age of 26 years

§ 4.

Citizens of the Czechoslovak Republic without regard to sex may be elected to the Senate if, on the day of election they have attained the age of 45 years, have been for at least ten years citizens of the Czechoslovak Republic and are not excluded from the franchise. For elections which shall take place up to the end of the year 1928 this condition of ten year's citizenship shall not be required.

§ 5.

The Senate shall be elected for a period of eight years.

§ 6.

If the elections to the Senate take place within four weeks at the latest of the day on which the elections to the Chamber of Deputies took place the Polling Committees of the constituencies and the Central Polling Committee which were in charge of the elections to the Chamber of Deputies shall also take charge of the elections to the Senate.

Representatives of parties who have not put forward valid lists of candidates for the Senate may not be members of these committees; on the contrary these committees shall be composed of representatives of those parties which put forward no candidates for the Chamber of Deputies but presented valid lists of candidates for the Senate. § 9 and § 11 of the Rules of Franchise for the Chamber of Deputies are to be applied in this matter.

Except in the case stated in § 1 the Polling Committees of the constituencies and the Central Polling Committee must be constituted anew.

§ 7.

In every constituency which elects members to the Senate a district Polling Committee shall be set up. The Rules of Franchise for elections to the Chamber of Deputies relating to district Polling Committees apply by analogy thereto.

A district Polling Committee for elections to the Senate has the same competence in the matter of elections to the Senate as a district Polling Committee, set up in pursuance of § 10 of the Rules of Franchise for election to the Chamber of Deputies, has in respect of elections to the Chamber of Deputies.

§ 8.

In the case stated in § 6 section 1 citizens who are not entitled to vote at the elections to the Senate may be members of a committee which has charge of elections to the Senate.

§ 9.

The constituencies electing senators shall be composed of constituencies which elect members to the Chamber of Deputies.

(Here follows an enumeration of the electoral districts. There are in all 13 senatorial constituencies electing respectively 23, 11, 15, 14, 15, 17, 16, 10, 7, 5, 9, 4 and 4 senators.)

§ 10.

If the Senate be dissolved by the President of the republic or if the term for which it was elected expire, the Minister of the Interior shall cause new elections to take place within 60 days.

§ 11.

The Minister of the Interior shall issue to an elected Senator a letter of credence which shall entitle him to enter the Senate and to take part in its proceedings. This right shall lapse should the election of such a senator be declared invalid by the Electoral Court.

§ 12.

At its first assembly which shall be opened by the Prime Minister and presided over by the senior senator, the Senate shall elect from among its own members a chairman and two deputy chairmen,

The proceedings of the Senate shall be regulated within the limits of the law relating to Rules of Procedure, by Rules of Procedure determined upon by the Senate itself. Until such Rules shall be determined upon the Rules of Procedure passed by the hitherto existing National Assembly shall remain in force.

§ 13.

At the first assembly of the Senate and previous to the elections of chairman and deputy chairmen the Senators shall take the oath in the presence of the Prime Minister as provided by § 22 of the Constitutional Charter. Refusal to take the oath or the taking of it with reservation shall entail the immediate loss by the member of his seat (§ 22 of the Constitutional Charter).

The same applies to Senators who subsequently enter the Senate; they take the oath in the presence of the chairman of the Senate.

§ 14.

Senators are entitled to such remuneration as shall be fixed by law.

## THE JURISDICTION OF THE SENATE.

### §. 15.

The Senate shall co-operate in the exercise of legislative authority as laid down by the Constitutional Charter.

### § 16.

The Senate is entitled to pass judgment where an accusation is brought by the Chamber of Deputies:

1. Against the President of the Republic for high treason (§ 67 Constitutional Charter);
2. Against members of the Government for violation of constitutional or other laws (§ 79 Constitutional Charter).

## S E C T I O N II.

The first elections to the Senate of the Czechoslovak Republic shall take place to the exclusion of the 12<sup>th</sup> and 13<sup>th</sup> constituencies as well as to the exclusion of the district of Hlučín from the 7<sup>th</sup> constituency, the district of Vitoraz from the 5<sup>th</sup> constituency, the district of Valčice from the 6<sup>th</sup>, and to the exclusion of the territories of Spiš and Orava which are the subject of a plebiscite.

The second and third scrutinies shall take place for the other elections without regard to elections in these last mentioned districts.

The territories excluded from the first elections shall, for the first period for which the Senate is elected, elect their senators later in a manner which will be fixed by regulation.

The Government shall take steps to secure for legionaries the exercise of their franchise rights and shall assign to them seats which may happen to be superfluous in some of the electoral districts.

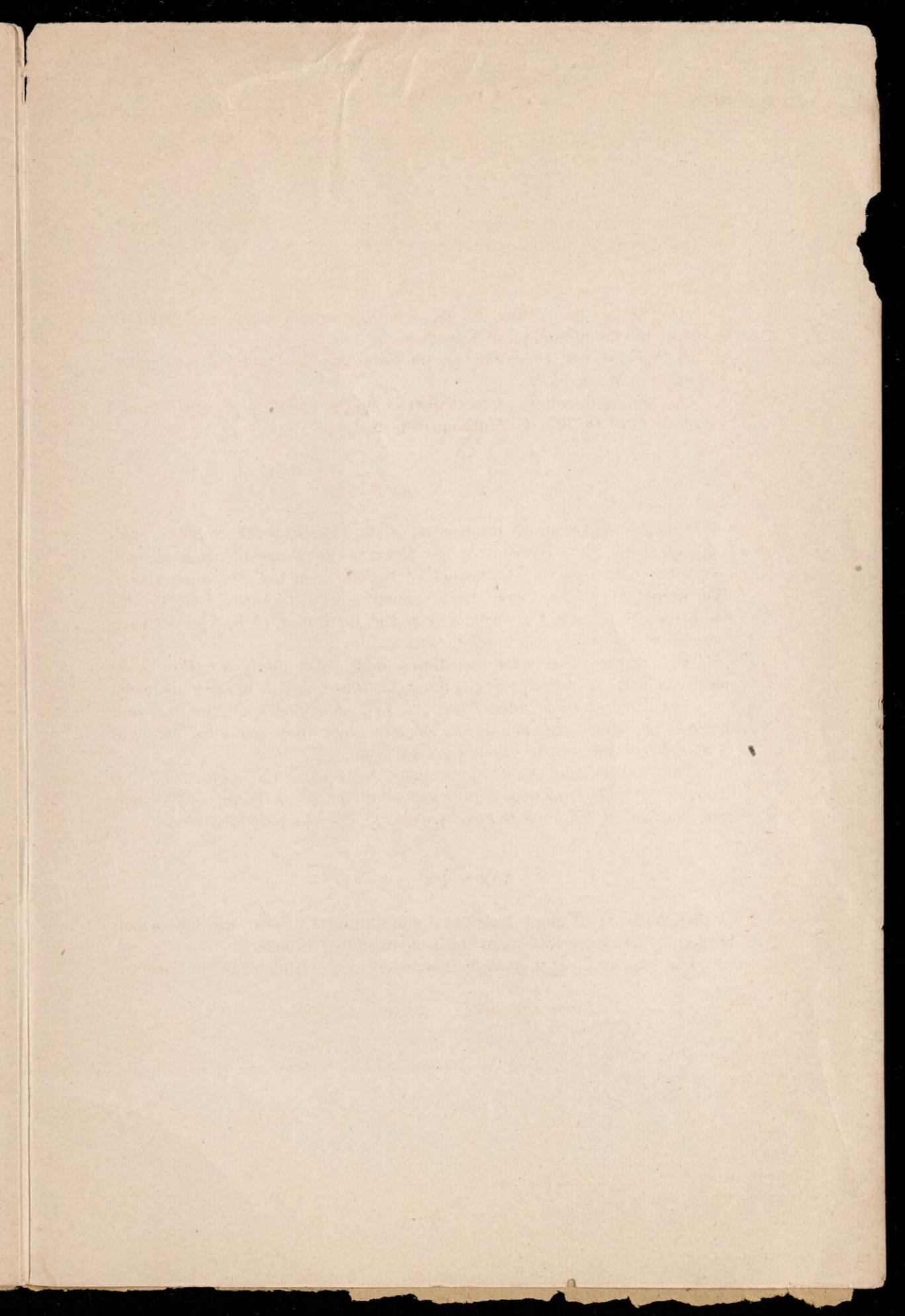
## A R T I C L E III.

This law shall come into force simultaneously with the law which served as the Introduction to the Constitutional Charter.

The execution of it shall be entrusted to the Minister of the Interior.

T. G. MASARYK    TUSAR    STANĚK

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Pres. by  
H.A. Miller  
Sociology Dept.

