

The Constitution of the Estonian Republic. 1938

The Estonian People, with unshaken faith and inflexible will to consolidate and develop the State created in accordance with the inalienable right of national self-determination of the Estonian people, based on Justice, Law and Liberty, for the defense of internal and external peace and as a pledge for the social progress and general welfare of present and future generations, remaining a Republic governed on a democratic basis, wherein the supreme power is in the hands of the people and which is directed by an elected Head of the State with the well-balanced cooperation of a Government nominated by him and a two-Chamber system of popular representation, authorized by plebiscite the convocation of the National Constituent Assembly which, carrying out the task set by the same plebiscite, adopted the following Constitution:

I Chapter.

General Dispositions.

Art. 1. Estonia is an independent and sovereign Republic wherein the supreme power of the State is held by the people.

Art. 2. The territory of the Estonian State is an undividable entity.

Art. 3. No one can exercise the power of the State otherwise than in accordance with the Constitution and the laws based thereon. The Constitution is the unalterable rule for the guidance of the President of the Republic, the National Assembly, the Government of the Republic and of courts of justice in their respective functions.

Art. 4. In Estonia only such laws have effect which have been put into force by her own institutions. The universally recognized precepts of International Law are valid as inseparable parts of the Estonian legal order. No one can plead ignorance of the law as an excuse.

Art. 5. The State language of Estonia is Estonian.

Art. 6. The State colors of Estonia are blue, black and white. The shape of the State flag and the coat-of-arms are determined by law.

II Chapter.

The Rights and Duties of Estonian Citizens.

Art. 7. Estonian citizenship is acquired by birth or by later legal procedure. The detailed conditions for the acquisition or loss of citizenship are determined by law.

Art. 8. The supreme duty of every citizen is to be loyal to the Estonian State and its constitutional order. Legal obligations and duties devolve upon the citizen in consequence of his membership in the Commonwealth. This membership also gives rise to the citizen's legal rights and freedom.

Art. 9. All citizens are equal before the law. There are no privileges or prejudices of public law derived from birth, religion, sex or nationality. There are no classes or class titles. Titles may only be conferred on conditions and according to the procedure foreseen by law to specify an office, a profession or a scientific degree.

Art. 10. Personal inviolability is guaranteed. No one can be prosecuted except in cases and ways foreseen by the law. No one can be kept in custody for over seventy-two hours without a decree of the judicial authorities. The judicial decree must be made known to the prisoner within the following twenty-four hours. No citizen can be transferred against his will to another court from the one designated by the law.

Art. 11. No one can be punished for an action, if this action is not recognized as punishable by a law valid before the action was committed.

Art. 12. The home is inviolable. The home may only be forcibly entered and searched in cases and in conformity with the requirements indicated by the law.

Art. 13. Movement and change of abode are free. This freedom may only be restricted in cases and ways indicated by the law.

Art. 14. Freedom of conscience and religious faith is guaranteed. Participation in churches and religious associations is free. The more important churches may be vested with public rights. There is no State church. The practice of religion is free unless it offends against public order or morality. Religious convictions cannot be pleaded as an excuse for a criminal act or for the refusal to carry out the duties of a citizen.

Art. 15. The expression of thought by word of mouth, print, script, image and sculpture is free. This freedom may be restricted by the law in defense of the security of the State, of public order, morality and the good name of the citizen. There is no censorship with regard to printing.

Art. 16. The secrecy of news and communications transferred by mail, telegraph, telephone or some other generally utilized means is guaranteed. Exceptions may be made to combat crime in cases and ways indicated by the law.

Art. 17. Citizens have the right to hold meetings on conditions and in ways foreseen by law, provided that the public peace and security remain undisturbed.

Art. 18. Citizens have the right to form cultural, scientific, welfare, professional, political and other associations and federations on conditions and in ways foreseen by the law. This right may be restricted by the law for reasons of national safety, public order and morality.

Art. 19. Every citizen has the right to retain his particular nationality. The detailed conditions for the determination of nationality are established by law.

Art. 20. Members of the minority nationalities may form autonomous institutions in the interests of culture and social welfare on conditions and in ways laid down by the law.

Art. 21. The family being the basis of the existence and growth of the people as well as of national life, is under protection of the State. The laws regulating marriage are based on the principle of the equality of the rights of the parties, so far as this is compatible with the common good of the family, the interests of posterity and mutual support. The relations of the married couple with regard the property shall be determined by the law; provided that such law cannot restrict the right of either party to dispose of their own property. The law organizes the protection of mothers and children. Families with numerous children shall be specially cared for.

Art. 22. Educational instruction is compulsory for children of school age within the limits determined by law; and is gratuitous in the primary schools. The State and the local government bodies shall maintain the required number of public elementary schools. For the further pursuit of courses of studies in accordance with national interests and the vital needs of the people institutions of general and professional education are also maintained. Private schools and educational institutions may likewise be opened in accordance with the law. Tuition is in the State language. In schools and institutions opened for the national minorities instruction is given in their national language and the State languages according to principles and to the extent laid down by the law. Instruction and education in schools and educational institutions is organized and supervised by the State and must be disseminated in accordance with the Estonian public spirit. The mental, moral and physical development of youth into good and deserving Estonian citizens is one of the foremost duties of the parents as well as of the State and the local government bodies.

Art. 23. Science and arts and their profession are free and under the protection of the State. The State supervises their dissemination. The scientific institutions and higher scientific educational establishments are guaranteed autonomy within the limits laid down by the law.

Art. 24. The organization of economic life must be based on the principles of justice, the aim being the development of creative forces, the promotion of general prosperity and the attainment through this latter of a standard of living compatible with human dignity.

Art. 25. Citizens are free to choose a profession, to open enterprises, to work in the economic field and to organize economic associations and federations on the conditions laid down by the law.

Art. 26. The right of property is guaranteed. The restrictions of this right are determined by the law. The alienation of property without the consent of the owner may only be effected for reasons of public interest, in cases and ways laid down by the law and against a just compensation. In case of disagreement the possibility of referring the matter to the court is guaranteed.

Art. 27. Work is the honor and duty of every able bodied citizen. It is the right and duty of every citizen to find work for himself. The state assists in procuring work. Work is under protection of the State. The settlement of labor disputes, strikes included, is regulated by the law.

Art. 28. Assisting a person in need is primarily the duty of members of his family. The law organizes assistance for citizens in the case of old age, incapacity to work or poverty, by social insurance or welfare work. Voluntary welfare work is favored. Persons refusing to work, those who neglect the duty of assisting members of their families and vicious claimants for public assistance may be taken under compulsory guardianship on conditions indicated by the law.

Art. 29. No public tax or duty may be imposed on anyone otherwise than in accordance with the law. No one may be given a compensation or a pension at the public expense otherwise than in accordance with the law.

Art. 30. Citizens have the right to address memoranda and declarations to State and other institutions of public law. Juridical persons have this right within the limits of their respective functions. Petitions shall not themselves contain the characteristics of any acts punishable by the law.

Art. 31. The use of foreign languages in the courts and other State institutions shall be determined by the law. Citizens of the minority nationalities may use their language on the conditions laid

down by the law in their dealings with local autonomous institutions in places where minority nationals form the majority of inhabitants.

Art. 32. Officials of State and local autonomous institutions shall be appointed according to the law from among citizens having the capacity and education required for the office. These positions may be filled by foreigners only on the conditions indicated by the law. No preliminary assent is needed to commit to trial persons employed in the State and local autonomous institutions and enterprises.

Art. 33. The enumeration of the rights and duties of the citizens in the present chapter does not exclude other rights and duties which result from the spirit of the Constitution or are in agreement with it.

III Chapter.

The People.

Art. 34. The Estonian People exercise the supreme power of the State through the citizens entitled to vote.

Art. 35. The People exercise the power of the State through:

- (1) The election of the President of the Republic according to Art. 40;
- (2) the elections of the Chamber of Deputies;
- (3) the elections of the representative assemblies of the local self-government according to Art. 123;
- (4) the plebiscite.

Art. 36. Every citizen having attained the age of twenty-two and having been Estonian citizen for at least three years without interruption, has the right to vote.

Art. 37. The following have not right to vote: (1) Citizens recognized as being of weak mind or lunatics, (2) citizens who are under guardianship, being blind, deaf and dumb or spendthrift, (3) under the electoral law certain categories of citizens permanently maintained by public assistance and (4) citizens placed under compulsory guardianship. The right of vote may be withdrawn according to the law from certain categories of citizens sentenced by the courts. The following cannot exercise their votes: (1) Citizens who are detained during the elections to serve the sentence of the court or being isolated by order of the court and (2) citizens suffering from infectious diseases and being isolated in their places of healing according to the law. Citizens serving their term of compulsory military service do not vote.

IV Chapter.

The President of the Republic.

Art. 38. The President of the Republic is the Head of the State. He embodies the unity of the power of the State and represents the State. He furthers the external integrity and the internal security of the State, the general well-being of the State and the people and the maintenance of juridical order.

Art. 39. Apart from other duties foreseen in the Constitution the President of the Republic:

- (1) Nominates the representatives of the Estonian Republic in foreign countries and receives the representatives of foreign countries;
- (2) appoints the higher State officials and accept their resignation;
- (3) appoints and accept the resignation of the leading officials of the Chancery of the President of the Republic by special right;
- (4) issues regulations in accordance with the laws;
- (5) supervises by special right the working of the State and other institutions of public law;
- (6) confers by special right the decorations of national orders of merit and service;
- (7) decides questions submitted to his decision by the law.

Art. 40. The President of the Republic is elected for six years. Any citizen having the right to vote who has attained the age of least forty-five, may be proposed as a candidate for the office of the President of the Republic. Candidates for the office of the President of the Republic are put forward in secret ballot:

- (1) One candidate by the Chamber of Deputies;
- (2) one candidate by the National Council;
- (3) one candidate by the assembly of representatives elected by the representative assemblies of local self-government bodies and consisting of eighty representatives elected by the rural and forty representatives elected by the urban representative assemblies.

The people elect from the proposed candidates through universal, equal, direct and secret ballot. In the elections the candidate securing the greatest number of votes is considered elected President of the Republic. If candidates obtain an equal number of votes, the oldest candidate is considered elected. The election must take place within twenty days after the nomination of the candidates. If only one candidate has been nominated, the President of the Chamber of Deputies shall convene and preside over the joint electoral meeting of the three bodies which have nominated the candidate. If the candidate nominated obtains at this electoral meeting by secret ballot the votes of at least three-fifths of the legal members of the electoral meeting, this candidate is considered President of the Republic and the people are not required to vote. The detailed procedure for the nomination of the candidates and of the election of the President of the Republic shall be determined by the law.

Art. 41. The President of the Republic is considered to have assumed his duties on making the following solemn declaration at the plenary meeting of the National Assembly:

“I, N. N., on entering by the will of people into the office of the President of the Republic, solemnly promise to defend without fail the Constitution and laws of the Estonian Republic, to use the power conferred upon me justly and impartially and do to my duty loyally, with all my power and the best of my knowledge for the benefit of the Estonian Republic and people.”

The powers of the President of the Republic terminate with the entry into office of a new President of the Republic.

Art. 42. The decisions and other acts of the President of the Republic are valid, if they bear the signature of the President of the Republic and are countersigned by the Prime Minister and the competent minister. For these decisions and acts the Government of the Republic is politically responsible. The ministers countersigning are also responsible as officials, in particular for the compatibility of the decision or act with the Constitution and laws. Countersignatures are not needed for decisions or acts passed by the President of the Republic by virtue of the special rights conferred upon him by the Constitution.

Art. 43. The office of the President of the Republic cannot be connected with any other service or professional function. If a member of the National Assembly is elected President of the Republic, he is considered to have left the National Assembly on assuming the office of the President of the Republic.

Art. 44. The emoluments payable to the President of the Republic during his term of office are fixed by the law, which may be changed only with regard to the President to be elected at the next election. A retired President of the Republic is paid a pension amounting to three-quarters of the salary of the President of the Republic.

Art. 45. The President of the Republic cannot be committed for trial in the courts during his term of office otherwise than by decision of the plenary meeting of the National Assembly for crimes against the supreme power of the State and high treason. Equally, after his retirement from office an action may be entered for the same crimes and for offences committed in the exercise of special rights only by decision of the plenary meeting of the National Assembly. In both cases the action may only be taken on the initiative of the majority of the legal number of members of the National Assembly. The action must be decided at the plenary meeting of the National Assembly by a three-quarters majority of its legal members. The case is heard and judged by the State Court of Justice. In case the President of the Republic is committed for trial during his term of office, the Electoral Committee mentioned in Art. 46 appoints an Acting President of the Republic until the entry into force of the court sentence acquitting or terminating the criminal prosecution, or until the accession of the new President of the Republic. The Acting President of the Republic is not entitled to order the election of a new Chamber of Deputies or to alter the composition of the National Council. If the court acquits the President of the Republic or terminates criminal prosecution, elections of a new Chamber of Deputies and the formation of a new National Council immediately take place. If the court finds the President of the Republic guilty, a new President of the Republic is immediately elected. The detailed procedure of the entry and hearing of the case is determined by the law.

Art. 46. If the office of the President of the Republic is vacant or if the President of the Republic in the cases mentioned by the law is prevented from performing his duties, the functions of the President of the Republic are exercised by the Prime Minister, while the duties of the Prime Minister are discharged during the performance by this latter of the functions of the President of the Republic, by the Acting Prime Minister. If the office of President of the Republic becomes vacant before the end of the term, elections for a new President of the Republic are held forthwith. If obstacles preventing the President of the Republic from discharging his duties have lasted in the cases specified by law for six consecutive months, it may be proceeded to the election of a new President of the Republic, by decision of the Electoral Committee. If in time of war the office of the President of the Republic becomes vacant or if obstacles preventing the President of the Republic from discharging his duties have lasted in the cases specified by law for six consecutive months, the Electoral Committee proceeds forthwith to elect an Acting President of the Republic. If the obstacles have lasted consecutively for over a month, the Electoral Committee may, for reasons of State, proceed to the election of an Acting President of the Republic even before the expiration of the term of six months. The Electoral Committee is composed of: The Prime Minister, the

Commander-in-Chief or Commander of the Armed Forces, the President of the Chamber of Deputies, the President of the National Council and the President of the State Court of Justice. The Electoral Committee is convened by the Prime Minister, either his own initiative or at the request of at least three members of the Electoral Committee, including in time of war the Commander-in-Chief of the Armed Forces. Details of the procedure in the Electoral Committee are determined by the law. The powers of the Acting President of the Republic begin with his making the solemn declaration before the Electoral Committee and end with the entry into office of the new President of the Republic. The Prime Minister carrying out the duties of the President of the Republic is not entitled to order the election of a new Chamber of Deputies or to alter the composition of the National Council. With the entry into office of the Acting President of the Republic the powers of the last President of the Republic shall terminate.

Art. 47. The Chancellor of Justice attached to the President of the Republic is appointed and released from his duties by the President of the Republic by virtue of his special right. The duty of the Chancellor of Justice is to control the legality of the acts of State and other institutions of public law. He reports to the President of the Republic on his activities, flaws discovered and arrangements made, and submits reports on his activities to the Chamber of Deputies and the National Council for their information. In directing his office the Chancellor of Justice has all the rights accorded to Cabinet ministers by the respective laws. He is entitled to take part in Government meetings with a consultative voice. The duties and principles governing the activity of the Chancellor of Justice shall be determined by law.

V Chapter.

The Government of the Republic.

Art. 48. The Government of the Republic exercises the governing power. Apart from other duties foreseen by the Constitution the Government of the Republic:

- (1) Carries out the policy of the State in all spheres;
- (2) ensures the execution of the laws;
- (3) submits proposals to the President of the Republic on questions within his authority, excepting questions which the President of the Republic decides by virtue of his special rights;
- (4) makes the necessary arrangements to carry out the decisions of the President of the Republic;
- (5) decides questions submitted to it by the law.

Art. 49. The Government of the Republic is composed of the Prime Minister and the ministers. To organize the different sections of administration respective ministries are established by the law. The detailed organization of the administration is determined by the law.

Art. 50. The Government of the Republic or its individual members are appointed or freed from office by the President of the Republic acting by virtue of his special right. The release from office of the Prime Minister involves the retirement of the entire Government of the Republic. The appointment to and release from office of individual members of the Government of the Republic is accomplished on the proposal of the Prime Minister.

Art. 51. On entering into office the members of the Government of the Republic give the President of the Republic a solemn promise to maintain without fail the Constitution and the laws and to carry out their duties faithfully and impartially. The Government of the Republic or its single members are considered to have assumed their duties on having given this solemn promise. A Government of the Republic is released from office on the entry into office of a new Government of the Republic. Single members of the Government of the Republic are released from office as soon as the President of the Republic has passed a decision to that effect.

Art. 52. The Prime Minister represents the Government of the Republic; he leads and coordinates its activities and directs its meetings; he is entitled to interrogate the individual ministers with regard to their actions and to give them directions. On the proposal of the Prime Minister the President of the Republic nominates from among the ministers an Acting Prime Minister. If the Prime Minister and the Acting Prime Minister are unable to discharge the duties of the Prime Minister, these are performed by the oldest member of the Government of the Republic.

Art. 53. A Cabinet minister directs his ministry, settles the questions within its province and discharges other duties in the cases and to the extent referred to him by the law. The President of the Republic may nominate ministers without portfolio. If a minister is temporarily unable to carry out his duties because of illness or other hindrances, the President of the Republic acting on the proposal of the Prime Minister transfers his duties to another minister.

Art. 54. The Government of the Republic and the individual ministers have the right to issue regulations in the cases and within the limits laid down by the law.

Art. 55. The meetings of the Government of the Republic are private. On particularly solemn occasions they may be declared to be public by order of the President of the Republic. The decisions of the Government of the Republic are made on the proposal of the competent minister. The decisions of the Government of the Republic are not valid unless they bear the signature of the Prime Minister, the competent minister and the Secretary of State.

Art. 56. If the President of the Republic is present at a meeting of the Government of the Republic, he presides at it. The President of the Republic may request from the Government of the Republic and from each of its members reports on question within their competence. The President of the Republic may summon the Government of the Republic and its members to special consultations.

Art. 57. The Government of the Republic has at its disposal a State Chancery directed by the Secretary of State. The Secretary of State works under the control of the Prime Minister. The Secretary of State is appointed and released from office by the President of the Republic acting in virtue of his special right. In directing his office the Secretary of State has all the rights accorded to Cabinet ministers by the respective laws. The duties of the Secretary of State and the State Chancery shall be determined in detail by the law.

Art. 58. Legal proceedings against the Prime Minister and the ministers may only be instituted by the decision of the plenary meeting of the National Assembly, passed by three-fifths of its legal number of members. The initiative in such legal proceedings may be taken by the President of the Republic acting in virtue of his special right or by the majority of the legal number of members of the Chamber of Deputies or National Council. The hearing and judging of the suit is within the jurisdiction of the State Court of Justice. The details for the institution and hearing of legal proceeding shall be determined by law. On being brought to trial the Prime Minister or the ministers must resign from office.

Art. 59. The Chamber of Deputies may express by its decision its lack of confidence in the Government of the Republic or in its individual members. A vote of no confidence may be proposed during the session of the Chamber of Deputies if a written request be presented by at least one-fourth of the legal number of members of the Chamber of Deputies. The question may come up for decision at the earliest on the day after the submission of the proposal, unless the Government of the Republic requests a more rapid decision of the issue. A vote of no confidence is considered as passed if supported by the majority of the legal number of members of the Chamber of Deputies. Within three days of the vote of no confidence the President of the Republic, if he does not dismiss the Government or one of its members or order the election of a new Chamber of Deputies, shall submit the question of the vote of no confidence to the National Council, which shall decide the question at its next meeting. If the majority of the legal number of members of the National Council supports the decision of the Chamber of Deputies, the President of the Republic shall dismiss the Government of the Republic or an individual member of the Government, should he not consider it necessary to order the election of a new Chamber of Deputies and the formation of a new National Council. If the majority of the legal number of members of the National Council does not support the decision of the Chamber of Deputies, the President of the Republic shall either dismiss the government of the Republic or an individual member of the Government or shall order the election of a new Chamber of Deputies. If the President of the Republic has ordered in accordance with the procedure prescribed in the preceding paragraph either the elections of a new Chamber of Deputies or the elections of the Chamber of Deputies and the formation of a new National Council, and if the new Chamber of Deputies within seven days from its opening passes, in accordance with the procedure laid down in the second paragraph of the present Article, a vote of no confidence in the same Government or the same one member of the Government, the President of the Republic shall dismiss the Government or a particular member of the Government, and should the National Council in accordance with the procedure laid down in this article not associate itself with regard to the dismissal of the Government, then the President of the Republic shall order the formation of a new National Council.

VI Chapter.

The National Assembly.

I Part.

General Dispositions.

Art. 60. The National Assembly passes the laws and performs its other functions as determined by the Constitution. The National Assembly is a two-Chamber representative body. It consists of the Chamber of Deputies and the National Council.

Art. 61. The National Assembly exercises the power conferred upon it through the plenary meeting of the National Assembly, the meeting of the Chamber of Deputies and the meeting of the National Council.

Art. 62. The rules of procedure and the relations with one another of the National Assembly, the Chamber of Deputies and the National Council and their component parts, also the rights and duties of the members of the National Assembly in the plenary meeting of the National Assembly, the Chamber of Deputies and the National Council and their committees shall be determined in the standing order of the National Assembly, which shall be adopted by decision of the plenary meeting of the National Assembly. The relations and intercourse with other institutions of the National Assembly, the Chamber of Deputies and the National Council and their component parts, as well as

the rights and duties of the President of the Republic and the members of the Government of the Republic in the plenary meeting of the National Assembly, the Chamber of Deputies and the National Council and their Committees shall be determined by the law.

Art. 63. The National Assembly, the Chamber of Deputies and the National Council have the right to request the presence of the Prime Minister or individual ministers at their meetings to give explanations. The Prime Minister and the ministers have the right to give explanations in the plenary meeting of the National Assembly, the Chamber of Deputies, the National Council and their committees.

II Part.

The Plenary Meeting of the National Assembly.

Art. 64. The plenary meeting of the National Assembly consists of the members of the Chamber of Deputies and the National Council. The plenary meeting of the National Assembly can act if at least half the legal number of members of the National Assembly are present. With the exception of the cases which are regulated by the Constitution in a different manner, the plenary meeting of the National Assembly passes its decisions by the majority of votes of the members present.

Art. 65. The Standing Committee of the plenary meeting of the National Assembly is composed of the Standing Committees of the Chamber of Deputies and the National Council. The plenary meeting of the National Assembly is convoked on the initiative of the Standing Committee of the plenary meeting of the National Assembly or at the request of the President of the Republic. The plenary meeting of the National Assembly is presided over by the President of the Chamber of Deputies, or, in the case of his absence or in cases where he cannot for some reason preside over the meeting, by the President of the National Council, in the absence of both or in cases where neither can preside over the meeting, it is presided over by another member of the Standing Committee.

Art. 66. The plenary meeting of the National Assembly may be convoked not only instances specially specified in the Constitution but also on solemn occasions and to receive the explanations of the President or of the Government of the Republic. In time of war all questions of an urgent nature connected with the requirements of national defense and within the competence of the National Assembly shall at the request of the President of the Republic be submitted to the plenary meeting of the National Assembly for decision.

III Part.

The Chamber of Deputies.

Art. 67. The Chamber of Deputies has eighty members elected by universal, equal, direct and secret suffrage on the principle of a majority of votes by individual constituencies. Every enfranchised Estonian citizen has the right to participate in the election of the members of the Chamber of Deputies, if he has had his domicile or work in the respective constituency or the respective administrative unit for at least one year preceding the election; those who for reasons connected with their professional activity have a new domicile or a new place of work or those who are absent from their domicile or place of work have the right to vote in the constituency of their new domicile or their new place of work. Every enfranchised Estonian citizen who has attained the age of at least

twenty-five and has had his domicile for at least one year preceding the election within the territory of the Estonian Republic, may be elected a member of the Chamber of Deputies. The details of the electoral procedure shall be determined by law.

Art. 68. The election of a new Chamber of Deputies takes place every five years. The President of the Republic has the right to order the elections of a new Chamber of Deputies before the expiration of the period of five years, if this appears necessary for reasons of State. In such a case the election of a new Chamber of Deputies must take place at the latest within forty-five days from the day of the decision of the President of the Republic to order the elections of a new Chamber of Deputies. The mandates of the members of the Chamber of Deputies date from the publication of the results of the election; the mandates of the members of the previous Chamber of Deputies expire on the same day.

Art. 69. On entering upon his official functions each member of the Chamber of Deputies takes a solemn oath to remain loyal to the Estonian Republic and its constitutional order. The procedure for taking the oath and the wording of its text shall be determined by the law mentioned in the second paragraph of Art. 62. If the member of the Chamber of Deputies refuses to take the solemn oath or does so only conditionally, he shall lose his mandate.

Art. 70. The Chamber of Deputies elects its President and other members of the Standing Committee at its first meeting after the elections. The President of the preceding Chamber of Deputies presides over this meeting until the election of a new President.

Art. 71. The Chamber of Deputies meets for its ordinary sessions on the second Tuesday in January and in October of each year. After new elections the President of the Republic convenes the Chamber of Deputies for its ordinary session at the latest within two weeks after the publication of the results of the election. The Standing Committee of the Chamber of Deputies may also convene the Chamber of Deputies for extraordinary sessions. The Standing Committee of the Chamber of Deputies is obliged to convene the Chamber of Deputies at the request of the President of the Republic or one-fourth of the legal number of members of the Chamber of Deputies. Only questions submitted by the President of the Republic may be included for discussion in the agenda of an extraordinary session of the Chamber of Deputies convened at the request of the President of the Republic. The sessions of the Chamber of Deputies are prorogued by the President of the Republic. The session beginning on the second Tuesday in January cannot be prorogued before the expiration of three months, that beginning on the second Tuesday in October – before the expiration of two months and that convened after the elections of a new Chamber of Deputies – before the expiration of two weeks, provided that the President of the Republic has not ordered new elections during these periods or that the Chamber of Deputies and the National Council do not propose to the President of the Republic prorogation at an earlier date. These periods do not include the time when the session of the Chamber of Deputies has been suspended by order of the President of the Republic or by the joint decision of the Chamber of Deputies and the National Council. The President of the Republic has the right to suspend the ordinary and the extraordinary session of the Chamber of Deputies once during the session for a period not exceeding two weeks. The ordinary sessions of the Chamber of Deputies and the extraordinary sessions convened on the initiative of the Standing Committee of the Chamber of Deputies or at the request of its members cannot continue for more than six months during one year. On the request of the President of the Republic some of the committees of the Chamber of Deputies may be convened during the recesses of the Chamber of Deputies.

Art. 72. During the period between the expiration of the five-year term of the powers of the Chamber of Deputies or the proclamation of new elections of the Chamber of Deputies by the

President of the Republic and the publication of the results of the election of the Chamber of Deputies may only be convened for sessions at the summons of the President of the Republic, who shall also fix the agenda and the duration of such sessions.

Art. 73. In time of war the President of the Republic has the right, after consultation with the Standing Committee of the plenary meeting of the National Assembly and the Commander-in-Chief of the Armed Forces, to prorogue the sessions of the Chamber of Deputies without regard to the terms mentioned in Art. 71.

In time of war extraordinary sessions of the Chamber of Deputies may only be convoked by the President of the Republic or by the Standing Committee of the plenary meeting of the National Assembly with the approval of the President; the agenda is fixed by the President of the Republic.

Art. 74. The Chamber of the Deputies can act when at least one-half of the legal number of members are present.

Art. 75. The meetings of the Chamber of Deputies are public. Only in extraordinary cases the Chamber of Deputies may declare its meeting secret if at least two-thirds of the members present agree.

Art. 76. The members of the Chamber of Deputies are not bound by mandates.

Art. 77. The members of the Chamber of Deputies cannot occupy posts in the State service being appointed or confirmed into office by the President of the Republic, the Government of Republic, administrative or forensic institutions and Government enterprises. The rule of the preceding paragraph does not apply to the members of the Government of the Republic and persons appointed or confirmed in office on the proposal of private institutions, local government boards or autonomous bodies. A member of the Chamber of Deputies cannot participate in public tenders or secure concessions for the exploitation of the national wealth. A member of the Chamber of Deputies cannot, as a deputy, negotiate or treat with Government institutions concerning the interests of others. Detailed rules to enforce the present article will be given in the law mentioned in the second paragraph of Art. 62.

Art. 78. A member of the Chamber of Deputies is not answerable for votes or political declarations given in the plenary meeting of the National Assembly and the Chamber of Deputies and their committees except where specially specified by the standing order. The Chamber of Deputies has a court of honor, the composition, procedure and jurisdiction of which, inasmuch as it does not affect persons not belonging to the National Assembly shall be determined by the standing order of the National Assembly. The Standing Committee of the Chamber of Deputies may refer to the court of honor matters of honor affecting a member of the Chamber of Deputies and a person not belonging to the Chamber of Deputies, if such matters are due to the action of the member of the Chamber of Deputies in the plenary meeting of the National Assembly or the Chamber of Deputies and their committees. Details of the procedure and jurisdiction of the court of honor, inasmuch as these affect persons not belonging to the National Assembly, shall be determined by the law mentioned in the second paragraph of Art. 62.

Art. 79. No member of the Chamber of Deputies can be arrested without the consent of the Chamber of Deputies unless detected flagrante delicto. The arrest and the charge must be notified at the latest within forty-eight hours to the Standing Committee of the Chamber of Deputies, which will submit the case to the decision of the Chamber of Deputies at its next meeting. The Chamber of Deputies has the right to postpone imprisonment or any other restriction applied to its member until the recess or the end of the legislature.

Art. 80. Members of the Chamber of Deputies are exempted from military service for the duration of their mandate.

Art. 81. Members of the Chamber of Deputies receive a salary only for the duration of the sessions. Apart from this they have free travel or are paid travelling expenses. Details concerning salary, free travel or travelling expenses shall be determined by the law, which may only be modified with regard to the next Chamber of Deputies.

Art. 82. Each member of the Chamber of Deputies has the right to put at the meeting of the Chamber of Deputies written questions to the Government of the Republic or to individual ministers. One-fourth of the legal number of members of the Chamber of Deputies has the right to address to the Government of the Republic interpellations in writing at the meeting of the Chamber of Deputies. An interpellation must be answered by a formal declaration. The Chamber of Deputies has the right to constitute committees of inquiry, which may be summoned by the Standing Committee of the Chamber of Deputies even during the recess.

Art. 83. If a member of the Chamber of Deputies becomes ineligible, is arrested by permission of the Chamber of Deputies, retires by death or by resignation or refuses to take the solemn oath or does so conditionally, new elections are held in this constituency except within three months before the expiration of the powers of the Chamber of Deputies. The new member replaces the old one until the end of the legislature.

IV Part.

The National Council.

Art. 84. The following are members of the National Council:

(1) By office:

- (a) The Commander-in-Chief or Commander of the Armed Forces;
- (b) the heads of the two largest and most important religious communities of Estonia;
- (c) the rectors of two autonomous higher institutions of science and learning;
- (d) the president of the bank of issue;

(2) by election:

- (a) Three members elected by the local self-government institutions of the rural districts;
- (b) one member elected by the municipal self-governments;
- (c) sixteen members elected by the autonomous professional corporations; five representing agriculture and fishing, five representing industry, trade, commerce, shipping and cooperation, three representing labor, one representing owners of urban real estate property, one representing the free professions, one representing domestic economy;
- (d) one member representing the Defense League;

- (e) one member representing education and culture;
 - (f) one member representing the cultural boards of the national minorities;
 - (g) one member representing the interests of public health;
- (3) by nomination:

Ten members appointed by the President of the Republic in virtue of his special right. Former Presidents of the Republic, who have been in office under the present Constitution, and former Commanders-in-Chief in time of war, are entitled to be members of the National Council by personal right. Members of the National Council must be Estonian citizens enjoying the franchise who (1) are aged at least forty, (2) have had their domicile within the territory of the Estonian Republic for at least three years preceding their election or appointment and (3) have at the time of their election or appointment the qualifications mentioned in Art. 85.

Members of the National Council by election must be eligible for election in their respective organizations. The detailed procedure of the formation of the National Council shall be determined by the law.

Art. 85. In the electing or appointing of the members of the National Council the following considerations have to be taken into account: (1) The personal reputation and dignity of the candidate, his civic reputation for good citizenship, (2) knowledge and experience likely to be useful in the work of the National Council. The law for the formation of the National Council shall consider as a sufficient proof of the knowledge and experience of a candidate his having served in public capacity for a period of not less than two or more than ten years. The part of the law on the formation of the National Council containing the preceding clause may be modified and supplemented by the majority of the legal number of members of the Chamber of Deputies and the National Council, the rule of the last paragraph of Art. 95 not being applied in this case.

Art. 86. The membership of the National Council is renewed every five years. The President of the Republic is entitled to order the formation of a new National Council before the expiration of the term of five years, if this appears necessary for reasons of State. In such cases the formation of a new National Council must take place at the latest within forty-five days from the day on which the President of the Republic adopted the decision to form a new National Council. The powers of the members of the National Council become valid on the day of the proclamation of the new membership of the National Council and the powers of the members of the former National Council terminate on the same day. However, if the formation of the new National Council should be ordered by the President of the Republic simultaneously with the announcement of new elections for the Chamber of Deputies, the powers of the members of the National Council become valid and terminate at the time of the coming into force and the invalidation of the powers of the members of the Chamber of Deputies.

Art. 87. The sessions of the National Council begin and end at the same time as the sessions of the Chamber of Deputies. Rules concerning the sessions of the Chamber of Deputies are applicable also to the sessions of the National Council.

Art. 88. No one can be a member of the Chamber of Deputies and of the National Council simultaneously.

Art. 89. Articles 69, 70, 74, 75, 76, the third, fourth and fifth paragraph of Art. 77, Articles 78, 79, 80 and 81 are applied likewise to the National Council and to its members.

Art. 90. At the meeting of the National Council each member of the Council has the right to put written questions to the Government of the Republic or to individual ministers.

Art. 91. If a member of the National Council loses the rights to be a member of the Council, retires by death or by resignation or refuses to take the solemn oath or does it conditionally, a new member is elected or appointed in his place in the same way as the retiring member was elected or appointed, unless the powers of the National Council expire within three months. The new member replaces the old one until the end of the legislature.

VII Chapter.

Legislation.

Art. 92. The right to initiate legislation is exercised by the Government of the Republic, acting with the knowledge of the President of the Republic, and by at least one-fifth of the legal number of members of the Chamber of Deputies. The drafts of laws submitted by the members of the Chamber of Deputies, which would result in an increase of expenditure in the State estimates of revenue and expenditure or in a decrease or disappearance of a source of national revenue, must be provided by the initiators with the necessary financial estimates indicating sources of revenue to compensate for the increase in expenditure. Such drafts may come up for discussion in the Chamber of Deputies only with the consent of the Government of the Republic acting with the knowledge of the President of the Republic. The right to initiate laws concerning the armed forces of the State and the duties of the citizens with regard to national defense is exercised solely by the Government of the Republic acting with the knowledge of the President of the Republic. The Chamber of Deputies and the National Council have the right to address a petition to the Government of the Republic requesting the introduction of a law which they consider desirable provided that their request is approved by the vote of a majority of their legal number of members.

Art. 93. The draft laws introduced must first be passed by the Chamber of Deputies.

Art. 94. The National Council must reach a decision regarding draft laws passed by the Chamber of Deputies at the latest within thirty days after the receipt of the draft from the Standing Committee of the Chamber of Deputies. In the case of some special groups of laws this term may be lengthened or shortened by the law mentioned in the second paragraph of Art. 62. Such terminus do not include periods during which, either owing to the end of the session or to recess, the National Assembly has not been sitting.

Art. 95. If the National Council informs the Standing Committee of the Chamber of Deputies that it approves the draft law, the draft is considered as a law passed by the National Assembly and is submitted for promulgation. A draft is also considered as a law passed by the National Assembly, if the National Council has not pronounced on the matter within the period fixed by Art. 94.

If the National Council suggests amendments, these are discussed by the Chamber of Deputies. If the Chamber of Deputies agrees with the amendments proposed by the National Council or if the Chamber of Deputies and the National Council after the conciliation procedure prescribed by the law mentioned in the second paragraph of Art. 62. come to an agreement, the law is submitted for promulgation. If the Chamber of Deputies regardless of the opposition of the National Council or after the conciliation procedure has failed adopts the entire draft or sections thereof in the same

wording as previously adopted by it, by a three-fifths majority of its legal number of members, the law is submitted for promulgation.

Art. 96. Laws are promulgated by the President of the Republic. The President of the Republic has the right, for reasons of State, to defer promulgation of a law passed by the National Assembly and to pass it back to the National Assembly for renewed discussion and adoption. The grounds for such a decision on the part of the President of the Republic have to be announced by him at latest within thirty days after the receipt of the law. If the renewed discussion and adoption of the law results in the law being passed without alteration of its former wording by the majority of the legal number of members of the Chamber of Deputies and the National Council or if the Chamber of Deputies passes the law in accordance with the last paragraph of Art. 95 by a three-fifths majority of its legal number of members, the President of the Republic promulgates the law. If the President of the Republic decides to submit a law which he has refused to promulgate to the National Assembly for renewed discussion and adoption at the time when he has ordered the election of a new Chamber of Deputies and the formation of a new National Council according to Art. 68 and 86, the new National Assembly shall discuss and decide upon the law according to the procedure mentioned in preceding paragraph.

Art. 97. The drafts of laws not finally adopted at the time when the powers of the National Assembly terminate, are considered as dropped, with the sole exception mentioned in the last paragraph of Art. 96.

Art. 98. If the President of the Republic considers it necessary for reasons of State to consult the people on an important issue, he is entitled with the consent of the Standing Committee of the plenary meeting of the National Assembly to submit the question to the people by way of plebiscite. The decision of the people is taken by the majority of votes of those taking part in the plebiscite. The decision of the People is binding on the State authorities and they must proceed immediately to give effect to the decision. A plebiscite in accordance with the present article cannot be held on questions relating to the alteration of the Constitution, taxation, national defense, treaties with foreign powers or financial obligations of the State.

Art. 99. The President of the Republic may during the recesses of the National Assembly issue laws by decree in case of urgent national necessity. Laws put into force by decree are submitted at the beginning of the following session to the National Assembly, which may then pass laws amending or abrogating the decree. This may be done by the National Assembly without observing the rules for initiating legislation, provided that the Chamber of Deputies within two weeks from the beginning of its ordinary or extraordinary session decides to discuss the draft of the law amending or abrogating the decree. The President of the Republic cannot promulgate by decree or amend:

- (1) The plebiscites law;
- (2) The law concerning the elections for the Chamber of Deputies and the formation of the National Council;
- (3) The law concerning the election of the President of the Republic;
- (4) The standing order and the law mentioned in the Art. 62 of the Constitution;
- (5) The laws mentioned under p. (7) of Art. 39., Art. 101, the second paragraph of Art. 134 and Art. 138;

- (6) The law concerning the emoluments of the President of the Republic and the members of the National Assembly;
- (7) The laws concerning the bringing to trial of the President of the Republic and the members of the Government of the Republic;
- (8) The laws concerning the State Control;
- (9) The laws concerning the organization of the courts of justice;
- (10) The national budget law;
- (11) Laws concerning internal and external loans;
- (12) Laws leading to the conclusion of contracts or the contracting of obligations which result in the insertion of new expenses during the current budget year or the coming budget years in the State budget of revenue and expenditure;
- (13) Laws concerning concessions, monopolies and State funds.

The President of the Republic cannot promulgate by decree or amend the State budget of revenue and expenditure and the acts which according to the Constitution must be passed by the National Assembly as decisions.

Art. 100. No law can enter into force until it is promulgated by the President of the Republic. Unless otherwise provided in the law itself a law enters into force on the tenth day after its publication in the State Gazette (Riigi Teataja).

VIII Chapter.

Treaties with foreign powers.

Art. 101. The President of the Republic concludes and ratifies treaties with foreign powers. Before being ratified by the President of the Republic treaties must be approved by the National Assembly. Treaties are submitted to the National Assembly for approval by the Government of the Republic. The law recognizes certain groups of treaties which need not be approved by the National Assembly before their ratification or which may be approved according to a special procedure.

Art. 102. The approval of treaties by the National Assembly must be given by a special decision adopted according to the prescriptions of the Art. 94 and 95; the President of the Republic may request the approval of certain treaties by the plenary meeting of the National Assembly. The frontiers of the State may only be altered by a treaty approved according to the procedure prescribed for the alteration of the Constitution.

IX Chapter.

The State Budget.

Art. 103. The estimates of the national revenue and expenditure shall be adopted each year by the National Assembly. The draft estimates shall be submitted to the National Assembly by the Government of the Republic acting with the knowledge of the President of the Republic, at the

latest seventy days before the beginning of the financial year. The National Assembly may only increase the expenditure foreseen in the draft estimates or include new items of expenditure with the consent of the Government of the Republic. The National Assembly cannot cancel or reduce items of expenditure in the draft estimates, if these are fixed by the law.

Art. 104. The national estimates of revenue and expenditure shall be adopted by the Chamber of Deputies and the National Council. The National Council shall give its decision with regard to the estimates passed by the Chamber of Deputies at the latest within fifteen days after receipt of the decision of the Chamber of Deputies. If the National Council announces its approval of the estimates passed by the Chamber of Deputies, the estimates are considered as being adopted by the National Assembly. The estimates are likewise considered as being adopted by the National Assembly if the National Council fails to announce its decision within the period fixed in the preceding paragraph. The National Council may amend the budget estimates passed by the Chamber of Deputies by a majority of votes of its legal number of members. If the Chamber of Deputies agrees with the amendments proposed by the National Council or if the Chamber of Deputies and the National Council after the conciliation procedure determined by the law mentioned in the second paragraph of Art. 62 come to an agreement, the budget estimates are considered as adopted. If the Chamber of Deputies regardless of the opposition of the National Council, or after the conciliation procedure has failed, adopts the estimates in the form previously approved by it by the vote of the majority of its legal number of members or with some of amendments introduced by the National Council, the estimates are considered as adopted.

Art. 105. The law mentioned in the second paragraph of Article 62 fixes the periods within which the Chamber of Deputies and the National Council are obliged to pass the decisions mentioned in the preceding Article (104). If the Chamber of Deputies and the National Council do not reach their decisions within these periods the estimates are considered as having been adopted in the form in which they have been adopted within the prescribed periods by the Chamber of Deputies or the National Council. If neither the Chamber of Deputies nor the National Council have adopted the estimates by the prescribed date, expenses can be met until the adoption of the estimates by the expenditure monthly of an amount not exceeding one-twelfth on the budget for the previous year; this matter shall be dealt with in detail by the law concerning the national budget.

Art. 106. The budget estimates adopted by the National Assembly shall be submitted to the President of the Republic for promulgation and they become valid at the beginning of the financial year.

Art. 107. State loans may be contracted by the decision of the National Assembly. A proposal to this effect shall be made by the Government of the Republic acting with the knowledge of the President of the Republic. The decision is passed in accordance with the rules of the Articles 94 and 95. The President of the Republic may request that the decision on a proposed loan may be voted at the plenary meeting of the National Assembly.

X Chapter.

The State Control.

Art. 108. The control over the economic activity of State services and enterprises and over the execution of the State budget is exercised by the State Control. The organization and functions of the State Control shall be determined in detail by law. The law shall also determine the functions of the State Control with regard to the Army in time of war. The law may determine the method of cooperation of the State Control in controlling the economic activities of the local self-government

and other organizations of public law in connection with the use of State funds allotted to them. The law shall fix the special rules and methods for the control of the economic side of the activity of those private enterprises in which the majority of shares is held by the Government.

Art. 109. The State Control is directed by the State Controller. The State Controller is nominated by the President of the Republic in virtue of his special right from among the candidates proposed by the plenary meeting of the National Assembly. The State Controller may be released from office by the President of the Republic acting either on his own initiative or on a decision of the plenary meeting of the National Assembly, adopted by the majority of the legal number of members of the National Assembly.

Art. 110. The State Control is independent in the exercise of its functions and only dependent on the law. The State Controller submits reports on the operation and results of the control to the President of the Republic, the Chamber of Deputies and the National Council.

Art. 111. In all matters within his competence the State Controller has the right to attend Government meetings with consultative voice. In the direction of his office the State Controller enjoys all the rights which are accorded to Cabinet ministers by law. He countersigns all decisions of the President of the Republic with regard to the State Control and bears the responsibility for these decisions. The State Controller can be brought to trial by a procedure identical to that applicable to Cabinet ministers.

XI Chapter.

The Courts of Justice.

Art. 112. Justice is administered by courts of justice which are independent in the exercise of their functions.

Art. 113. The functions of the supreme court are performed by the State Court of Justice, composed of the State judges. A special law will determine the authority of the competent minister to supervise the proper function of the courts and to require reports on their activities. The internal supervision of the courts shall be determined by law.

Art. 114. State and other judges are appointed from among the candidates proposed by the State Court of Justice by the President of the Republic in virtue of his special right and after consultation with the competent minister. The principles and detailed procedure for the proposal and submission of candidates shall be determined by law.

Art. 115. State judges are retired from office on attaining the age of seventy, other judges on attaining the age of sixty five. The latter age limit may be raised by the law with regard to some categories of judges up to the age of seventy. The law shall determine the age limit of the professional judges of the special courts. In case of continuous incapacity for work State and other judges may be retired from office before attaining the age limit in accordance with the law.

Art. 116. Judges may only be dismissed from office against their will or transferred from one place to another by a decision of the court. In cases where changes in the composition of the courts are due to the law, judges may be transferred from one place to another without their consent or be retired from office in the absence of suitable vacancies; in the latter case judges retired from office are entitled to receive for two years the salary due to them in their last office. The procedure for the trial of judges on account of professional delinquencies shall be determined by the law.

Art. 117. Apart from cases mentioned in the law judges cannot have other salaried occupations.

Art. 118. Special courts may be created for the purpose of dealing with cases belonging to certain categories. The appointment of the members of the special courts either by nomination or election is made according to the principles and procedure laid down by the law. The law also determines the professional status of the judges and in the case of the nomination of professional judges the rules of Articles 114 – 117 shall be applied to them.

Art. 119. Extraordinary courts are permitted within the limits of the law only in time of war, in regions under martial law and on board naval vessels.

Art. 120. In virtue of his special right the President of the Republic may, by an act of grace, pardon or reduce punishments inflicted on persons condemned by a valid verdict of the courts, or he may cancel the legal effect of such punishments. Punishments inflicted by the court on members of the Government of the Republic and the State Controller on account of their official activity may only be pardoned or reduced and the legal effects of such punishments cancelled by the President of the Republic in virtue of his special right if a proposal to this effect has been made by the plenary meeting of the National Assembly.

Art. 121. The initiation and procedure for determining in the courts the constitutional validity of acts of the State power shall be laid down by law.

XII Chapter.

Self-Government.

I Part.

Local Self-Government Bodies.

Art. 122. The organization of local administration and the development of local life is assured by the law to local self-governing institutions.

Art. 123. The administrative body of a local self-governing institution is the assembly of representatives elected by universal, equal, direct and secret suffrage. The electorate consists of the enfranchised citizens who have their fixed domicile or place of work within the boundaries of the self-governing unit. The organization of the second instance of the local self-governing institutions and the rules for the formation of their representative assemblies shall be determined by law. The local self-government institutions may form federations and cooperative organizations in accordance with the law.

Art. 124. The local self-government has the right to issue regulations for its district on the basis and within the limits laid down by the law. It has the right to impose on the basis of the law rates and duties in order to carry out its functions.

Art. 125. The details of the organization and supervision of the local self-government institutions shall be determined by the law.

II Part.

Autonomous Professional Bodies.

Art. 126. For the purpose of organizing and developing professional life autonomous professional bodies shall be created by the law. The organization, aims, powers, methods of election and supervision of these autonomous organizations shall be determined by the law. The law shall also determine the forms of cooperation of these bodies with one another and with State and other organizations.

Art. 127. Autonomous professional bodies have the right to issue on the basis and within the limits laid down by the law regulations obligatory for their members and to impose taxes upon them to carry out their functions.

XIII Chapter.

National Defense.

Art. 128. All Estonian citizens are obliged to take part in the national defence as laid down by the law.

Art. 129. The supreme head of the national defense and of the armed forces is the President of the Republic. He shall dispose of all available resources for national defense in accordance with the law. The immediate chief of the armed forces is in time of peace the Commander of the Armed Forces or in cases mentioned by the Constitution the Commander-in-Chief and in time of war the Commander-in-Chief. The Commander-in-Chief and the Commander of the Armed Forces are appointed and released from office by the President of the Republic by virtue of his special right.

Art. 130. From the announcement of mobilization or the beginning of the war until the declaration of the end of demobilization the President of the Republic may issue laws concerning national defense and the organization and leadership of the armed forces as decrees even during the sessions of the National Assembly.

Art. 131. The President of the Republic shall issue rules and regulations concerning national defense and the armed forces on the conditions laid down by the law.

Art. 132. The President of the Republic declares mobilization and demobilization by his decision. The President of the Republic may declare war after a decision to that effect by the plenary meeting of the National Assembly. Without waiting for the decision of the plenary meeting of the National Assembly the President of the Republic may decide to begin the hostilities in the case of an armed attack against the Republic or in cases where this is required to give effect to a treaty of alliance concluded for mutual defense. The President of the Republic shall conclude treaties of peace, which before ratification must be submitted to the National Assembly for approval.

Art. 133. After the announcement of mobilization, the estimates of war expenditure and, in case of necessity, the contracting of internal and foreign loans, to cover war expenses, shall be decided by the President of the Republic. Such decisions shall be submitted to the National Assembly for their information. The financial report on war expenditure is to be submitted to the National Assembly as soon as compiled.

Art. 134. The laws promulgated as decrees, regulations, rules, decisions and other acts issued by the President of the Republic with regard to national defense and the armed forces must bear, in addition to the countersign of the Prime Minister and the competent minister, the signature of the

Commander-in-Chief or the Commander of the Armed Forces. The cases in which the countersigning of orders and ordinances issued by the President of the Republic with regard to the armed forces is obligatory, are determined by the law; although the actual procedure is to be decided by the President of the Republic.

Art. 135. For the cases of mobilization or war the President of the Republic appoints the Commander-in-Chief of the Armed Forces. The Commander-in-Chief is directly subordinated to the President of the Republic; he is the direct chief of all the armed forces and conducts war operations according to his own judgment. The Commander-in-Chief reports and is responsible for his actions solely to the President of the Republic.

Art. 136. In time of war the Commander-in-Chief has the right, in the interests of military operations, to issue instructions and orders with regard to the organization of the national defense even to officials and institutions not under his control.

Art. 137. The powers of the Commander-in-Chief and the Commander of the Armed Forces shall be determined in detail by the law.

Art. 138. The President of the Republic has the right in the cases specified by law to appoint a Commander-in-Chief in the place of the Commander of Armed Forces even in time of peace. In such cases the Commander-in-Chief has in addition to the powers of the Commander of the Armed Forces, the right to issue in accordance with the principles determined by the law, instructions and orders even to officials and institutions not directly under his control with regard to the maintenance of internal and external security.

Art. 139. The Commander-in-Chief or the Commander of the Armed Forces has the right to attend Government meetings with consultative voice.

Art. 140. In time of war the President of the Republic, in deciding on the dismissal or appointment of the Government of the Republic or its individual members, shall consult the opinion of the Commander-in-Chief.

Art. 141. The Commander-in-Chief cannot be brought to trial while in office otherwise than by a decision taken by the President of the Republic in virtue of his special right for crimes against the supreme power of the State and high treason. Likewise the Commander of the Armed Forces and the retired Commander-in-Chief can be brought to trial for such crimes and delinquencies committed while in office only by a decision of the President of the Republic taken in virtue of his special right. The case is heard and judged by the State Court of Justice.

Art. 142. The President of the Republic has in his capacity as supreme head of the national defense a Council of National Defense attached to him in time of peace as a consultative body. The composition and powers of this body are regulated by law. The members of the Council of National Defense include the Prime Minister, five members of the Government of the Republic appointed by the President, the Commander-in-Chief or Commander of the Armed Forces and the Chief of Staff of the Armed Forces. The Committee of National Defense also includes the President of the Chamber of Deputies and the President of the National Council.

Art. 143. The citizens engaged in military service have all the rights and duties of citizens as laid down in the Constitution and the laws, in so far as the law has not introduced exceptions to these rights and duties in the interests of military discipline and the particular conditions of the service.

Art. 144. Should it appear necessary for reasons of State, the President of the Republic may lawfully proclaim the institution of martial law either throughout the Republic or in some of its sections for a period not exceeding one year. Martial law comes into force with its proclamation. The President of the Republic has the right to announce by decision that certain categories of crimes committed at the earliest three days before the proclamation of martial law, may be prosecuted according to the prescriptions applicable under martial law. The decision of the President of the Republic proclaiming martial law shall be submitted to the National Assembly within seven days from its proclamation. The National Assembly decides the question in its plenary meeting. If the majority of the legal number of members of the National Assembly refuses to confirm the decision of the President of the Republic, martial law becomes invalid on the publication of the decision of the National Assembly. When order for mobilization is given, martial law becomes valid throughout the State without being proclaimed and remains in force until the declaration of the end of the mobilization. During the time of martial law the rights of the citizens mentioned in the second Chapter of the Constitution, may be restricted in certain cases and within the limits determined by the law.

Art. 145. In time of war the powers of the President of the Republic, of the members of the National Assembly and the members of the representative assemblies of the local self-government bodies are prolonged. In the case of the prolongation of these terms of office elections shall be proclaimed at the latest within three months from the declaration of the end of demobilization. If martial law is proclaimed throughout the State, the President of the Republic may with the consent of the National Assembly postpone the elections until the termination of martial law either throughout the State or in some of its sections. The National Assembly must pass such decisions by a majority of its legal number of members.

XIV Chapter.

Alteration of the Constitution.

Art. 146. The right to initiate constitutional amendments rests with the President of the Republic and the majority of the legal number of members of the Chamber of Deputies and the National Council.

Art. 147. Amendments to the Constitution initiated according to the preceding Article (146) shall be passed by the National Assembly in the manner laid down for the adoption of laws, with this difference that the draft amendment must be adopted by the majority of the legal number of members in both Chambers and in the cases foreseen in the last paragraph of Article 95 by a two-thirds majority of the legal number of members of the Chamber of Deputies. After the adoption of the draft amendment by the National Assembly the President of the Republic shall order the election of a new Chamber of Deputies and the formation of a new National Council, which must be carried out at the latest within three months after the adoption of the draft amendment by the National Assembly. If the new National Assembly adopts without change the draft amendment to the Constitution passed by the preceding National Assembly as laid down in the preceding paragraph, the law amending the Constitution is considered to be adopted and is submitted to the President of the Republic for promulgation.

Art. 148. A law amending the Constitution adopted by the National Assembly in the manner prescribed in the second paragraph of the preceding Article (147) is promulgated by the President of the Republic within three months after its adoption, unless the President of the Republic during this period demands that the law be submitted to the decision of the people by plebiscite. The President of the Republic may submit for the decision of the people by plebiscite a draft amendment to the

Constitution initiated by him if a new National Assembly has not adopted it in the manner prescribed in the second paragraph of Article 147 within three months after the first meeting of the new National Assembly.

Art. 149. If the new National Assembly to which a draft amendment due to the initiative of the President of the Republic has been submitted, has not passed this amendment within three months after the draft has been given to the National Assembly to decide, or has rejected the draft, the President of the Republic may call upon the people to decide by plebiscite the question of principle involved in this amendment. If the people decide the question in the affirmative by a majority of those who took part in the plebiscite, elections for a new Chamber of Deputies and the formation of a new National Council shall be proclaimed. The new National Assembly shall adopt the law amending the Constitution in the ordinary legislative manner and with the wording approved by the people within six months after its first meeting. The rules of the first paragraph of the preceding Article (148) shall be applied to the draft law.

Art. 150. A law amending the Constitution is considered as adopted by the people, if the number of votes cast in favor of it exceeds the number of adverse votes. If the law amending the Constitution is adopted by plebiscite, it is promulgated by the President of the Republic immediately. Details of the procedure applied to the plebiscite shall be determined by the law.