CONSTITUTION

OF THE

DEMOCRATIC REPUBLIC OF VIET-NAM

HANOI
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Adopted by the National Assembly of the Democratic Republic of Viet-nam at its 11th session held on December 31, 1959 in Hanoi

CONTENTS

PREAMBLE

Viet-nam is a single entity from Lang-son to Camau.

The Vietnamese people, throughout their thousands of years of history, have been an industrious working people who have struggled unremittingly and heroically to build their country and to defend the independence of their Fatherland.

Throughout more than eighty years of French colonial rule and five years of occupation by the Japanese fascists, the Vietnamese people consistently united and struggled against domination by the foreign aggressors in order to liberate their country.

From 1930 onwards, under the leadership of the Indochinese Communist Party — now the Viet-nam Lao dong Party — the Vietnamese revolution advanced into a new stage. The persistent struggle, full of hardship and heroic sacrifice, of our people against imperialist and feudal domination won great success : the August Revolution was victorious, the Democratic Republic of Viet-nam was founded, and, on September 2, 1945, President Ho-chi-

Minh proclaimed Viet-nam's independence to the people and the world. For the first time in their history, the Vietnamese people had founded an independent and democratic Viet-nam.

On January 6, 1946, the entire Vietnamese people, from North to South, enthusiastically took part in the first general elections to the National Assembly. The National Assembly adopted the first Constitution, which clearly recorded the great successes of our people and highlighted the determination of the entire nation to safeguard the independence and unity of the Fatherland and to defend the freedom and democratic rights of the people.

However, the French imperialists, assisted by the U.S. imperialists, again provoked an aggressive war in an attempt to seize our country and once more enslave our people. Under the leadership of the Vietnamese working class Party and the Government of the Democratic Republic of Viet-nam, our entire people, united as one, rose to fight the aggressors and save their country. At the same time, our people carried out land rent reduction and land reform with the aim of overthrowing the landlord class, and restoring the land to those who till it. The long, hard and extremely heroic war of resistance of the Vietnamese people, which enjoyed the sympathy and support of the socialist countries, of the oppressed peoples and of friends of peace throughout the world, won glorious victory. With the Dien-bien-phu victory, the Vietnamese people defeated the French imperialists and the U.S. interventionists. The 1954 Geneva Agreements were concluded: peace was restored in Indochina on the basis of recognition of the independence, sovereignty, unity and territorial integrity of our country.

This major success of the Vietnamese people was also a common success of the liberation movement of the oppressed peoples, of the world front of peace and of the socialist camp.

Since the restoration of peace, in completely liberated north Viet-nam, our people have carried through the

national people's democratic revolution. But the South is still under the rule of the imperialists and feudalists; our country is still temporarily divided into two zones.

The Vietnamese revolution has moved into a new position. Our people must endeavour to consolidate the North, taking it towards socialism; and to carry on the struggle for peaceful reunification of the country and completion of the tasks of the national people's democratic revolution throughout the country.

In the last few years, our people in the North have achieved many big successes in economic rehabilitation and cultural development. At present, socialist transformation and construction are being successfully carried out.

Meanwhile, in the South, the U.S. imperialists and their henchmen have been savagely repressing the patriotic movement of our people. They have been strengthening military forces, and carrying out their scheme of turning the southern part of our country into a colony and military base for their war preparations. They have resorted to all possible means to sabotage the Geneva Agreements and undermine the cause of Viet-nam's reunification. But our southern compatriots have constantly struggled heroically and refused to submit to them. The people throughout the country, united as one, are holding aloft the banner of peace, national unity, independence and democracy, resolved to march forward and win final victory. The cause of the peaceful reunification of the Fatherland will certainly be victorious.

In the new stage of the revolution, our National Assembly must amend the 1946 Constitution in order to adapt it to the new situation and tasks.

The new Constitution clearly records the great revolutionary gains in the recent past, and clearly indicates the goal of struggle of our people in the new stage.

Our State is a people's democratic State based on the alliance between the workers and peasants and led by

the working class. The new Constitution defines the political, economic and social system of our country, the relations of equality and mutual assistance among the various nationalities in our country, and provides for the taking of the North towards socialism, the constant improvement of the material and cultural life of the people and the building of a stable and strong North Viet-nam as a basis for the struggle for the peaceful reunification of the country.

The new Constitution defines the responsabilities and powers of the State organs and the rights and duties of citizens, with a view to developing the great creative potentialities of our people in national construction and in the reunification and defence of the Fatherland.

The new Constitution is a genuinely democratic Constitution. It is a force inspiring the people throughout our country to march forward enthusiastically and win new successes. Our people are resolved to develop further their patriotism, their tradition of solidarity, their determination to struggle and their ardour in work. Our people are resolved to strengthen further solidarity and unity of mind with the brother countries in the socialist camp headed by the great Soviet Union, and to strengthen solidarity with the peoples of Asia and Africa and peace-loving people all over the world.

Under the clearsighted leadership of the Viet-nam Lao dong Party, the Government of the Democratic Republic of Viet-nam and President Ho-chi-Minh, our entire people, broadly united within the National United Front, will surely win glorious success in the building of socialism in North Viet-nam and the struggle for national reunification. Our people will surely be successful in building a peaceful, unified, independent, democratic, prosperous and strong Viet-nam, making a worthy contribution to the safeguarding of peace in South-east Asia and the world.

Chapter I

THE DEMOCRATIC REPUBLIC OF VIET-NAM

Art. 1. — The territory of Viet-nam is a single, indivisible whole from North to South.

Art. 2. — The Democratic Republic of Viet-nam, established and consolidated as a result of victories won by the Vietnamese people in the glorious August Revolution and the heroic Resistance, is a people's democratic State.

Art. 3 — The Democratic Republic of Viet-nam is a single multi-national State.

All the nationalities living on Vietnamese territory are equal in rights and duties. The State has the duty to maintain and develop the solidarity between the various nationalities. All acts of discrimination against, or oppression of any nationality, all actions which undermine the unity of the nationalities, are strictly prohibited.

All nationalities have the right to preserve or reform their own customs and habits, to use their spoken and written languages, and to develop their own national culture.

Autonomous zones may be established in areas where people of national minorities live in compact communities. Such autonomous zones are inalienable parts of the Democratic Republic of Viet-nam.

The State strives to help the national minorities to make rapid progress and to keep pace with the general economic and cultural advance.

Art. 4. — All power in the Democratic Republic of Viet-nam belongs to the people. The people exercise power through the National Assembly and the People's Councils at all levels elected by the people and responsible to the people.

The National Assembly, the People's Councils at all levels and the other organs of State practise democratic centralism.

Art. 5. — Election of deputies to the National Assembly and the People's Councils at all levels proceeds on the principle of universal, equal, direct and secret suffrage.

Deputies to the National Assembly and People's Councils at all levels may be recalled by their constituent before their term of office expires if they show themselves to be unworthy of the confidence of the people.

Art. 6. — All organs of State must rely on the people, maintain close contact with them, heed their opinions and accept their supervision.

All personnel of organs of State must be loyal to the people's democratic system, observe the Constitution and the law, and wholeheartedly serve the people.

Art. 7. — The State strictly prohibits and punishes all acts of treason, opposition to the people's democratic system, or opposition to the reunification of the Fatherland.

Art. 8. — The armed forces of the Democratic Republic of Viet-nam belong to the people; their duty is to safeguard the gains of the revolution, and defend the independence, sovereignty, territorial integrity and security of the Fatherland, and the freedom, happiness and peaceful labour of the people.

Chapter II

ECONOMIC AND SOCIAL SYSTEM

Art. 9. — The Democratic Republic of Viet-nam is advancing step by step from people's democracy to socialism by developing and transforming the national economy along socialist lines, transforming its backward economy into a socialist economy with modern industry and agriculture, and an advanced science and technology.

The fundamental aim of the economic policy of the Democratic Republic of Viet-nam is continuously to develop the productive forces with the aim of raising the material and cultural standards of the people.

Art. 10. — The State leads all economic activities according to a unified plan.

The State relies on the organs of State, trade union organizations, co-operatives and other organizations of the working people, to elaborate and carry out its economic plans.

Art. 11. — In the Democratic Republic of Viet-nam, during the present period of transition to socialism, the main forms of ownership of means of production are: state ownership, that is, ownership by the whole people; co-operative ownership, that is, collective ownership by the working masses; ownership by individual working people; and ownership by the national capitalists.

Art. 12. — The State sector of the economy, which is a form of ownership by the whole people, plays the leading role in the national economy. The State ensures priority for its development.

All mineral resources and waters, and all forests, undeveloped land, and other resources defined by law as belonging to the State, are the property of the whole people.

Art. 13. — The co-operative sector of the economy is a form of collective ownership by the working masses.

The State especially encourages, guides and helps the development of the co-operative sector of the economy.

Art. 14. — The State by law protects the right of peasants to own land and other means of production.

The State actively guides and helps the peasants to improve farming methods and increase production, and encourages them to organize producers', supply and marketing, and credit co-operatives, in accordance with the principle of voluntariness.

Art. 15. — The State by law protects the right of handicraftsmen and other individual working people to own means of production.

The State actively guides and helps handicraftsmen and other individual working people to improve their enterprises, and encourages them to organize producers' and supply and marketing co-operatives in accordance with the principle of voluntariness.

Art. 16. — The State by law protects the right of national capitalists to own means of production and other capital.

The State actively guides the national capitalists in carrying out activities beneficial to national welfare and the people's livelihood, contributing to the development of the national economy, in accordance with the economic plan of the State. The State encourages and guides the national capitalists in following the path of socialist transformation through the form of joint State-private enterprises, and other forms of transformation.

Art. 17. — The State strictly prohibits the use of private property to disrupt the economic life of society, or to undermine the economic plan of the State.

Art. 18. — The State protects the right of citizens to possess lawfully-earned incomes, savings, houses, and other private means of life.

Art. 19. — The State by law protects the right of citizens to inherit private property.

Art. 20. — Only when such action is necessary in the public interest, does the State repurchase, requisition or nationalize with appropriate compensation means of production in city or countryside, within the limits and in the conditions defined by law.

Art. 21. — Labour is the basis on which the people develop the national economy and raise their material and cultural standards.

Labour is a duty and a matter of honour for every citizen.

The State encourages the creativeness and the enthusiasm in labour of workers by hand and brain.

Chapter III

FUNDAMENTAL RIGHTS AND DUTIES OF CITIZENS

Art. 22. — Citizens of the Democratic Republic of Viet-nam are equal before the law.

Art. 23. — Citizens of the Democratic Republic of Viet-nam who have reached the age of eighteen have the right to vote, and those who have reached the age of twenty-one have the right to stand for election, whatever their nationality, race, sex, social origin, religion, belief, property status, education, occupation, or length of residence, except insane persons and persons deprived by a court or by law of the right to vote and stand for election.

Citizens serving in the army have the right to vote and stand for election.

Art. 24. — Women in the Democratic Republic of Viet-nam enjoy equal rights with men in all spheres of political, economic, cultural, social and domestic life.

For equal work, women enjoy equal pay with men. The State ensures that women workers and office

employees have fully-paid periods of leave before and after child birth.

The State protects the mother and child and ensures the development of maternity hospitals, creches and kindergatens.

The State protects marriage and the family.

Art. 25. — Citizens of the Democratic Republic of Viet-nam enjoy freedom of speech, freedom of the press, freedom of assembly, freedom of association and freedom of demonstration. The State guarantees all necessary material conditions for citizens to enjoy these freedoms.

Art. 26. — Citizens of the Democratic Republic of Viet-nam enjoy freedom of religious belief ; they may pratise or not practise a religion.

Art. 27. — Freedom of the person of citizens of the Democratic Republic of Viet-nam is guaranteed. No citizen may be arrested except by decision of a people's court or with the sanction of a People's Organ of Control.

Art. 28. — The law guarantees the inviolability of the homes of the citizens of the Democratic Republic of Viet-nam and inviolability of mail.

Citizens of the Democratic Republic of Viet-nam enjoy freedom of residence and movement.

Art. 29. — Citizens of the Democratic Republic of Viet-nam have the right to complain of and denounce to any organ of State any servant of the State for transgression of law. These complaints and denunciations must be investigated and dealt with rapidly. People suffering loss owing to infringement by servants of the State of their rights as citizens are entitled to compensation.

Art. 30. — Citizens of the Democratic Republic of Viet-nam have the right to work. To guarantee to citizens enjoyment of this right, the State, by planned development of the national economy, gradually creates more employment and better working conditions and wages.

Art. 31. — Working people have the right to rest. To guarantee to working people enjoyment of this right, the State prescribes working hours and holidays for workers and office employees, and gradually expands material facilities to enable working people to rest and build up their health.

Art. 32. — Working people have the right to material assistance in old age, and in case of illness or disability. To guarantee to working people enjoyment of this right, the State gradually expands social insurance, social assistance and public health service.

Art. 33. — Citizens of the Democratic Republic of Viet-nam have the right to education. To guarantee to citizens enjoyment of this right, the State enforces step by step the system of compulsory education, gradually extends the various types of schools and other cultural institutions, extends the various forms of supplementary cultural, technical, and professional education in public services and factories, and in other organizations in town and countryside.

Art. 34. — Citizens of the Democratic Republic of Viet-nam enjoy freedom to engage in scientific research, literary and artistic creation and other cultural pursuits. The State encourages and assists creative work in science, literature, art and other cultural pursuits.

Art. 35. — The State pays special attention to the moral, intellectual and physical education of youth.

Art. 36. — The State protects the proper rights and interests of Vietnamese resident abroad.

Art. 37. — The Democratic Republic of Viet-nam grants the right of asylum to any foreign national persecuted for demanding freedom, for supporting a just cause, for taking part in the peace movement, or for engaging in scientific activity.

Art. 38. — The State forbids any person to use democratic freedoms to the detriment of the interests of the State and of the people.

Art. 39. — Citizens of the Democratic Republic of Viet-nam must abide by the Constitution and the law, uphold discipline at work, keep public order and respect social ethics.

Art. 40. — The public property of the Democratic Republic of Viet-nam is sacred and inviolable. It is the duty of every citizen to respect and protect public property.

Art. 41. — Citizens of the Democratic Republic of Viet-nam have the duty to pay taxes according to law.

Art. 42. — To defend the Fatherland is the most sacred and noble duty of citizens of the Democratic Republic of Viet-nam.

It is the duty of citizens to perform military service in order to defend the Fatherland.

Chapter IV

THE NATIONAL ASSEMBLY

Art. 43. — The National Assembly is the highest organ of State autority in the Democratic Republic of Viet-nam.

Art. 44. — The National Assembly is the only legislative authority of the Democratic Republic of Viet-nam.

Art. 45. — The term of office of the National Assembly is four years.

A new National Assembly must be elected two months before the term of office of the sitting National Assembly expires.

The electoral procedure and the number of deputies are prescribed by law.

In the event of war or other exceptional circumstances, the National Assembly may decide to prolong its term of office and take necessary measures to ensure its activities and those of deputies.

Art. 46. — The National Assembly meets twice a year, convened by its Standing Committee. The

Standing Committee of the National Assembly may convene extraordinary sessions of the National Assembly according to its decisions, or at the request of the Council of Ministers, or of a minimum of one-third of the total number of deputies.

The Standing Committee of the National Assembly must convene the new National Assembly not later than two months after the elections.

Art. 47. — When the National Assembly meets, it elects a presidium to conduct its sittings.

Art. 48. — Laws and other decisions of the National Assembly require a simple majority vote of all deputies to the National Assembly, except for the case specified in article 112 of the Constitution.

Art. 49. — Laws must be promulgated not later than fifteen days after their adoption by the National Assembly.

Art. 50. — The National Assembly exercises the following functions :

1. To enact and amend the Constitution ;
2. to enact laws ;
3. to supervise the enforcement of the Constitution ;
4. to elect the President and Vice-President of the Democratic Republic of Viet-nam ;
5. to choose the Prime Minister of the Government upon the recommendation of the President of the Democratic Republic of Viet-nam and the Vice-Premiers and the other component members of the Council of Ministers upon the recommendation of the Prime Minister ;
6. to choose the Vice-President and the other component members of the National Defence Council upon the recommendation of the President of the Democratic Republic of Viet-nam ;

7. to elect the President of the Supreme People's Court ;
8. to elect the Procurator general of the Supreme People's Organ of Control ;
9. to remove the President and Vice-President of the Democratic Republic of Viet-nam, the Prime Minister, the Vice-Premiers and the other component members of the National Defence Council, the President of the Supreme People's Court and the Procurator general of the Supreme People's Organ of Control ;
10. to decide upon national economic plans ;
11. to examine and approve the State budget and the financial report ;
12. to fix taxes ;
13. to decide the establishment and abolition of ministries and of organs having a status equal to that of a ministry ;
14. to ratify the boundaries of provinces, autonomous regions and municipalities directly under the central authority ;
15. to decide on general amnesties ;
16. to decide on questions of war and peace ; and
17. to exercise other necessary functions as defined by the National Assembly.

Art. 51. — The Standing Committee of the National Assembly is a permanent executive body of the National Assembly and is elected by it. The Standing Committee is composed of :

— the Chairman ;
— the Vice-Chairmen ;
— the Secretary General ; and
— other members.

Art. 52. — The Standing Committee of the National Assembly is responsible to the National Assembly and reports to it.

The National Assembly has power to remove any member of the Standing Committee.

Art. 53. — The Standing Committee of the National Assembly exercices the following functions.

1. to proclaim and conduct the election of deputies to the National Assembly ;
2. to convene the National Assembly ;
3. to interpret the laws ;
4. to enact decrees ;
5. to decide on referenda ;
6. to supervise the work of the Council of Ministers, the Supreme People's Court and the Supreme People's Organ of Control ;
7. to revise or annul decisions, orders and directives of the Council of Ministers which contravene the Constitution, laws and decrees ; to revise or annul inappropriate decisions issued by the People's Councils of provinces, autonomous regions and municipalities directly under the central authority ; and to dissolve the above-mentioned People's Councils if they do serious harm to the people's interests ;
8. to decide on the appointment or removal of the Vice-Premiers and the other component members of the Council of Ministers when the National Assembly is not in session ;
9. to appoint or remove the Vice-Presidents and judges of the Supreme People's Court ;
10. to appoint or remove the Deputy Procurators general and procurators of the Supreme People's Organ of Control ;
11. to decide on the appointment or removal of plenipotentiary diplomatic representatives of the Democratic Republic of Viet-nam to foreign States ;
12. to decide on the ratification or abrogation of treaties concluded with foreign States, except when the Standing Committee considers it necessary to refer such ratification or abrogation to the National Assembly for decision ;

13. to decide on military, diplomatic and other grades and ranks ;
14. to decide on the granting of pardons ;
15. to institute and decide on the award of state orders, medals and titles of honour ;
16. to decide, when the National Assembly is not in session, on the proclamation of a state of war in the event of armed attack on the country ;
17. to decide on general or partial mobilization ;
18. to decide on the enforcement of martial law throughout the country or in certain areas.

Apart from these functions, the National Assembly may, when necessary, invest the Standing Committee with other functions.

Art. 54. — The decisions of the Standing Committee of the National Assembly must be approved by a simple majority vote of its members.

Art. 55. — The Standing Committee of the National Assembly exercices its functions until a new Standing Committee is elected by the succeeding National Assembly.

Art. 56. — The National Assembly elects a Commission for examination of the qualifications of deputies to the National Assembly. The National Assembly will base itself on the reports of this commission in deciding on the recognition of the qualifications of deputies.

Art. 57. — The National Assembly establishes a Law Drafting Committee, a Planning Board and Budget Commission, and other Committees which the National Assembly deems necessary to assist the National Assembly and its Standing Committee.

Art. 58. — The National Assembly, or its Standing Committee when the National Assembly is not in

session, may, if necessary, appoint commissions of inquiry to investigate specific questions.

All organs of State, people's organizations and citizens concerned are required to supply all information necessary to these commissions when they conduct investigations.

Art. 59. — Deputies to the National Assembly have the right to address questions to the Council of Ministers and to organs under the authority of the Council of Ministers.

The organs to which questions are put are obliged to answer within a period of five days. In the event of investigations having to be carried out, the answer must be given within one month.

Art. 60. — No deputy to the National Assembly may be arrested or tried without the consent of the National Assembly or, when the National Assembly is not in session, of its Standing Committee.

Chapter V

THE PRESIDENT OF THE DEMOCRATIC REPUBLIC OF VIET-NAM

Art. 61. — The President of the Democratic Republic of Viet-nam is the representative of the Democratic Republic of Viet-nam in internal affairs as well as in foreign relations.

Art. 62. — The President of the Democratic Republic of Viet-nam is elected by the National Assembly of the Democratic Republic of Viet-nam. Any citizen of the Democratic Republic of Viet-nam who has reached the age of thirty-five is eligible to stand for election as President of the Democratic Republic of Viet-nam.

The term of office of the President of the Democratic Republic of Viet-nam corresponds to that of the National Assembly.

Art. 63. — The President of the Democratic Republic of Viet-nam, in pursuance of decisions of the National Assembly or its Standing Committee, promulgates laws and decrees ; appoints or removes the Prime Minister, the Vice-Premiers and the other component members of the Council of Ministers ; appoints or removes the Vice-President and the other component

members of the National Defence Council; promulgates general amnesties and grants pardons; confers orders, medals and titles of honour of the State; proclaims a state of war; orders general or partial mobilization; and proclaims martial law.

Art. 64. — The President of the Democratic Republic of Viet-nam receives plenipotentiary representatives of foreign States; and, in pursuance of decisions of the National Assembly or its Standing Committee, ratifies treaties concluded with foreign States, appoints or recalls plenipotentiary representatives of the Democratic Republic of Viet-nam to foreign States.

Art. 65. — The President of the Democratic Republic of Viet-nam is the supreme commander of the armed forces of the country, and is President of the National Defence Council.

Art. 66. — The President of the Democratic Republic of Viet-nam has power, when necessary, to attend and preside over the meetings of the Council of Ministers.

Art. 67. — The President of the Democratic Republic of Viet-nam, when necessary, convenes and presides over the Special Political Conference.

The Special Political Conference is composed of the President and Vice-President of the Democratic Republic of Viet-nam, the Chairman of the Standing Committee of the National Assembly, the Prime Minister and other persons concerned.

The Special Political Conference examines major problems of the country. The President of the Democratic Republic of Viet-nam submits the view of this conference to the National Assembly, the Standing Committee of the National Assembly, the Council of Ministers or other bodies concerned, for their consideration and decision.

Art. 68. — The Vice-President of the Democratic Republic of Viet-nam assists the President in his duties. The Vice-President may exercise such part of the functions of the President as the President may entrust to him.

The provisions governing the election and term of office of the President apply also to the election and term of office of the Vice-President.

Art. 69. — The President and Vice-President of the Democratic Republic of Viet-nam exercise their functions until the new President and Vice-President take office.

Art. 70. — Should the President of the Democratic Republic of Viet-nam be incapacitated for a prolonged period by reason of ill health, the functions of President shall be exercised by the Vice-President.

Should the office of President of the Democratic Republic of Viet-nam fall vacant, the Vice-President shall fulfil the functions of President until the election of a new President.

Chapter VI

THE COUNCIL OF MINISTERS

Art. 71. — The Council of Ministers is the executive organ of the highest organ of State authority ; it is the highest administrative organ of the Democratic Republic of Viet-nam.

The Council of Ministers is responsible to the National Assembly and reports to it, or, when the National Assembly is not in session, to the Standing Committee of the National Assembly.

Art. 72. — The Council of Ministers is composed of :
— the Prime Minister ;
— the Vice-Premiers ;
— the Ministers ;
— the Heads of State Commissions ; and
— the Director-General of the National Bank.

The organization of the Council of Ministers is determined by law.

Art. 73. — Basing itself on the Constitution, laws and decrees, the Council of Ministers formulates administrative measures, issues decisions and orders and verifies their execution.

Art. 74. — The Council of Ministers exercises the following functions :

1. to submit draft laws, draft decrees and other drafts to the National Assembly and the Standing Committee of the National Assembly ;

2. to centralize the leadership of the Ministries and organs of State under the authority of the Council of Ministers ;

3. to centralize the leadership of the administrative committees at all levels ;

4. to revise or annul inappropriate decisions of the Ministries, and organs of State under the authority of the Council of Ministers ; to revise or annul inappropriate decisions of administrative organs at all levels ;

5. to suspend the execution of inappropriate decisions of the People's Councils of provinces, autonomous zones and municipalities directly under the central authority, and recommend to the Standing Committee of the National Assembly revision or annulment of these decisions ;

6. to put into effect the national economic plans and the provisions of the State budget ;

7. to control home and foreign trade ;

8. to direct cultural and social work ;

9. to safeguard the interests of the State, to maintain public order, and to protect the rights and interests of citizens ;

10. to lead the building of the armed forces of the State ;

11. to direct the conduct of external relations ;

12. to administer affairs concerning the nationalities ;

13. to ratify territorial boundaries of administrative areas below the provincial level ;

14. to carry out the order of mobilization, martial law and all other necessary measures to defend the country ;

15. to appoint and remove personnel of organs of State, according to provisions of law.

Besides these functions the National Assembly or its Standing Committee may invest the Council of Ministers with other functions.

Art. 75. — The Prime Minister presides over the meetings of the Council of Ministers and leads its work. The Vice-Premiers assist the Prime Minister in his work and may replace him in the event of his absence.

Art. 76. — The Ministers and heads of organs of State under the authority of the Council of Ministers lead the work of their respective departments under the unified leadership of the Council of Ministers.

Within the jurisdiction of their respective departments, in accordance with and in pursuance of laws and decrees, decisions, orders and directives of the Council of Ministers, they may issue orders and directives and supervise their execution.

Art. 77. — In the discharge of their functions, members of the Council of Ministers bear responsibility before the law for such acts as contravene the Constitution and the law and do harm to the State or the people.

Chapter VII

THE LOCAL PEOPLE'S COUNCILS AND THE LOCAL ADMINISTRATIVE COMMITTEES AT ALL LEVELS

Art. 78. — The administrative division of the Democratic Republic of Viet-nam is as follows :

The country is divided into provinces, autonomous zones and municipalities directly under the central authority.

Provinces are divided into districts, cities and towns.

Districts are divided into villages and townlets.

Administrative units in autonomous zones will be determined by law.

Art. 79. — People's Councils and administrative committees are established in all the above mentioned administrative units.

Cities may be divided into wards with a ward People's Council and administrative committee, according to decision of the Council of Ministers.

Art. 80. — Local People's Councils at all levels are the organs of State authority in their respective areas.

People's Councils at all levels are elected by the local people and are responsible to them.

Art. 81. — The term of office of the People's Councils of provinces, autonomous zones and municipalities directly under the central authority is three years.

The term of office of the People's Councils of districts, cities, towns, villages, townlets and wards is two years.

The term of office of the People's Councils at all levels in autonomous zones is fixed by law.

The electoral procedure and the number of representatives to People's Councils at all levels are determined by law.

Art. 82. — The People's Councils ensure observance and execution of State laws in their respective areas; draw up plans for local economic and cultural development and public works; examine and approve local budgets and financial reports; maintain public order and security in their areas; protect public property, protect the rights of citizens and safeguard the equal rights of the nationalities.

Art. 83. — The local People's Councils issue decisions for execution in their areas on the basis of State law and of decisions taken at higher levels.

Art. 84. — The People's Councils elect administrative committees and have power to recall members of administrative committees.

The People's Councils elect, and have power to recall, the presidents of the People's Courts at corresponding levels.

Art. 85. — The People's Councils have power to revise or annul inappropriate decisions issued by administrative committees at corresponding levels as

well as inappropriate decisions issued by People's Councils and administrative committees at the next lower level.

Art. 86. — The People's Councils at all levels have power to dissolve People's Councils at the next lower level when the latter do serious harm to the people's interests. Such a decision must be ratified by the People's Council at the next higher level prior to its application. A decision of dissolution issued by the People's Councils of provinces, autonomous zones and municipalities directly under the central authority is subject to endorsement by the Standing Committee of the National Assembly prior to its application.

Art. 87. — The administrative committees at all levels are the executive organs of the local People's Councils at corresponding levels, and are the administrative organs of State in their respective areas.

Art. 88. — The administrative committee is composed of President, one or several Vice-Presidents, a secretary, and a number of committee members.

The term of office of an administrative committee is the same as that of the People's Council which elected it.

On the expiration of the term of office of the People's Council or in the event of its dissolution, the administrative committee continues to exercise the above functions until a new People's Council has elected a new administrative committee.

The organization of administrative committees at all levels is determined by law.

Art. 89. — The administrative committees at all levels direct the administrative work in their respective areas, carry out the decisions issued by People's

Councils at corresponding levels and the decisions and orders issued by organs of State at higher levels.

The administrative committes at all levels, within the limits of the authority prescribed by law, issue decisions and orders and verify their execution.

Art. 90. — The administrative committees at all levels direct the work of their subordinate departments and the work of administrative committees at lower levels.

The administrative committees at all levels have power to revise or annul inappropriate decisions of their subordinate departments and of administrative committees at lower levels.

The administrative committees at all levels have power to suspend the carrying out of inappropriate decisions of People's Councils at the next lower level, and to propose to People's Councils at corresponding levels the revision or annulment of such decisions.

Art. 91. — The administrative committees at all levels are responsible to the People's Councils at corresponding levels and to the administrative organs of State at the next higher level and shall report to these bodies.

The administrative committees at all levels are placed under the leadership of the administrative committees at the next higher level, and under the unified leadership of the Council of Ministers.

THE PEOPLE'S COUNCILS AND ADMINISTRATIVE COMMITTEES IN AUTONOMOUS ZONES

Art. 92. — The organization of the People's Councils and administrative committees in autonomous zones are based on the basic principles governing the

organization of the People's Councils and administrative committees at all levels, as defined above.

Art. 93. — In the autonomous zones where a number of nationalities live together, they are entitled to appropriate representation on the People's Councils.

Art. 94. — The People's Councils and the administrative committees in autonomous zones work out plans for economic and cultural development suited to the local conditions, administer their local finances, and organize their local self-defence and public security forces, within the limits of autonomy prescribed by law.

Art. 95. — The People's Councils in autonomous zones may, within the limits of autonomy, and basing themselves on the political, economic and cultural characteristics of the nationalities in their respective areas, draw up statutes governing the exercise of autonomy and regulations concerning particular problems, to be put into effect in their areas, after endorsement by the Standing Committee of the National Assembly.

Art. 96. — The higher organs of State must ensure that the People's Councils and administrative committees in the autonomous zones exercise their right to autonomy, and assist the minority peoples in the full promotion of their political, economic and cultural development.

Chapter VIII

THE PEOPLE'S COURTS AND THE PEOPLE'S ORGANS OF CONTROL

THE PEOPLE'S COURTS

Art. 97. — The Supreme People's Court of the Democratic Republic of Viet-nam, the local People's Courts and the military courts are judicial organs of the Democratic Republic of Viet-nam.

Special courts may be set up by the National Assembly in certain cases.

Art. 98. — The system of elected judges according to the procedure prescribed by law applies to the People's Courts.

The term of office of the President of the Supreme People's Court is five years.

The organization of the People's Courts is determined by law.

Art. 99. — Judicial proceedings in the People's Courts must be carried out with the participation of people's assessors according to law. In administering justice, people's assessors enjoy the same powers as judges.

Art. 100. — In administering justice, the People's Courts are independent, and subject only to law.

Art. 101. — Cases in the People's Courts are heard in public unless otherwise provided for by law.

The right to defence is guaranteed the accused.

Art. 102. — The People's Courts ensure that all citizens of the Democratic Republic of Viet-nam belonging to national minorities may use their own spoken and written languages in court proceedings.

Art. 103. — The Supreme People's Court is the highest judicial organ of the Democratic Republic of Viet-nam.

The Supreme People's Court supervises the judicial work of local People's Courts, military courts and special courts.

Art. 104. — The Supreme People's Court is respon-responsible to the National Assembly and reports to it, or when the National Assembly is not in session, to its Standing Committee. The local People's Courts are responsible to the local People's Councils at corresponding levels and report to them.

THE PEOPLE'S ORGANS OF CONTROL

Art. 105. — The Supreme People's Organ of Control of the Democratic Republic of Viet-nam controls the observance of the law by all departments of the Council of Ministers, all local organs of State, persons working in organs of State, and all citizens.

Local organs of the People's Organ of Control and military organs of control exercise control authority within the limits prescribed by law.

Art. 106. — The term of office of the Procurator General of the Supreme People's Organ of Control is five years.

The organization of the People's Organs of Control is determined by law.

Art. 107. — The People's Organs of Control at all levels work only under the leadership of their higher control organs and the unified leadership of the Supreme People's Organ of Control.

Art. 108. — The Supreme People's Organ of Control is responsible to the National Assembly and reports to it, or when the National Assembly is not in session, to its Standing Committee.

Chapter IX

NATIONAL FLAG — NATIONAL EMBLEM CAPITAL

Art. 109. — The national flag of the Democratic Republic of Viet-nam is a red flag, with a five-pointed gold star in the middle.

Art. 110 — The national emblem of the Democratic Republic of Viet-nam is round in shape, has a red ground with ears of rice framing a five-pointed gold star in the middle and with a cogwheel and the words **Democratic Republic of Viet-nam** at the base.

Art. 111 — The capital of the Democratic Republic of Viet-nam is Hanoi.

Chapter X

AMENDMENT OF THE CONSTITUTION

Art. 112. — Only the National Assembly has power to revise the Constitution. Amendments to the Constitution require a two-thirds majority vote of all deputies to the National Assembly.