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CONSTITUTIONAL COMMITTEE OF SEYM

DRAFT OF THE NEW CONSTITUTION OF THE REPUBLIC OF POLAND

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**DRAFT OF THE NEW CONSTITUTION
OF THE REPUBLIC OF POLAND.**

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Chapter 1

GENERAL PROVISIONS

Article 1

The Republic of Poland is a democratic, state of law following the principles of social justice.

Article 2

The power of the Republic of Poland emanates from the people.

Article 3

The law of the Republic of Poland is formed by the Constitution, statutes, ratified international agreements and executive orders.

Article 4

1. Laws of the Republic of Poland shall accord with ratified international agreements and generally recognized principles of international law.
2. Ratified international agreements shall have priority over laws in cases they are not compatible with the laws.

Article 5

1. Political parties shall be formed voluntarily and based on the equality of all citizens of the Republic of Poland. Their purpose will be shaping the state's policy with democratic methods.
2. Any incompatibility of the purposes or activities of a political party with the Constitution shall be determined by the Constitutional Tribunal.

Article 6

The Republic of Poland guarantees the participation of local government in exercising power and guarantees freedom of activity for other forms of self-government.

Article 7

1. The Republic of Poland is a lay state.
2. The Church and other religious organizations are equal in light of law. Their legal and material status shall be defined by specific legislation.
3. The Church and other religious organizations shall be guaranteed autonomy and freedom of religious practice.

Article 8

Public power in the Republic of Poland shall be exercised only on the basis and within the limits of law.

Article 9

Public means shall be obtained and used exclusively in the manner defined by law.

Article 10

The image of a white crowned eagle on a red field shall be the coat—of—arms of the Republic of Poland.

Article 11

1. White and red shall be the state colors of the Republic of Poland.
2. Dąbrowski's Mazurka shall be the national anthem of the Republic of Poland.
3. Warsaw shall be the capital of the Republic of Poland.

Chapter 2**CONSTITUTIONAL RIGHTS, FREEDOMS AND DUTIES
OF MAN AND CITIZEN****Principles of the Catalogue of Rights,
Freedoms and Duties of Man and Citizen****Article 12**

1. Human dignity is inviolable.
2. The unalienable rights of human being, which have their source in his/her dignity, constitute the basis for state (public) and social life.

Article 13

1. Everyone subject to the jurisdiction of the Polish state enjoys the rights and is liable to duties specified by the Constitution.
2. Accepted by international law exceptions to this principle with regard to foreigners are provided for by the Constitution.

Article 14

1. All persons are equal before the law and have the right to equal treatment by state organs.
2. No one shall be deprived, for reasons for which he/ she is not responsible, of the opportunities offered by social life.

Article 15

1. Everyone has the right to preserve his/her national and ethnic identity.
2. Statute guarantees to national and ethnic minorities the rights to enable these minorities to preserve their distinctive character.

Article 16

1. All state organs shall directly apply the constitutional provisions which regulate rights and freedoms and their guarantees.
2. Everyone can appeal to court when claiming his/her rights. Everyone has a right to fair and public hearing of the case by a competent court when deciding upon his/her rights and duties.
3. In case his/her constitutional rights have been violated by a valid decision of a state organ, the person concerned has a right to appeal to the Constitutional Tribunal.
4. The state organs and organs of local self—government bear a joint and civil responsibility for the violation of constitutional rights and freedoms, and for the violation of legal norms enacted to implement those rights and freedoms.

Article 17

The rights and freedoms contained in the Constitution are applied to relations between private subjects in conformity with their characters.

Article 18

1. The limits to rights and freedoms must be justified by a clearly stated prevailing public interest, or by the rights and freedoms of others.
2. The detailed regulation of the limits to rights and freedoms is allowed exclusively in statutory way.
3. The essential part of constitutional right and freedom shall not be violated.

4. The limits to the rights and freedoms laid down by the majority's will shall not infringe on the rights of the minorities.

Article 19

Constitutional rights and freedoms shall not be interpreted in the way limiting the human rights of an individual as granted by international law which is binding on Poland.

Article 20

1. Poland ensures asylum to foreigners persecuted for their activities on behalf of human rights, freedoms, democracy and peace among nations. Activities against any of these values rule out the possibility of obtaining asylum in Poland.
2. The statute determines the rights and duties of those granted the right of asylum.

Personal Freedoms

Article 21

Variant 1

1. Every human being has the right to life since conception.

Variant 2

1. Everyone has the right to life. The statute (law) regulates the protection of conceived life.
2. The death penalty is abolished.

Article 22

1. No one shall be subject to torture, cruel and inhuman or degrading treatment or punishment.
2. No one shall be subject, without his/her clearly stated consent, to medical or scientific experiments.

Article 23

1. A child born from Polish parents acquires Polish citizenship by law. Other cases of acquiring Polish citizenship are specified by the statute.
2. No Pole residing in Poland can be deprived of his/her Polish citizenship.

3. The citizen is entitled to the protection by the state during the time of his/her stay abroad.

Article 24

1. Everyone has the right to liberty and security of person. No one can be deprived of his/her liberty other than according to the procedure provided by the statute.
2. Anyone deprived of his/her liberty has the right to appeal to the court with the aim of immediately determining the legality of this deprivation. Anyone who has been unlawfully deprived of his/her liberty shall be immediately informed about the deprivation.
3. Anyone arrested shall be immediately informed in a language he/she understands about the reasons of arrest. The arrested person shall be released unless a decision on a pre-trial detention is delivered to him/her within 48 hours together with a list of charges against him/her.
4. The court decides on the pre-trial detention after hearing the detainee. The law shall not establish the general rule that persons awaiting trial shall be detained in custody.

Article 25

1. Liable to criminal law is only a person who has committed an act punishable by the statute in force at the time the act was committed. This principle does not rule out punishment for crimes according to general principles of law acknowledged by international community in force at the time the crimes were committed.
2. Everyone charged with commission of an act punishable by the statute has the right to defence and shall be considered innocent until he/she has been found guilty according to law. No one shall be compelled to testify against himself/herself.
3. The right to defence includes especially the choice of a defence counsel and the use of the counsel's assistance at all stages of the proceedings as well as the right to obtain a defence counsel at the Treasury's expense when the person concerned is not in a position to cover defence expenses.

Article 26

1. Neither the extradition nor the expulsion of the Polish citizens is permitted.
2. Extradition of persons suspected of political crimes is not admitted.
3. Extradition is ruled by court.

Article 27

1. Everyone has the right to move freely within the country's territory and to choose his/her residence.
2. Everyone has a right to leave the country's territory temporarily or permanently.
3. The above rights can be subject to restrictions as defined by the statute if required by the state's security, public order and public health, or by rights and freedoms of others.
4. The Polish citizen cannot be deprived of the right to return to Poland.

Article 28

1. Everyone enjoys freedom of convictions, conscience and religion.
2. Everyone has a right to manifest and to practice without interference, individually and with others both in public and in private, his/her faith and religious rites, unless it is not contrary to public order and public morals.
3. Nobody shall be restricted because of his/her convictions or religion in enjoying his/her rights and freedoms.
4. Parents and legal tutors have a right to bring up their children in accordance with their convictions.

Variant:

Suppres section 4.

5. The State guarantees parents right to provide religious education for their children in schools and institutions of religious instruction respective of their faith.

Article 29

1. Everyone has the right to express his/her opinions and to obtain and disseminate information without interference. The enjoyment of this freedom shall not be restricted by preventive censorship or by the requirement to obtain a license. The statute can stipulate for a licence to set up a radio or television station.
2. The freedom of the press and other mass media is ensured. The state takes care of it that different opinions can find expression in the mass media.

Variant:

Suppres section 2.

3. The enjoyment of these freedoms does not exempt anyone from the statutory responsibility for actions aiming against the state's security, public order and public health, morals or the rights and freedoms of others.

Article 30

1. Everyone has a right to develop his/her personality and to protect the privacy of his/her personal and family life.
2. The inviolability of one's apartment, the secrecy of correspondence and of information transmitted by whatever means are ensured. The statute provides for exceptions from this rule in a case of state's security, protection of the democratic social system and public health and prosecution of criminals.
3. The citizen shall have access to files concerning his/her person, compiled by offices and institutions, and can demand that false or imprecise data should be corrected. This right can be limited by the statute in view of the criminal proceedings instituted against him/her.

Political Rights And Freedoms

Article 31

1. Freedom of associations is guaranteed.
2. Statutes define the procedure of the judicial registration of associations and the forms of the state control of them.
3. Political parties associate the citizens of the Republic of Poland on the principle of equality and through voluntary acts, with the aim to influence the state policy by democratic methods. The Constitutional Tribunal rule on non—conformity of the goals and activities of political parties with the Constitution.

Article 32

1. Freedom to organize peaceful assemblies is guaranteed.
2. The statute determines the conditions for the organizations of public assemblies.

Article 33

Variant 1

1. Everyone has a right to lodge complaints or proposals to state organs of self—government.

2. The statute determines the procedure of dealing with complaints and proposals.

Variant 2

Suppres Article 33.

Article 34

1. Every citizen has a right to participate in deciding on public affairs.
2. Citizens enjoying public rights have the right to be admitted any discrimination to civil service.

Economic, Social And Cultural
Rights And Freedoms

Article 35

1. The right to property and the right to inheritance is guaranted.
2. No one shall be deprived of property otherwise than by virtue of a statute. Expropriation is permitted only for important public goals and with equitable compensation.

Article 36

1. Everyone has the right to undertake and carry on business activities according to the principle of equality.
2. Business activity cannot be carried on in a manner contrary to the public interests.
3. Undertaking and carrying out business activities can be restricted only by a statute.

Article 37

1. Everyone has a right to freely choosen work and the right to equitable remuneration.
2. The state promotes policies in favour of the implementation the right to work, assists in finding employment and guarantees, as defined by the statute, suitable arrangements to persons who against their will are unemployed.
3. No one can be deprived of work which forms the source of his subsistence except for very serious reasons.

4. Forced labour is prohibited except in cases specified by international law which is binding on Poland. */variant: ratified by the Republic of Poland/.*

Article 38

1. Everyone has the right to safe and healthy working conditions.
2. Everyone has the right to rest which is guaranteed by virtue of statute through the determination of the maximum working time, days free of work and annual paid leaves.

Article 39

Everyone has a right to participate in the administration of the enterprise in which he is an employee. The statute defines the ways in which this right is exercised.

Variant 1:

The staff has the right to participate in the administration of the enterprise.

Variant 2:

Suppres article 39.

Article 40

1. The freedom to form trade unions and employers organisations is guaranteed with the limitations accepted by the international law binding on Poland */ratified by the Republic of Poland/.*
2. The right to strike in order to defend professional and social rights and interests or trade union freedoms is guaranteed upon principles and within limits specified by the statute.

/minority motion: — Trade unions, employers and their organizations have the right to negotiate and sign collective labour agreements or other agreements concerning the conditions of living and work/.

Article 41

1. Everyone has the right to social security in case of sickness, invalidity and old age or loss of means of existence.
2. This right is realized by means of social insurance, welfare system, alimony and social care.

Article 42

1. Everyone has the right to the enjoyment of the highest attainable standard of physical and mental health.
2. The state creates national health service.
/minority motion:
 1. The health is the fundamental right of every human being. to take care of health is the duty of the state and of every citizen.
 2. The state takes a special care about health condition of children, pregnant women, and handicapped persons./

Article 43

1. Everyone has a right to education. Freedom of education is guaranteed.
2. Primary education is compulsory.
3. Primary and secondary state—run schools are free of charge.
4. Institutions and individuals have a right to set up and manage schools and educational establishments.
5. Autonomy of universities is guaranteed. The defines limits of this autonomy.

Article 44

1. Freedom of creative activity, scientific research and of publication of its results is guaranteed.
2. Everyone has a right to take a part freely in cultural life and to have access, without restriction, to the national monuments of culture.
3. The state is obliged to safeguard and protect the cultural assets.

Duties Of Man And Citizen**Article 45**

Everyone has a duty to respect the provisions of the Constitution and the statutes (laws).

Article 46

1. The defense of the homeland is a duty of every citizen.
2. The scope of the duty of military service is provided by the statute (law).

3. Everyone whose conscience does not permit him to fulfill his military service can be obliged to perform alternative service.

Article 47

Everyone has the duty to pay taxes, to carry out burdens and public services as provided by the statute (law).

Article 48

Everyone has the duty to take care of natural environment.

Chapter 3

THE SEJM AND THE SENATE

Article 49

The Sejm is a body of deputies of the people who are elected to make laws, to appoint other State organs and to control their activities.

Article 50

1. The number of deputies elected to the Sejm shall be 444. A general election of the Sejm shall be free, general, equal, direct and secret.
2. The term of office of the Sejm shall be for a period of four years counted from the day of a general election. The Sejm may dissolve itself by its own decision carried by a majority vote comprising at least two thirds of votes with a presence at least two thirds of the total number of deputies.
3. The Sejm may also be dissolved by the President in case:
 - a) It is unable to take any decision concerning the Budget within a draft of period of three months of the day the draft of Budget has been introduced,
 - b) It is unable to appoint the Government within a period of two months.
 - c) It refuses to give the Government a vote of confidence and at the same time it is also unable to recommend for the President to appoint a candidate for Prime Minister.
4. A vote of confidence shall be taken no sooner than two weeks after the Government's motion concerning it has been introduced.

5. The President shall use the prerogative as provided in art. 50.3.c. within thirty days of the Sejm's refusal.
6. Before dissolving the Sejm the President shall consult the matter with both the Chairmen of the Sejm and of the Senate.
7. After the dissolution of the Sejm, the Senate shall be dissolved by virtue of the law.

Article 51

1. Subject to section 2 of this Article, every citizen of the Republic who on the day of a general election for the Sejm has attained the age of eighteen years shall have the right to be registered as an elector.
2. No person shall be qualified to be registered as an elector if at the time of the election that person —
 - a) is wholly or partially legally incapacitated by a competent court on account of a mental disease suffered by that person,
 - b) is under deprivation of public rights imposed on that person by a competent court,
 - c) is deprived of his electoral rights by the State Tribunal.
3. A person shall be qualified to be a candidate for election as a deputy if at the time of the election that person —
 - a) has attained the age of twenty one years,
 - b) is qualified to be registered as an elector.

Article 52

The times, places and manner of holding a general election for the Sejm shall be defined in a separate statute (law).

Article 53

The Sejm decides on the validity of elections.

Article 54

Deputy represents all the people and could not be binding by any instructions. No deputy shall be recalled.

Article 55

No deputy may be liable for any activity concerning with the exercise of his functions as long as he continues to be a deputy. Neither shall he be liable in respect of the above mentioned activities after he have ceased to be deputy.

Article 56

A deputy shall not be civilly or criminally liable, and without the authorisation of the Sejm he shall not be prosecuted, detained, arrested or imprisoned so long as he continues to be a deputy. Such authorisation to be granted shall be approved by a majority vote comprising at least two thirds of votes with a presence at least a half of the constitutional number of deputies.

Article 57

The office of a deputy shall be incompatible with that of a senator or with a public office with the exception of the office of a member of the Government and a professor of institutions of higher education. For the purposes of this Article "public office" means any office of profit in the service of the Republic.

Article 58

A deputy shall not be engaged in such business activities which involve making use of financial or other means belonging to the State Treasury. Neither shall he become an owner of such means.

Article 59

1. The Sejm meets in sittings. The Sejm is summoned to a sitting by the Sejm Presidium.
2. The Sejm shall be summoned to its first sitting by the President within fourteen days following a general election.

Article 60

1. The Sejm shall appoint amongst the deputies the Chairman of the Sejm, Deputy Chairmen, Secretaries and the Committees of the Chamber.
2. The Chairman and Deputy Chairmen of the Sejm form the Presidium of the Sejm. The Presidium directs the work of the Chamber.
3. The Chairman of the Sejm or in his name a Deputy Chairman shall preside at sittings of the Sejm and shall represent the Chamber outside.

4. The term of office of the Cairman and Deputy Chairmen of the Sejm shall be until the assumption of office by the newly elected Sejm.

Article 61

In addition to the Standing Committees, the Sejm may set up a special (extraordinary) Committee to examine a particular matter in detail. Such a Committee shall have the right to conduct a hearing of the party or parties concerned and also to question witnesses and experts.

Article 62

1. The meetings of the Sejm shall be open to the public and the details of its debates shall be published.
2. The Sejm may, in the interest of the State, hold secret sittings on a resolution carried by a majority vote.
3. Members of the Council of Ministers have the right to participate in the meetings of the Sejm and to make a statement to, or inform the Sejm or any Committee thereof, on any subject within their competence.

Article 63

Unless the Constitution proclaims otherwise, the laws and decisions of the Sejm shall be passed by a simple majority vote comprising at least a half of the total number of its members present and votin.

Article 64

A separate resolution called the Sejm Standing Orders shall regulate in detail any matters of parliamentary procedure and of functions and duties of the Sejm offices in accordance with the provisions of this Constitution.

Article 65

1. All the laws shall be passed by the Sejm and by the Senate. The right to make laws cannot be transmitted by the Sejm to any state organs.
2. The right to introduce statutes (laws) belongs to the deputies, to the senators and to the Government.
3. The statute (laws) referring to any budgetary increase shall also point out the resources offinancing the expenditure mentioned therein.
4. Citizens of the Republic and their organizations shall have the right to petition the Sejm to introduce a particular statute (law) with the exception of the Budget, taxation statutes and the Constitution. A petition like that

- shall be signed by at least a hundred thousand electors. A separate statute (law) shall specify further details of filing petitions.
5. The right to propose amendments to statutes (laws) belongs to the deputies and to the Government. The amendments shall be sent to the appropriate Committee. The amendments relating to an increase in budgetary expenditure shall also refer to the manner of financing the increase. The Chairman of the Sejm may refuse to bring an amendment to a vote in case it has not been first sent to the appropriate Committee.

Article 66

1. A statute that has been passed by the Sejm shall be delivered by the Chairman of the Sejm to the Senate.
2. The Senate shall within one month accept and pass such a statute, or it shall move an amendment or amendments to it, or it shall reject it. Unless the Senate takes within one month one of the aforementioned decisions, the Chairman of the Sejm orders that a given statute should be published in the wording passed by the Sejm.
3. The amendments of the Senate which refer to any budgetary increase shall also point to the manner of meeting the expenditure mentioned therein.
4. A bill rejected by the Senate or a bill with the amendments of the Senate shall become an act of law unless the Sejm persists in its decision and/or rejects the amendments by a majority vote comprising at least eleven twentieth (11/20) of the votes cast of the present deputies.

Article 67

The Sejm may submit to a referendum only a political or social question of particular importance. The right to introduce a motion concerning a referendum belongs to the deputies, the President, the senators, the Government, and to a hundred thousand electors. A separate statute shall specify further details.

Article 68

There shall be no regulations other than an statute to exercise within the limits of this Constitution legislative power with regard to an matters concerning: —

- rights and obligations that individuals and organizations assume with respect to the State, as well as the rights and obligations of persons with respect to the organizations these persons are members of, unless such rights and obligations are consequent upon a contract;

- electoral laws pertaining to general elections to the Sejm and to the Senate, elections to the local government, and the presidential election;
- principles of the economic, financial, and taxation systems of the State;
- the structure, principles and competence of State and local administrative authorities;
- rights and duties of State employees and the responsibility of the State for their activity;
- organizational principles of State—owned enterprises and the scope of power the State intends to exercise with respect to the enterprises.

Article 69

The draft of Budget and other financial projects of the Government shall be laid before the Sejm at least three months before the day fixed by the law for the commencement of the financial year.

Article 70

1. The Budget adopted by the Sejm shall be delivered to the Senate. The Senate shall adopt it or propose any amendments within fourteen days of the delivery. The Senate's amendments to the Budget and to any other financial law shall be passed unless vetoed by the Sejm by a majority vote comprising at least eleven twentieth (11/20) of the votes of the deputies.
2. Any amendment to the Budget proposed by the Sejm or the Senate which relates to an increase in budgetary expenditure or which relates to limiting the State revenue shall also make reference to the manner of financing the increase and/or to the ways of balancing the Budget.
3. If the Sejm is unable to pass the Budget within three months of the day the draft it has been introduced, the Council of Ministers may make a motion that the Sejm should adopt an interim budget.

Article 71

In case neither the Budget nor an interim budget has been passed by the Sejm, the Council of Ministers shall raise revenues and meet expenditure within the limits defined in the draft of Budget it has originally submitted to the Sejm for adoption.

Article 72

1. A statute adopted by the Sejm and the Senate shall be presented by the Chairman of the Sejm to the President for signature.
2. The President shall sign the statute and shall order promulgation of such Statute in the official Journal of Law of the Republic.
3. Before signing any statute the President may refer within the period of thirty days to the Constitutional Tribunal for its opinion as to whether such statute or any specified provision thereof is repugnant to or inconsistent with any provisions of this Constitution. The decision of the Constitutional Tribunal is binding.
4. If within the period of thirty days the President has neither signed the statute nor has referred the matter to the Constitutional Tribunal to consider it as provided in 72.3 above, the statute shall be signed by the Chairman of the Sejm and he shall order promulgation by publication of such statute in the official Journal of Law of the Republic.
5. A statute shall come into operation on the date provided thereby, on condition that this date comes no sooner than fourteen days after the publication of such statute. The Sejm may consider certain statutes to be of an urgent nature and decide that such statutes and decisions shall come into operation on the day of publication.

Article 73

The Sejm shall supervise the policy and the administration of the Government:

- at its plenary sittings through listening to and scrutinizing the reports and any other kind of information provided by the Government on demand of the Sejm; and also through questioning and interpellating individual members of the Government;
- at the meetings of the appropriate Committees;
- with the help of the Supreme Chamber of Supervision (Control).

Article 74

1. The Supreme Chamber of Supervision (Control) shall control all disbursements and receipts and audit and inspect all accounts of moneys and other assets administered and liabilities incurred by or under the authority of the Republic and for this purpose it shall have the right of access to all books, records and returns relating to such accounts and to places where such assets are kept. The Supreme Chamber of Supervision (Control) shall supervise the carrying out of the Budget and of any other financial arrangement or plan of the Government.

2. The Supreme Chamber of Supervision (Control) shall submit annually a report on the exercise of its functions and duties. The report shall also contain a reference to the reports rendered by the Council of Ministers pertaining to the Budget and a motion concerning the Sejm's vote of acceptance of the Government's budgetary policy.
3. The Supreme Chamber of Supervision (Control) shall be subordinated to the Sejm; in its activity it shall be independent of any office of state or local administration.
4. The President of the Supreme Chamber of Supervision (Control) shall be appointed by the Sejm.
5. The separate statute shall define the organizational structure and the manner in which the Supreme Chamber of Supervision (Control) shall exercise its functions and duties.

Article 75

The deputies have the right to put a motion of censure to a vote. A motion of censure shall be seconded by at least thirty deputies [VERSION II: "by at least a hundred.."] and shall not be debated before the lapse of seven days after it was made.

A motion of censure shall become valid only after the Sejm has been able to recommend to the President a new Prime Minister by a resolution carried by an absolute majority comprising at least a half of the constitutional number of deputies present and voting.

Article 76

[VERSION I]

The Senate shall be composed of 111 senators who shall represent the local self-government. They shall be elected by the local Community Councils of each district (voivodship) in proportion to the number of inhabitants of a given district (voivodship). Each voivodship shall elect at least one senator.

[VERSION II]

The Senate shall be composed of 100 senators chosen in individual districts (voivodships) for the term of office of the Sejm.

There shall be a separate statute to define the times, places and manner of holding an election for the Senate.

Article 77

1. The Senate decides on the validity of elections.

2. Any dispute as to the validity of a contested election for the Senate shall be raised on an election petition which shall be decided by the Constitutional Tribunal.
3. Elected senator could not be binding by any instructions. No senator shall be recalled.

Article 78

1. The senators shall not liable to civil or criminal proceedings in respect of any statement made or vote given by them in the Senate. Neither shall they be liable to any such proceedings in respect of the above mentioned activities after the have ceased to be senators.
2. A senator shall not be civily or criminally liable, and without the leave of the Senate he shall not be prosecuted, detained, arrested or imprisoned so long as he continues to be a senator. Such leave to be granted shall be approved by a majority vote comprising at least two thirds of votes of the senators voting and present.

Article 79

The office of a senator shall be incompatible with that of a deputy or with a public office with the exception of the office of a member of the Council of Ministers and of a professor of institutions of higher education.

For the purposes of this Article "public office" means any office of profit in the service of the Republic.

Article 80

A senator shall not be engaged in such business activities which involve making use of pecuniary or other means belonging to the State Treasury. Neither shall he become an owner of such means.

Article 81

1. The Senate shall appoint from amongst the Senators the Chairman of the Senate, Deputy Chairmen, Secretaries and the Committees of the Chamber.
2. The Chairman and Deputy Chairmen of the Senate form the Presidium of the Senate. The Presidium directs the work of the Chamber.
3. The Chairman of the Senate or in his name a Deputy Chairman shall preside at meetings of the Senate.
4. The term of office of the Chairman and Deputy Chairmen of the Senate shall be until the assumption of office by the newly elected Senate.

Article 82

The meetings of the Senate shall be open to the public. The Senate may hold secret meetings on a resolution of at least twenty senators.

Article 83

A separate resolution called the Senate Standing Orders shall regulate in detail any matters of parliamentary procedure and of functions and duties of the Senate in accordance with the provisions of this Constitution.

Article 84

In strict conformity with the provisions of this Constitution there shall be situations when the Sejm and the Senate may hold debates together. The two Chambers presided over by the Chairman of the Sejm jointly form the National Assembly.

Chapter 4

THE PRESIDENT OF THE REPUBLIC OF POLAND

Article 85

1. The President of the Republic of Poland is the highest representative of the State in the internal and foreign affairs.
2. The President shall guard the observance of the Constitution, the State sovereignty and security, inviolability and integrity of its territory. The President shall perform the aforementioned functions by means of his constitutional rights.

Article 86

1. The election of the President shall be free, direct, by universal, equal suffrage, and by secret ballot. The President shall be elected by an absolute majority of the valid votes. The right to vote for the President shall be granted to each Polish citizen who has the right to vote for the Sejm deputies.
2. If none of the candidates running for the presidential office obtains the required absolute majority, within 14 days the second ballot shall take

place between the two candidates who received the greatest number of the votes validly cast in the first ballot and have not withdrawn their candidacies.

3. The election of the President shall be scheduled by the Chairman of the Sejm (or, by the Sejm Presidium) not later than 30 days before the expiration of the term of office of the outgoing President, or within 60 days after the office comes vacant.
4. For the purpose of carrying the election of the President the Chairman of the Sejm (or, the Sejm Presidium) shall appoint the State Election Committee composed of three judges of the Constitutional Tribunal, three judges of the Supreme Court and three judges of the Supreme Administrative Court. The State Election Committee shall elect its Chairman and Vice—Chairman.
5. There shall be an statute which provide the electoral procedures of the Presidential election.

Article 87

A person shall be qualified to be a candidate for election as President provided his candidacy has been submitted to the Sejm Presidium by at least 100 000 citizens or also by 100 deputies and senators separately.

Article 88

1. The elected President of the Republic of Poland shall be a citizen of the Republic of Poland who holds a full electoral franchise and who has attained the age of thirty—five years.
2. The President of the Republic shall be elected for a period of five years, and the same person may be elected President for one more term.
3. The term of office of the President shall commence on the date of his inauguration, which is the same date on which the term of the outgoing President expires; or in the event of a vacancy in the office of the President, on the date following the day on which the election results are announced.

Article 89

The newly elected President shall be invested by the National Assembly before which he makes the following oath —

Assuming, in the name of the People, this office of the President of the Republic of Poland, I do solemnly affirm faith to the Constitution and to the laws made thereunder. I pledge that I will shall unshakenly guard the dignity of the People, sovereignty and security of the State. The good of the Father-

land and prosperity of my Fellow—Citizens shall forever remain my outmost obligation. (So help me God).

Article 90

1. The office of the President shall become vacant before the term expires:
 - 1) upon his death,
 - 2) upon his resignation from office,
 - 3) upon the decision of the National Assembly regarding to his incapacity to exercise his duties of the President due to the state of his health. The decision shall be taken by a majority of at least two—thirds of the votes with at least two—thirds of the National Assembly members (i.e. deputies and senators) casting a ballot,
 - 4) upon recalling him from office due to the decision of the State Tribunal.
2. In the event of a vacancy in the office of the President, likewise in case of the President's temporary incapacity to execute his duties, the Chairman of the Sejm shall act as President; and if the latter cannot perform the function either, the Chairman of the Senate shall act as President.

Article 91

1. The President may be prosecuted for an infringement of the Constitution and the laws, as well as for any other offence, on a impeachment of the State Tribunal exclusively. During his term of office the President shall not be liable to any civil law procedure. In case he was subject to such procedure prior to his investiture to the office, the procedure shall be suspended.
2. A impeachment may be brought against the President upon a resolution of the National Assembly carried by a majority vote of two—thirds of the total number of the members, provided that the proposal of such resolution is submitted by at least one—fifth of the total number of the Sejm deputies.
3. The President upon being prosecuted shall be suspended in any of the functions of his office.

Article 92

The President of the Republic of Poland:

- 1) shall schedule elections to the Sejm and to the Senate
- 2) shall appoint and recalls the diplomatic envoys of the Republic of Poland to foreign countries

- 3) shall receive the credentials of the appointed and recalled foreign diplomatic envoys who are accredited to him
- 4) shall be the Supreme Commander of the Military Forces of the Republic of Poland
- 5) shall designate a candidate for the Premier of the Council of Ministers
- 6) shall propose to the Sejm designation and termination of the appointment of the President of the Polish National Bank
- 7) shall confer honours, orders and decorations
- 8) shall execute the power of pardon
- 9) shall have the right of veto to the laws.
- 10) shall exercise other functions specified in the Constitution or conferred on him by the laws.

Article 93

1. The President shall execute his prerogatives in the form of resolutions.
2. In order to implement statutes and on the basis of the rights specified therein, the President shall issue executive orders.

Article 94

1. The official documents issued by the President shall be countersigned by the Prime Minister, who shall thereby assume responsibility for them before the Sejm.
2. The following acts shall not require a countersignature:
 - 1) designation of a candidate for the Prime Minister
 - 2) signing of the statutes
 - 3) recourse to the Constitutional Tribunal for assessment of a law as to its conformity with the Constitution
 - 4) dissolution of the Sejm
 - 5) appointment and recall of the Chief of the President's Chancellery
 - 6) granting the status of the President's Chancellery
 - 7) refusal of signing of the statutes
 - 8) exercising the power of pardon
 - 9) appointment and recall of the state minister.

Article 95

The President shall communicate with the Sejm and the Senate by means of messages. The messages shall not be subject of parliamentary debate.

Article 96

The Prime Minister shall inform the President about the essential works of the Government.

Article 97

The President may approach the Prime Minister about convening a sitting of the Council of Ministers for consideration of his stand toward the crucial matters of the State policy.

Article 98

1. The President shall ratify and denounce international agreements.
2. Ratification of the international agreements which would burden the State with significant financial liabilities or which would involve change of legislation shall require authorization by a statute.

Chapter 5

THE GOVERNMENT

Article 99

1. The Government shall formulate and administer the foreign and domestic policy of the Republic of Poland.
2. The Government shall direct all activities of the state administration.
3. The Government acts in conformance with this Constitution, statutes and resolutions of the Sejm.

Article 100

The executive power exercised by the Government consists of the following matters:

- a) It shall cause that this Constitution, and also statutes and resolutions of the Sejm be implemented;
- b) It shall cause that the decisions to be taken by the Sejm or by the President be initiated;

- c) It shall organize, direct and control the activities of all other state administration offices and shall bear responsibility for them to the Sejm.
- d) In conformance with appropriate statutes, it shall protect the interests of the State Treasury.
- e) It shall draw up the draft of Budget and other financial projects of the State and after their adoption by the Sejm, it shall supervise their implementation.
- f) In conformance with the provisions of this Constitution and statutes of the Sejm, it shall have the right of general supervision over local governments and other forms of self—government.
- g) It establishes (diplomatic and consular) relations with other countries; it negotiates and concludes international treaties, conventions and agreements with Governments of other countries and also with international and supranational organizations.
- h) It shall administer the defense policy of the State to ensure national security.

Article 101

1. The Council of Ministers is composed of:
 - a) The Prime Minister as the Chairman of the Council;
 - b) Ministers, who — as members of the Council — shall manage the government departments defined in separate statutes.
2. The Council of Ministers may have other appointed members, — Ministers of the State.
3. The Council of Ministers may, if necessary, appoint inter—departmental Committees and advisory councils. The appointment, power and duties of such Committees and councils shall be defined in the Standing Orders of the Council of Ministers.
4. The Prime Minister as the Chairman of the Council of Ministers may appoint any member of the Council of Ministers to serve as the Deputy Chairman of the Council. The Prime Minister shall define the functions and duties of the Deputy Chairman.

Article 102

The Council of Ministers shall have the power to issue the orders. The regulations shall be made to enforce the statutes of the Sejm and shall be in strict conformance with the provisions of those statutes.

Article 103

1. The Prime Minister is the head of the Government and bears ultimate responsibility for the policy and machinery of the Government. He shall lay down the principles of the Government's policy and shall cause that the principles be adhered to. With the aim of attaining that, he shall organize and control the work of other members of the Government.
2. The Prime Minister shall have supreme authority over all officers of the state administration.
3. The Prime Minister shall have the power to issue the orders. The orders shall be made to enforce the statutes of the Sejm and shall be in strict conformance with the provisions of those statutes.

Article 104

1. The Ministers shall be in charge of appropriate departments of the state administration. The powers, functions and duties of the Ministers shall be defined by appropriate statute concerning the state administration.
2. A Minister manages a particular department of the state administration assisted by a Vice—Minister, a Secretary or Secretaries of State and an Undersecretary or Undersecretaries of State. The Vice—Ministers, and the Secretaries and Undersecretaries of State shall be appointed by the Prime Minister on the recommendation of a given minister.
3. A Minister shall have the power to issue the orders. The orders shall be made to enforce the statute of the Sejm and shall be in strict conformance with the provisions of those statute.
4. On the motion of the Prime Minister, the Council of Ministers may repeal any instruction or orders of a Minister.

Article 105

1. The office of a District Governor (a Voivoda) forms a part of the state administration. A District Governor is a representative of the Government in a given district (in a voivodship).
2. There shall be a separate statute of the Sejm to define the appointment and dismissal procedures, and the functions and duties of District Governors (Voivodas).

Article 106

The President of the Republic shall designate a candidate for the office of a Prime Minister and shall empower him to form a government within fourteen days of:

- either the date the Sejm has commenced its term of office; or
- the date the previous government has resigned; or
- the date the newly proposed government has failed to get the approval of the Sejm.

Article 107

1. The designated candidate as provided in article 105 above shall present to the Sejm at one of its sittings members of the Council of Ministers that he has selected and also the programme of the proposed Government.
2. After a debate, the Sejm shall either accept in its totality or shall reject in its totality the proposal of the designated candidate for the office of a Prime Minister. The decision shall be passed by a simple majority vote of the deputies who are present and voting, on condition that there be at least a half of the constitutional number of the deputies present at the sitting.
3. The Sejm may appoint a Prime Minister on its own initiative in the following cases:
 - if the President does not designate as provided in article 105 above any candidate for the office of a Prime Minister; or
 - if the Sejm has twice refused to accept the proposals of the designated Prime Ministers.

Article 108

1. The Council of Ministers shall resign: —
 - a) upon the assumption of office by the newly—elected Sejm;
 - b) upon the resignation from the office of either the Council of Ministers in its entirety, or the Prime Minister;
 - c) in case the Sejm passes a vote of no—confidence with respect to the Council of Ministers.
2. Not with standing anything in section 1 above, after its resignation the Council of Ministers shall perform its functions and duties until the Sejm has appointed a new Council of Ministers.

Article 109

The Prime Minister has the right to recall from his office any member of the Council of Minister. The Prime Minister shall inform the Sejm about the reasons for taking such a decision and he shall make a motion to the Sejm to pass a resolution that the vacancy be filled.

Article 110

Members of the Government are liable to the Constitutional Tribunal for any breach of this Constituion or of any other statute of the Sejm.

Article 111

The Council of Ministers as a whole shall bear joint political responsibility to the Sejm for the activities of the Council in general.

Article 112

The Sejm bring about termination of office of the Council of Ministers by passing a motion of censure. A resolution to take a motion of censure shall be proposed only after the Sejm has taken its decision on recommending to the President a new candidate for the office of the Prime Minister. The motion of censure shall be passed by a simple majority vote of the deputies who are present and voting, on condition that there be at least a half of the constitutional number of the deputies present at the sitting.

Article 113

1. The Government shall at least once every six months submit to the Sejm a report on their activities.
2. The Sejm shall approve the carrying out by the Government of the Budget and of its other financial plans by of passing a vote of confidence. Before taking such a vote, the Sejm shall hear the report of the Government on the carrying out of the Budget and also the information provided by the Chairman of the Supreme Chamber of Supervision (Control) on the same subject.
3. The decision of the Sejm not to grant the vote of confidence to the Government shall be equivalent to adopting a resolution to take a motion of censure as provided in article 111 above.

Article 114

The Prime Minister and other members of the Government shall provide answers to parliamentary interpellations within thirty days, and they shall answer regular questions of the deputies within three days of the day they have been asked or at the nearest sitting of the Sejm. A Vice—Minister may answer on behalf of the Minister asked.

Article 115

The Government shall assist the Standing and Special Committees of the Sejm in their inspection and control of the state administration agencies and offices.

Chapter 6**OMBUDSMAN****Article 116**

The Republic of Poland safeguards citizens' rights and freedoms through the office of Ombudsman, through assistance and protection against state authorities as well as through accepting responsibility for damage done by civil servants.

Article 117

The enforcement of constitutional and legal rights and freedoms of the citizens by state authorities shall be subject to the Ombudsman's supervision.

Article 118

1. All citizens of the Republic of Poland and any other persons resident in Poland shall be able to request the Ombudsman's assistance in obtaining their rights.
2. On determining a violation of civil rights or of rights of other people, the Ombudsman shall address appropriate state authorities, their superiors, or courts, demanding that the unlawful procedure be stopped, the citizens' demands satisfied, effects of the violations reversed, or damage done compensated for.
3. The authorities named in section 2 shall notify the Ombudsman about means applied to bring the situation to a lawful conclusion.

Article 119

An analogous right shall be vested in the Ombudsman in case of civil rights being violated by a law-making act.

Article 120

The Ombudsman shall transmit to appropriate law—making authorities, remarks about the condition of law, especially about gaps in the law, precluding the full execution of civil rights.

Article 121

1. The Ombudsman shall be appointed by the Sejm for a four—year term of office.
2. The office of Ombudsman may not be combined with any other public office. Laws shall impose specific restrictions on the Ombudsman's membership on boards of business partnerships and membership in similar groups.

Article 122

The Ombudsman shall regularly inform the Sejm and Senate about the observance of law and civil rights.

Article 123

Specific powers of the Ombudsman shall be determined by law.

Chapter 7**THE CONSTITUTIONAL TRIBUNAL****Article 124**

The Constitutional Tribunal shall have exclusive jurisdiction to adjudicate finally on the following matters:

1. conformity of laws and ratified international agreements with the Constitution. The Constitutional Tribunal may decide about consistency of an international agreement with the Constitution prior to the ratification of such agreement,
2. conformity of statutes (laws) with the ratified international agreements,
3. conformity of the normative acts issued by the supreme and central state organs with the Constitution, laws and ratified international agreements,

4. conformity of the normative acts issued by the organs of the local government with the Constitution and other normative acts, as specified in section 3.

Article 125

1. The Constitutional Tribunal shall decide on validity of the normative acts being in force on the date of the decision, and on such acts as to which the proceedings can be initiated prior to their promulgation.
2. The termination of the binding force of a normative act after the proceedings were initiated shall not preclude the Constitutional Tribunal from taking a decision as to legal validity of such act for the time period in which it was in force.

Article 126

The adjudication of the Constitutional Tribunal shall be binding on all parties concerned and shall be final.

Article 127

The Constitutional Tribunal shall adjudicate whether normative acts are legally valid on a motion made by any of the following parties:

1. The President of the Republic of Poland, The Council of Ministers, the Prime Minister, the Committees of the Sejm and Senate, the deputies and senators in a number specified by the statutes of the Sejm and Senat, the Presidents of the Tribunal of State, the Supreme Court and the Supreme Administrative Court, the Chairman of the Supreme Chamber of Supervision (Control), and the Ombudsman,
2. the local community councils and the local diets,
3. the national organs of trade unions and of labour organizations,
4. the central organs of Churches and of religious sects,
5. the organs mentioned in sections 2—4 may second a motion which shall concern any matter within their scope of activity, as specified by the law.

Article 128

The benches of the Supreme Court, the Supreme Administrative Court and of the appellate courts may address the Constitutional Tribunal with any legal question whenever the answer may help them decide in a court case.

Article 129

The Constitutional Tribunal shall present the binding interpretation of laws on a motion made by the President of the Republic, the Prime Minister, the First President of the Supreme Court, the President of the Supreme Administrative Court, the Ombudsman or by the Attorney—General of the Republic of Poland.

Article 130

The Constitutional Tribunal shall adjudicate on any matter which is a subject of a competence dispute between any constitutional state organs or which is a subject of a conflict between a state organ and a local government.

Article 131

1. The Constitutional Tribunal shall be composed of 16 judges appointed by the Sejm for a period of eight years, with half of them being appointed every four years. The judges shall not be appointed for the second term unless they have held office for a shorter period of time than one term. The members of the Constitutional Tribunal form amongst themselves for a period of one term according to the procedure specified by the regulations of the Constitutional Tribunal.
2. A person to be appointed to the Constitutional Tribunal shall adhere to the professional and moral standards that are set for judges of the Supreme Court and the Supreme Administrative Court.
3. The candidates to be appointed as judges of the Constitutional Tribunal shall be recommended by the President of the Republic, the Sejm, the Senat and the National Council of Judicature, in an equal number by each of the four parties.

Article 132

The Sejm shall dismiss a member of the Constitutional Tribunal on a motion of the Constitutional Tribunal on account of his resignation from office, or on account of such mental or physical incapacity or infirmity as would render him permanently incapable of discharging the duties of his office.

Article 133

The office of a judge of the Constitutional Tribunal shall be incompatible with any other post of public service or with any employment, excepting that of an academic professor.

Article 134

The judges of the Constitutional Tribunal are independent and are subject to the provisions of this Constitution exclusively.

Article 135

Details concerning the organization, function and duties of the Constitutional Tribunal as well as the mode of proceedings before the Tribunal shall be defined in a separate statute.

Chapter 7 a

JUDICIAL CONTROL OVER THE CONSTITUTIONALITY AND LEGALITY OF LAW.

Article 124 a

The Constitutional Tribunal shall be established to supervise and adjudicate on:

- a) the conformity of laws with the Constitution
- b) the constitutionality of international agreements ratified by the President of the Republic of Poland
- c) the conformity of legal regulations issued by the President of the Republic of Poland, the Council of Ministers, the Prime Minister and other ministers, with the laws and international agreements
- d) the conformity of laws with international agreements
- e) the conformity of legal regulations issued by local authorities and local government administration, with the laws and legal regulations established by authorities named in clause c).

Article 125 a

1. The following authorities shall have the right to request the Constitutional Tribunal to adjudicate on the legality of laws:
 - a) President of the Republic of Poland
 - b) the Council of Ministers, Prime Minister and Minister of Justice
 - c) Sejm and Senate Committees
 - d) 30 Parliament deputies or 30 senators

- e) Chairmen of the Supreme Court, of the Supreme Administrative Court, of the Tribunal of State, and of the Supreme Chamber of Supervision (Control)
 - f) Ombudsman
 - g) lawyers' authorities specified by law.
2. The Constitutional Tribunal shall also pass judgements at the request of:
 - a) the local community councils and the local diets
 - b) national authorities of labor unions and trade organizations
 - c) the Catholic Church and other Churches or religious organizations — if a normative act concerns activities of these bodies specified by appropriate legal regulations.
 3. Motions to the Constitutional Tribunal to confirm the legality of laws shall not be allowed.

Article 126 a

The right to lodge the motion to the Constitutional Tribunal's adjudication shall be also vested in the citizens.

Article 127 a

By adjudicating on:

- a) the unconstitutionality of laws and legal regulations issued by the President, the Council of Ministers, the Prime Minister and other ministers,
- b) the unlawfulness of legal regulations issued by authorities named in clause a),
- c) the non—conformity of regulations issued by local authorities or local bodies of government administration, with laws or legal regulations passed by the authorities named in clause a), the Constitutional Tribunal shall annul questioned regulations.

Article 128 a

Judgements of the Constitutional Tribunal on the non—conformity of international agreements with the Constitution or laws are subject to examination by the Sejm which shall apply means to remove the non—conformity.

Article 129 a

Judgements by the Constitutional Tribunal on the non—conformity of other legal regulations with international agreements shall lead to the annulment of these regulations.

Article 130 a

1. Authorized to supervise and determine the conformity of legal regulations issued by other state authorities named in this chapter, with the laws or international agreements, shall be also common and special courts of law, administrative courts, and the Tribunal of State — within the scope of their judicial powers.
2. Instead of passing such judgements the above authorities may refer the question of legality of particular regulations to the Constitutional Tribunal in the form of a legal inquiry, and discontinue court proceedings pending the Tribunal's decision.
3. Legal inquiries to the Constitutional Tribunal made by the abovenamed authorities may also concern the conformity of laws and international agreements with the Constitution and the conformity of laws with international agreements.
4. In reply to legal inquiries, the Constitutional Tribunal shall pass judgements with legal force equal to that of other judgements.

Article 131 a

In its adjudication the Constitutional Tribunal shall be bound by the limits of requests or legal inquiries.

Article 132 a

The Constitutional Tribunal shall be independent and subject only to the Constitution.

Article 133 a

1. The Constitutional Tribunal shall consist of a Chairman and 24 judges, elected by the Sejm for an 8—month term of office, with the possibility of reelection. Every four years half of the Constitutional Tribunal shall be elected.
2. Constitutional Tribunal judges must be aged at least 35 years and fulfill the requirements for judges of the Supreme Administrative Court or of Supreme Court.

3. Candidacies of judges, their number being three times the number of seats vacated each time, shall be submitted to the Sejm by a collective body composed of members of the National Council of the Judicature and of members of the Constitutional Tribunal in office.

Article 134 a

Constitutional Tribunal judges may not be Parliament deputies, senators, members of the Council of Ministers, members of other courts and employees of state administration. This ban shall not apply to academic teachers.

Article 135 a

The Constitutional Tribunal shall submit annual reports on its activities to the Sejm and President of the Republic of Poland, together with reports on the constitutionality of the operation of law-making State authorities.

Article 136 a

A Constitutional Tribunal judge may be recalled from his post by the Sejm after committing a criminal offense stated by a valid court verdict.

Article 137 a

The powers and procedure of the Constitutional Tribunal and shall be detailed by the statute (law).

Chapter 8

JUDICIAL CONTROL OVER THE CONSTITUTIONALITY AND LEGALITY OF ACTIVITIES OF HIGHEST STATE AUTHORITIES

Article 136

1. Any infringements on the Constitution and laws by:
 - a) the President of the Republic of Poland
 - b) members of the Council of Ministers
 - c) Chairman of the National Bank of Poland and Chairman of the Supreme Chamber of Supervision (Control),

- resulting from actions undertaken in connection with their office shall render the officials accountable to the Tribunal of State.
2. The powers and procedure of the Tribunal of State shall be detailed by the law. The law may extend the powers of the Tribunal of State to apply also to other high and central officers.

Article 137

1. Officials may be brought before the Tribunal of State only by the Sejm.
2. The provisions of section 1 shall not apply to the President.

Article 138

The Tribunal of State may also determine legal responsibility of officials if a violation of the Constitution or laws, committed in connection with the officials' professional duties, is at the same time a criminal offense.

Article 139

Officials brought before the Tribunal of State by the Sejm shall be suspended in their official duties.

Article 140

Officials brought before the Tribunal of State shall have all of the rights of persons accused in a lawsuit, including the right to appeal to the full Tribunal.

Article 141

In examining cases and passing legal verdicts, the Tribunal of State shall be independent and subject only to the Constitution and laws.

Article 142

Judgements of the Tribunal of State on the unconstitutionality or illegality activities in connection with their duties shall lead to these officials being deprived of their office. Specific laws may vest in the Tribunal of State the right to impose other penalties.

Article 143

If the Tribunal of State determines that an official's deed is a criminal offense it shall impose penalties specified in penal laws.

Article 144

1. The Tribunal of State shall be elected by the Sejm from persons not being Parliament deputies (or senators) and shall consist of a Chairman and 12 judges. The Tribunal of State may also contain persons meeting the requirements of Supreme Court judges.
2. The Tribunal of State shall be elected for a four—year term of office.

Chapter 9**ADMINISTRATION OF JUSTICE****Article 145**

The administration of justice shall be carried out in the name of the Republic of Poland by the Supreme Court, common courts of law and special courts.

Article 146

Judges shall be independent and subject only to the statute.

Article 147

The courts shall be independent of any authority.

Article 148

The National Council of the Judicature shall safeguard the independence of courts and judges.

Article 149

The composition of the National Council of the Judicature and its powers shall be established by the law.

Article 150

Judges shall be appointed by the President of the Republic of Poland at the request of the National Council of the Judiciary.

Article 151

Judges are irremovable and may not be suspended or transferred to other judicial posts or positions except as provided by law.

Article 152

Courts of first instance shall pronounce judgements with the participation of lay—judges, except as provided by law.

Article 153

Pronouncements of courts of first instance may be appealed from to courts of second instance.

Article 154

Cases in courts shall be heard in public. The law may reduce the publicity of case only to protect privacy or public interest.

Article 155

The structure, jurisdiction and procedure of courts shall be defined by the law.

Article 156

Individual acts of administration shall be under judicial control. The Supreme Administrative Court shall adjudicate on the legality of individual acts of administration, unless law vests this power in another court. The organization and procedure of the Supreme Administrative Court shall be defined by statute.

Chapter 10**THE SUPREME ADMINISTRATIVE COURT****Article 157**

1. Decisions on cases concerning administration may be appealed from to the administrative court in the event of their unlawfulness. In particularly justifiable cases, the law, in consideration of the special character of the case, may appoint other courts or organs to adjudicate the unlawfulness of the decision.
2. Laws shall define what other acts of administration may be appealed from to the administrative court due to their unlawfulness.
3. In cases within the jurisdiction of the administrative court, citizens may also apply to this court for giving a decisions or undertaking other activities, when a competent organ failed to issue a decision or act within time defined by the law.

Article 158*(variant 1)*

The Supreme Administrative Court shall be the court of last resort in cases of appeal involving administrative law.

(variant 2)

The administrative courts shall consist of regional administrative courts which adjudge as courts of first instance and the Supreme Administrative Court which adjudges as a court of second instance.

Article 159

Judges of the administrative court shall be appointed by the President of the Republic at the request of the National Council of the Judicature. The Chairman of the Supreme Administration Court shall be appointed by the Sejm from among the judges of the Supreme Administrative Court at the request of the general essembly of the judges of the Supreme Administrative Court.

Article 160

Judges of the administrative court shall be independent in the execution of their duties and subject only to the law.

Article 161

Controversies between the state administration and local government as to their competence shall be settled by the administrative court.

Article 162

The jurisdiction and structure of the administrative court as well as its procedure shall be decided by the law.

Chapter 11

LOCAL GOVERNMENT

Article 163

1. Local government shall be the basic form of the organization of public life in the commune.
2. The commune shall satisfy collective needs of the local community.

Article 164

1. The commune shall have legal status and perform public tasks in its own name, under the rules defined by law.
2. The independence of the commune shall be subject to judicial protection.
3. Within the scope settled by law, the commune shall exercise the power of state administration.

Article 165

1. The legislative power of the commune shall be exercised by the Council, elected by the people of the commune. The mode of the election shall be defined by law.
2. The Council shall elect the executive bodies of the commune.

Article 166

The commune shall have the right of property and other ownership rights. These rights are communal property.

Article 167

The revenues of the commune shall be supplemented by subsidies under the rules defined by the law.

Article 168

1. Under the authorization of the law, the commune shall be in right to proclaim rules generally binding on the area of the commune.
2. Commune rules shall be enacted by the council of the commune in the form of resolutions.

Article 169

1. Within the scope not settled by separate laws, the commune may proclaim ordinances in the form of orders to protect life or health of citizens and to ensure public peace and safety.
2. The council of the commune shall proclaim ordinances in the form of resolutions.
3. In emergency ordinances shall be proclaimed by the Board. They must be approved during the next session of the commune and become invalid when rejected.
4. The mode of pronouncement and issuing rules of the commune shall be defined by the law on local government.

Chapter 12**EMERGENCY MEASURES****Article 170**

1. The Sejm may declare a state of war only upon a military attack launched against the Republic of Poland, or in the event when the international agreements impose on the Republic an obligation of joint defence against

- an aggressor. In case the Sejm cannot be convened, the state of war shall be declared by the President of the Republic.
2. Upon a motion of the President of the Republic the Sejm shall appoint Commander—in—Chief of the Armed Forces of the Republic of Poland for the period of war; in case the Sejm cannot be convened, the Commander—in—Chief shall be appointed by the President of the Republic.

Article 171

1. The President of the Republic, on a motion of the Prime Minister, may introduce martial law on a part or on the whole territory of the Republic of Poland in the case of endangered defence readiness or in the event the State security is endangered by external factors. For the same reasons the President of the Republic may declare general or partial mobilization.
2. The President of the Republic, on a motion of the Prime Minister, may introduce a state of emergency on a part or on the whole territory of the Republic in the case of endangered internal security of the State or upon natural calamity; thus introduced state of emergency shall be in effect for a definite period of time, but not longer than three months, which may be extended to another three months with the consent of the Sejm.
3. The conditions and legal effects of such introduction of a state of war, martial law and a state of emergency are subject to the provisions of laws.

Article 172

Under any of the afore mentioned emergency measures, the human rights and liberties shall not be subjected to any other limitations or restrictions than are absolutely unavoidable.

Article 173

1. While any of the emergency measures are in effect, the Sejm shall neither dissolve itself nor shall be dissolved; in case the term of the Sejm expires during a state of war, state of emergency or under martial law, the term shall be prolonged to the date following the termination of any of these states by three months.
2. Neither the Constitution nor electoral laws shall undergo any change in the periods of a state of war, martial law or a state of emergency.