

Constitution of the German Democratic Republic (7 October 1949)

Caption: On 7 October 1949, the Constitution of the German Democratic Republic (GDR) is adopted in Berlin.

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Constitution of the German Democratic Republic, Promulgated October 7, 1949

The German People, imbued with the desire to safeguard human liberty and rights, to reshape collective and economic life in accordance with the principles of social justice, to serve social progress, and to promote a secure peace and amity with all peoples, have adopted this Constitution.

A. Fundamentals of State Authority

Article 1

Germany is an indivisible democratic republic, the foundations of which are the German Laender.

The (German Democratic) Republic decides on all issues which are essential to the existence and development of the German people as a whole, all other issues being decided upon by independent action of the Laender (states).

As a rule, decisions of the Republic are carried out by the Laender.

There is only one German nationality.

Article 2

The colors of the German Democratic Republic are black, red and gold.

The capital of the Republic is Berlin.

Article 3

All state authority emanates from the people.

Every citizen has the right and the duty to take part in the formation of the political life of his Gemeinde (community), Kreis (county), Land (state) and of the German Democratic Republic.

This right of co-determination takes the form of:

voting in popular initiatives and referendums;

exercising the right to vote and standing for election;

entering upon public offices in general administration and in the administration of justice.

Every citizen has the right to submit petitions to the popular representative body.

State authority must serve the welfare of the people, liberty, peace and the progress of democracy.

Those active in public service are servants of the community as a whole and not of any one party. Their activity is supervised by the popular representative body.

Article 4

All measures taken by state authority must be compatible with the principles which the Constitution has

declared to be contained in state authority. Pursuant to Article 66 of this Constitution, the popular representative body is to decide on the constitutionality of such measures. Everyone has the right and the duty to resist measures contradicting enactments of the popular representative body.

Every citizen is in duty bound to act in accordance with the Constitution and to defend it against its enemies.

Article 5

The generally recognized rules of international law are binding upon state authority and every citizen.

It is the duty of state authority to maintain and cultivate amicable relations with all peoples.

No citizen may participate in belligerent actions designed to oppress any people.

B. Contents and Limits of State Authority

I. Rights of the Citizen

Article 6

All citizens have equal rights before the law.

Incitement to boycott of democratic institutions or organizations, incitement to attempts on the life of democratic politicians, the manifestation of religious and racial hatred and of hatred against other peoples, militaristic propaganda and warmongering as well as any other discriminatory acts are felonious crimes within the meaning of the Penal Code. The exercise of democratic rights within the meaning of the Constitution is not an incitement to boycott.

Whoever has been convicted of such a crime is disqualified from holding public office or a leading position in economic or cultural life. He also loses the right to vote and to stand for election.

Article 7

Men and women have equal rights.

All laws and regulations which conflict with the equality of women are abolished.

Article 8

Personal liberty, inviolability of the home, secrecy of the mail, and the right to take up residence at any place are guaranteed. State authority may restrict or revoke these freedoms only on the basis of a law applicable to all citizens.

Article 9

All citizens have the right, within the limits of universally applicable laws, to express their opinion freely and publicly and to hold unarmed and peaceful assemblies for that purpose. This freedom shall not be restricted by any service or employment status, and no one may be discriminated against for exercising this right.

There is no press censorship.

Article 10

No citizen may be turned over to a foreign power by extradition.

Allies shall neither be extradited nor expelled, if, outside this country, they are subject to persecution because of their struggle in support of the principles embodied in this Constitution.

Every citizen has the right to emigrate. This right may be restricted only by a law of the Republic.

Article 11

Free ethnic development of foreign-language elements of the population of the Republic is to be promoted by legislative and administrative action. In particular, they must on no account be prevented from using their native language in matters of education, internal administration and administration of justice.

Article 12

All citizens have the right to form associations or societies for purposes not conflicting with criminal law.

Article 13

Associations that, in accordance with their statutes, aim to bring about, on the basis of this Constitution, a democratic organization of public life and whose executive bodies are determined by their members, are entitled to submit nominations of candidates for election to membership in Gemeinde (community), Kreis (county) and Land (state) popular representative bodies.

Nominations for the People's Chamber may be made only by those associations which, pursuant to their statutes, aim to bring about the democratic organization of public and social life in the entire Republic and which maintain an organization throughout the territory of the Republic.

Article 14

Everyone is guaranteed the right to organize for the improvement of wages and working conditions. Any agreements and measures intended to restrict this right or impede it are unlawful and prohibited.

(Recognized) trade unions are vouchsafed the right to strike.

Article 15

(The individual's) capacity for work is protected by state authority.

The right to work is guaranteed. By means of economic control the state ensures to each citizen work and a living. Whenever suitable work cannot be found for him, he shall be provided necessary sustenance.

Article 16

Every worker is entitled to recreation, to an annual leave with pay and to being provided for in illness and old age.

Sundays, holidays and the first of May are days of rest and are protected by law.

On the principle of autonomous administration by the insured, a unitary and comprehensive social insurance system serves to maintain the health and strength of the working population, to protect motherhood, and to provide against the economic consequences of old age, disability, unemployment and other vicissitudes of life.

Article 17

Workers and employees shall play a decisive part in the regulation of industrial production, wages, and working conditions in enterprises.

Workers and employees shall exercise these rights through trade unions and Works Councils.

Article 18

The Republic shall establish uniform labor legislation, a uniform system of labor courts and uniform legislation for the protection of labor, in all of which the working population shall play a decisive part.

Working conditions must be such as to safeguard the health, cultural requirements and family life of the workers.

Remuneration for work must correspond to performance and must provide a worthwhile existence for the worker and those dependents entitled to his support.

Men and women, adults and juveniles, are entitled to equal pay for equal work.

Women enjoy special protection in employment relations. The laws of the Republic shall provide for institutions enabling women to co-ordinate their tasks as citizens and workers with their duties as wives and mothers.

Juvenile workers shall be protected against exploitation and saved from falling into moral, physical or mental neglect. Child labor is prohibited.

II. The Economic Order

Article 19

Organization of economic life must conform to the principles of social justice; it must guarantee to all an existence compatible with the dignity of man.

It is incumbent upon the economy to contribute to the benefit of the whole people and to the satisfaction of its wants and to insure that everybody will obtain, in accordance with his performance, a just share in the yield of production.

Freedom (of enterprise in the) economic (field) is guaranteed to the individual within the scope of the above tasks and aims.

Article 20

Farmers, traders and craftsmen are to be given support in the development of their private initiative. Mutual aid through co-operatives is to be expanded.

Article 21

In order to secure the basic standard of living for its citizens and to promote their prosperity, the state, acting through its legislative bodies and with the direct participation of its citizens, establishes a public economic plan. It is the task of the popular representative bodies to supervise the implementation of the plan.

Article 22

Private property is guaranteed by the Constitution. Its scope and its limitations are derived from law and from the obligations toward the welfare of the community at large.

The right of inheritance is guaranteed to the extent provided by civil law. The share of the Government in the estate is determined by law.

Intellectual work and the rights of authors, inventors, and artists enjoy protection, furtherance, and support by the Republic.

Article 23

Restrictions on private property and expropriations may be imposed only for the benefit of the general public and on a legal basis. They shall take place against reasonable compensation unless the law provides otherwise. If the amount of compensation is in dispute, recourse to the ordinary courts shall be open insofar as a law does not provide otherwise.

Article 24

Property commits to duties. Its use must not run counter to the public good.

Misuse of property with the intent of establishing an economic ascendancy to the detriment of the public good results in expropriation without compensation and transfer to the people's ownership.

Enterprises owned by war criminals and active National Socialists have been expropriated and will be transferred to the people's ownership (without compensation). The same shall apply to private enterprises offering their services to a warlike policy.

All private monopolistic formations such as cartels, syndicates, combines, trusts and similar private organizations aiming at an increase of profits through the control of production, prices and markets have been abolished and are prohibited.

Privately-owned large estates with an acreage of more than one hundred hectares are dissolved and shall be redistributed without compensation.

Following the accomplishment of the above agrarian reform, ownership of their land shall be guaranteed to the farmers.

Article 25

All mineral resources, all economically exploitable natural power sources, as well as the mining, iron and steel and electric power industries serving their exploitation, are to be transferred to the people's ownership.

Until such transfer, their use will be supervised by the Laender or by the Republic insofar as the interests of the whole of Germany are involved.

Article 26

Distribution and utilization of the land shall be supervised, and each abuse thereof shall be prevented. Incremental value of landed property which has accrued without expenditure of labor or capital is to be made of use to the collectivity.

Every citizen and every family shall be assured of a healthy dwelling befitting their needs. Herein special consideration shall be given to victims of fascism, to seriously disabled persons, persons having incurred special war losses and resettlers.

Maintenance and furtherance of assured returns from agriculture will be safeguarded also by means of land planning and conservation.

Article 27

Private economic enterprises suitable for socialization may be transferred to collective ownership by law under the provisions dealing with expropriation.

The Republic, the Laender (states), the Kreise (counties) and Gemeinden (communities) may be given by law a decisive voice in the management, or otherwise, of enterprises and associations.

Economic enterprises and associations may, by legislation, be combined into autonomous organizations in order to ensure the collaboration of all working elements of the nation, to give workers and employers a share in the management, and to regulate production, manufacture, distribution, utilization, prices, as well as import and export of commodities along the principles of collective economic interests.

Consumer and buying co-operatives, profit-making co-operatives and agricultural co-operatives and their associations shall be integrated into the collective economy while preserving their statutes and characteristic features.

Article 28

Any alienation or encumbrance of landed property, productive plants or shares therein owned by the people must have the approval of the popular representative body exercising jurisdiction over the title-holding agency. Such approval requires at least a two-thirds majority of the statutory number of members.

Article 29

Property and income shall be taxed according to progressively increasing rates on the basis of social viewpoints and with particular consideration of family obligations.

Taxation must give special consideration to earned property and income.

III. Family and Motherhood

Article 30

Marriage and family are the foundations of collective life and are protected by the state.

All laws or statutory provisions by which the equal rights of men and women within the family are impaired are abrogated.

Article 31

Parents have the natural right to bring up their children in a democratic spirit which will enable them mentally and physically to become responsible individuals, and this is their supreme duty towards society.

Article 32

During maternity a woman has a rightful claim to particular protection and care by the state.

The Republic shall issue a law for the protection of mothers. Institutions are to be created to protect mother and child.

Article 33

Extra-marital birth is to be no ground for discrimination against either the child or the parents.

Any laws and statutory provisions to the contrary are abrogated.

IV. Education**Article 34**

Art, science, and their teaching, are free.

The state participates in their cultivation and grants them protection, especially against their abuse for purposes which are contrary to the provisions or the spirit of the Constitution.

Article 35

Every citizen has an equal right to education and to a free choice of his vocation.

Education of youth and adult education of the citizenry in intellectual or technical disciplines are provided by public institutions in all fields of national and social life.

Article 36

The Laender are responsible for the establishment of a public school system and for the practical operation of school instruction. To this effect the Republic shall issue uniform legislative provisions of a basic character. The Republic may itself establish public educational institutions.

The Republic shall issue uniform provisions for the training of teachers. Such training shall take place in the universities or institutions of equal status.

Article 37

The school educates the youth in the spirit of the Constitution to be independently thinking and responsibly acting individuals who will be able and willing to take their place in the life of the community at large.

As conveyor of culture, the school has the task of educating the youth to be truly humane in the spirit of peaceful and amicable co-operation in the life of nations and genuine democracy.

The parents shall participate in the school education of their children by councils of parents.

Article 38

Attendance at school is compulsory for all until completion of the eighteenth year of life. After completion of a primary school course compulsory for all children, training is pursued in a vocational or technical school, in high school or in other public educational institutions. All juveniles under eighteen years of age must attend a vocational or training school unless they attend another (public) school. Private schools as substitutes for public schools (state or municipal) are inadmissible.

Vocational and technical schools afford general and vocational training.

High schools (Oberschule) pave the way for admission to a university. Such admission, however, does not require high school attendance; attendance at other public educational institutions, which shall be extended or created for that purpose, may take its place.

All citizens must be given the opportunity to prepare their admission to a university in special preparatory schools.

Members of all classes of the population shall be given an opportunity to acquire knowledge in colleges of the people without interruption of their occupational activities.

Article 39

Every child must be given the opportunity fully to develop its physical, mental and moral capacities. The school career of youth must on no account depend on the social or economic position of the parents. Indeed, children who are at a disadvantage because of social conditions are to be given special care. Attendance at vocational school, high school and university must be open to gifted pupils from all classes of the population.

Tuition is free. Text-books and instructional material used in compulsory schools are furnished without cost: in case of need, attendance at vocational school, high school and university will be promoted through scholarships and other measures.

Article 40

Religious instruction is a concern of the religious associations. The exercise of this right is guaranteed.

V. Religion and Religious Associations

Article 41

Every citizen enjoys complete freedom of faith and conscience. The practice of religion without interference enjoys the protection of the Republic.

Any abuse of establishments created by religious associations, of religious acts or religious instruction for purposes which are contrary to the principles of the Constitution or for purposes of party politics is prohibited. However, the right of religious associations to express an attitude in keeping with their own viewpoints towards issues vital for the people shall be uncontested.

Article 42

Civil or civic rights and duties are neither conditioned nor restricted by the practice of religion. Exercise of civil or civic rights or the admission to public service is independent of a religious creed.

No one is required to disclose his religious belief. Administrative agencies have the right to make inquiries about a person's membership in a religious association only insofar as rights and duties are connected therewith, or a statistical survey directed by law requires it.

No one may be forced to attend religious rites or celebrations, or to participate in religious exercises, or to use a religious form of oath.

Article 43

There is no state church. Freedom of membership in religious associations is guaranteed.

Every religious association regulates and administers its affairs autonomously and in accordance with the laws applicable to all.

Religious associations remain public law corporations insofar as they were such heretofore. Other religious associations are granted like rights upon their application, if through their organization and the number of their members they offer a guarantee of permanency. If several such public law religious associations join in a union, this union is also a corporation of public law.

Religious associations having public law status are entitled to levy taxes upon their members on the basis of the governmental tax list according to (the standards of) the general provisions.

Associations whose function is the common cultivation of a philosophy of life have the same status as religious associations.

Article 43

The right of the church to give religious instruction on school premises is guaranteed. Religious instruction is given by personnel selected by the church. No one may be forced to give, or to be prevented from giving, religious instruction. Those entitled to bring up a child shall determine whether the latter shall receive religious instruction.

Article 45

Public contributions to religious associations, which rest upon law, contract, or special legal title, shall be abrogated by legislation.

Ownership and other rights of the religious associations and religious unions, in respect to their institutions, foundations and other property devoted to purposes of worship, education and charity, are guaranteed.

Article 46

Insofar as there exists a need for religious service and spiritual guidance in hospitals, penal institutions, or other public institutions, the religious associations are to be given an opportunity for religious exercises. No person may be forced to participate.

Article 47

Any person wishing to resign from a public-law religious association and to have such resignation become legally effective, shall declare his intention before a court, or submit it in form of a publicly attested individual declaration.

Article 48

Decision as to whether children up to fourteen years of age shall belong to a religious association rests with the persons entitled to bring them up. Older children shall decide themselves whether or not they wish to be members of an association or organization professing a religious creed or a philosophy of life.

VI. Effectiveness of Basic Rights

Article 49

A basic right may not be violated in its essential content, not even where this Constitution authorizes its restriction by law or makes its further development subject to (specific) legislation.

C. Organization of State Authority

I. The Popular Representative Body of the Republic

Article 50

The supreme authority of the Republic is the People's Chamber.

Article 51

The People's Chamber is composed of the representatives of the German people.

Representatives are elected in universal, equal, direct and secret ballot for a term of four years, according to the principles of proportional representation.

Representatives serve the people as a whole. They are bound only by their own conscience and are not bound by any instructions.

Article 52

All citizens who have passed their eighteenth birthday have the right to vote.

All citizens who have passed their twenty-first birthday may stand for election.

The People's Chamber consists of four hundred representatives.

Details are determined by an Electoral Law.

Article 53

Nominations for the People's Chamber may be submitted only by associations which satisfy the provisions of Article 13, paragraph 2.

Details are determined by a law of the Republic.

Article 54

Elections are held on a Sunday or legal holiday. Freedom and secrecy of the ballot are guaranteed.

Article 55

The People's Chamber convenes not later than thirty days after election, unless it is convoked by the previous Presidium for an earlier date.

The President must convoke the People's Chamber if the Government, or at least one fifth of the representatives in the People's Chamber, so request

Article 56

A new Chamber must be elected not later than sixty days after the end of a legislative term, or forty-five days after dissolution of the People's Chamber.

Before the completion of a legislative term, the People's Chamber may be dissolved only upon its own resolution or upon a referendum, except in the case described in Article 95, paragraph 6.

To dissolve the People's Chamber upon its own resolution, the consent of more than one half of the statutory number of representatives is necessary.

Article 57

When first convening, the People's Chamber elects the Presidium and adopts Rules of Procedure.

Each parliamentary party is represented in the Presidium, provided that it has at least forty members.

The Presidium consists of the President, his deputies, and of associate members.

The President directs the business of the Presidium and presides over the deliberations of the People's Chamber. Maintenance of order on the premises of the Chamber is his prerogative.

Article 58

Resolutions of the Presidium are adopted by majority vote.

A quorum exists when at least half of the members of the Presidium are present.

Upon the resolution of the Presidium the acting President convokes the People's Chamber; he also fixes the date for new elections.

The Presidium continues in office until the convening of the new People's Chamber.

Article 59

The People's Chamber examines the accreditation of its members and decides on the validity of elections.

Article 60

For the periods when the People's Chamber is not in session, and after a legislative term has expired or the People's Chamber has been dissolved, the People's Chamber appoints three Standing Committees to carry on its functions, namely:

a Committee of General Affairs,

a Committee of Economic and Financial Affairs, and

a Committee of Foreign Affairs.

These Committees have the same rights as investigating committees.

Article 61

The People's Chamber adopts laws and resolutions by majority vote, unless this Constitution provides otherwise.

A quorum exists when more than half of the members of the Chamber are present.

Article 62

Deliberations of the People's Chamber and of its committees are open to the public. The public may be excluded from the People's Chamber if two thirds of the representatives present so request, and from the

committees on the demand of the majority of the members of such committees.

True records of public meetings of the People's Chamber or its committees do not entail any responsibility.

Article 63

The functions of the People's Chamber include:

the determination of the principles of governmental policy, and of its implementation;

the confirmation, supervision, and recall of the Government;

the determination of administrative policies and supervision over all governmental agencies;

the right to legislate, except when a (popular) referendum is held;

decisions on the national budget, on the Economic Plan, on loans and credits of the Republic and the ratification of state treaties;

the granting of amnesties;

the election of the President of the Republic jointly with the Laender Chamber; and

the election and recall of the members of the Supreme Court of the Republic and of the Prosecutor General of the Republic.

Article 64

For the purpose of obtaining information, the People's Chamber or any of its committees may request the presence of the Minister President or any other Minister, their permanent deputies, or the chiefs of administrative agencies of the Republic. The members of the Government and deputies designated by them are authorized to attend meetings of the People's Chamber and its committees at all times.

If they so request, members of the Government or their deputies must be given the floor during deliberations, regardless of the agenda.

They are subject to the disciplinary authority of the President.

Article 65

For the purpose of supervising the activities of governmental agencies, the People's Chamber has the right, or, if at least one fifth of the statutory number of representatives so request, the duty, to appoint investigating committees. These committees take such evidence as they or the representatives having requested the investigation deem necessary. They may for this purpose be represented by persons commissioned by them.

Courts and administrations must comply with the request of these committees, or persons acting on their instructions, for the taking of evidence and, upon demand, present their files for inspection.

In the taking of evidence by the investigating committees the provisions of the Criminal Procedure are applied correspondingly.

Article 66

For the duration of the legislative term the People's Chamber establishes a Constitutional Committee, in which all parliamentary parties are represented according to their (numerical) strength. To this Committee shall also belong three members of the Supreme Court of the Republic as well as three German professors of constitutional law who must on no account be members of the People's Chamber.

Members of the Constitutional Committee are elected by the People's Chamber.

(Only) the Constitutional Committee reviews laws of the Republic as to their constitutionality.

Constitutionality of laws of the Republic may be challenged by not less than one third of the members of the People's Chamber, by its Presidium, by the President of the Republic, by the Government of the Republic and by the Laender Chamber.

Disputes on constitutional questions between the Republic and the Laender, and the compatibility of Land legislation and legislation of the Republic, are reviewed by the Constitutional Committee, with the assistance of three elected delegates of the Laender Chamber.

Final decision with respect to the report of the Constitutional Committee is reserved to the People's Chamber; the latter's decision is binding on everyone.

The People's Chamber also determines the execution of its decision.

The People's Chamber is, in the exercise of the administrative supervision delegated to it, responsible for determining whether an administrative measure is unconstitutional.

Article 67

No proceedings, judicial or disciplinary, may at any time be instituted against any member of the People's Chamber for his vote or for any utterance made, in the exercise of his parliamentary functions, nor may he be otherwise called to account outside the Chamber. This does not apply to defamation in the meaning of the Penal Code, if it has been established to be such by an investigating committee of the People's Chamber.

Restraint of personal freedom, house searches, seizures or criminal prosecution may not be instituted against representatives except with the consent of the People's Chamber.

Any criminal proceedings against a representative in the People's Chamber, and any arrest or other restraint of his personal freedom, is suspended for the duration of the session upon demand of the Chamber of which the representative is a member.

Members of the People's Chamber have the right to refuse to give evidence concerning persons who confided facts to them in their capacity as representatives, or to whom they have entrusted facts in this capacity, as well as concerning those facts themselves. In respect to seizure of documents, they enjoy the same privileges as persons who have the legal right to refuse testimony.

No search or seizure may be conducted in the premises of the People's Chamber without the consent of the Presidium.

Article 68

Members of the People's Chamber do not require leave in order to perform their functions.

Persons standing as candidates for a seat in the People's Chamber must be granted such leave as is necessary

to prepare for election.

Salaries and wages continue to be paid.

Article 69

Members in the People's Chamber receive an allowance for expenses, which is tax-exempt.

Renunciation of the allowance for expenses is inadmissible. The claim to the allowance for expenses cannot be transferred or garnished.

Article 70

Members of the People's Chamber are entitled to free travel in all public transport.

II. Representation of the Laender

Article 71

A Laender Chamber is established to represent the German Laender. In the Laender Chamber, each Land has one representative for every five hundred thousand inhabitants. Each Land has at least one representative.

Article 72

The representatives in the Laender Chamber are elected by the Landtage (Land legislatures) in proportion to the numerical strength of the parliamentary parties represented therein. Laender Chamber representatives will serve for the duration of the legislative term of the respective Landtag. As a rule, Laender Chamber representatives should be Landtag members.

Each Landtag ascertains the wishes of its Land on matters to be deliberated in the Laender Chamber. This does not affect the rights of the representatives, as laid down in the Land Constitutions, to follow freely the dictates of their conscience.

Article 73

The Laender Chamber elects its Presidium and adopts Rules of Procedure. The Presidium consists of the President, his deputies, and the associate members.

Article 74

The Laender Chamber is convoked by its President whenever it is necessary for the transaction of its business.

The Laender Chamber is also convoked upon the demand of one fifth of its members.

Article 75

Meetings of the Laender Chamber are open to the public. As far as provided in the Rules of Procedure, the public may be excluded if certain items of the agenda are discussed.

Article 76

The Laender Chamber makes its decisions by majority vote, unless this Constitution provides otherwise.

Article 77

The Laender Chamber may set up all necessary committees as provided in the Rules of Procedure.

Article 78

The Laender Chamber has the right to introduce bills in the People's Chamber. It has the right to reject legislation, as provided in Article 84 of this Constitution.

Article 79

Members of the Government of the Republic and of that of a Land have the right to, and, upon the demand of the Laender Chamber, are required to, take part in deliberations of the Laender Chamber and its committees. They must be given the floor on any matter under deliberation if they so request.

The People's Chamber may, in special cases, delegate representatives from among their numbers to present the opinion of the People's Chamber to the Laender Chamber; the Laender Chamber has an equal right to present its opinion to the People's Chamber. The Laender Chamber may, if need be, instruct members of the Land Governments to present the attitude of their respective Governments to the People's Chamber.

Article 80

Article 67 and subsequent articles of this Constitution concerning the rights of the members of the People's Chamber apply correspondingly to the members of the Laender Chamber.

III. Legislation**Article 81**

Laws are enacted by the People's Chamber, or directly by the people by means of a referendum.

Article 82

Bills are introduced by the Government, by the Laender Chamber or by members of the People's Chamber. At least two readings will be held on any bill.

Article 83

The Constitution may be amended by legislation.

The People's Chamber may enact legislation to amend the Constitution only if at least two thirds of the representatives are present, and such enactments require a two-thirds majority of those present.

If an amendment to the Constitution is to be adopted by means of a (popular) referendum, the approval of the majority of those entitled to vote is required.

Article 84

The Laender Chamber has the right to veto laws enacted by the People's Chamber. The veto must be lodged within two weeks after the final vote has been taken in the People's Chamber; reasons for the veto must be submitted within an additional two weeks. Otherwise it is understood that the Laender Chamber will not exercise its right of veto.

The People's Chamber may override this veto by upholding its decision after renewed deliberations.

If a two-thirds majority of the Laender Chamber representatives casting their votes has decided to veto a measure, such veto can be overridden only if a two-thirds majority of the People's Chamber representatives casting their votes upholds the measure.

For the Laender Chamber to veto legislation enacted by the People's Chamber to amend the Constitution, at least two thirds of the members of the Laender Chamber must be present, and at least two thirds thereof must vote for the veto.

The People's Chamber may override the veto by upholding its amendment with the majority prescribed for amendments to the Constitution.

Article 85

The President of the People's Chamber shall engross all constitutionally enacted laws within the period of one month.

They are promulgated without delay by the President of the Republic in the Official Gazette of the Republic.

A law cannot be engrossed nor promulgated, if it has been declared unconstitutional within one month, as provided for in Article 66.

Unless otherwise provided, laws come into force on the fourteenth day after their promulgation.

Article 86

Engrossment and promulgation of a law are to be suspended for two months, if one third of the representatives in the People's Chamber so request.

Upon expiration of this period, the law is to be engrossed and promulgated unless a popular initiative calls for a (popular) referendum against the enactment of the law.

Laws declared urgent by the majority of the representatives in the People's Chamber must be engrossed and promulgated despite such (public) demand.

Article 87

If the promulgation of a law has been suspended at the instance of at least one third of the representatives in the People's Chamber, such law is to be submitted to a (popular) referendum upon the demand of one twentieth of those entitled to vote.

A (popular) referendum shall furthermore be held, if requested by one tenth of those entitled to vote or by recognized political parties or organized groups which can demonstrate satisfactorily that they represent one fifth of those entitled to vote (constituting popular initiative).

A popular initiative must be based on a draft law, which law is to be submitted to the People's Chamber by the Government with a statement of the Government's position with respect to this law.

A (popular) referendum will take place only if the desired law has not been adopted by the People's Chamber in a version with which the petitioners or their representations are in agreement.

A (popular) referendum shall not be held on the budget, on tax legislation or on salary schedules.

A law submitted to a (popular) referendum is considered as adopted if it has received the consent of a

majority of the votes cast.

A specific law shall regulate the procedures for popular initiative and (popular) referendum.

Article 88

The budget and the economic plan are adopted by law.

Amnesties require a (specific) law.

State treaties concerning matters of legislation are to be promulgated as laws.

Article 89

Laws which have been duly promulgated cannot be reconsidered by the judiciary with respect to their constitutionality.

After the review proceedings provided for in Article 66 have been instituted, all pending court proceedings shall be suspended until the review proceedings have been completed.

Article 90

General administrative regulations required for the implementation of the laws of the Republic will be issued by the Government of the Republic, unless the law provides otherwise.

IV. The Government of the Republic

Article 91

The Government of the Republic consists of the Minister President and the Ministers.

Article 92

The Minister President is appointed by the party with the greatest strength in the People's chamber; he (the Minister President) forms the Government. All parties having at least forty representatives (in the People's Chamber) are represented by Ministers or State Secretaries in proportion to their strength. State secretaries may attend meetings of the Government in an advisory capacity.

Should one parliamentary party refuse to be included, the Government will be formed without it.

Ministers should be members of the People's Chamber.

The People's Chamber approves the Government and the program submitted by it.

Article 93

On taking office, members of the Government shall be sworn in by the President of the Republic and pledged to perform their duties impartially for the welfare of the people and in faithful observance of the Constitution and the laws.

Article 84

The Government, and each of its members, require the confidence of the People's Chamber in order to perform their functions.

Article 95

The functions of the Cabinet are terminated if and when the People's Chamber passes a motion of no-confidence.

A motion of no-confidence will be voted on only if at the same time a new Minister President and his program are proposed. The motion of no-confidence and these proposals will be considered in one combined vote.

A vote of no-confidence shall not be effective unless the motion is carried by at least one half (two hundred) of the statutory number of representatives.

A motion of no-confidence must be signed by at least one fourth of the members of the People's Chamber. A vote on such a motion may not be taken prior to the second day after it has been debated, and not later than one week after its presentation.

Unless the new Government takes office within twenty-one days after the motion of no-confidence has been carried, that motion shall become void.

If the new Government receives a vote of no-confidence, the People's Chamber shall be considered dissolved.

The former Government continues its functions until a new Government has taken office.

Article 96

A member of the Government who receives a vote of no-confidence from the People's Chamber must resign. Unless decided otherwise by the People's Chamber, he is to continue his functions until his successor takes office.

The provision of Article 95, paragraph 3, is applicable correspondingly.

Any member of the Government may resign at any time. Unless decided otherwise by the People's Chamber, his official functions shall be performed by his deputy until a successor has been appointed.

Article 97

The Minister President presides over the Government and directs its business under Rules of Procedure to be decreed by the Government and communicated to the People's Chamber.

Article 98

The Minister President determines governmental policy in accordance with the guiding principles laid down by the People's Chamber. For this, he is responsible to the latter.

Within the framework of these guiding principles, each Minister directs independently the department entrusted to him and is personally responsible to the People's Chamber.

Article 99

Ministers shall refer to the Government, for deliberation and decision, all bills, any matters which must be referred to it under the Constitution or the law, as well as differences of opinion with respect to matters which fall within the competence of more than one Minister.

Article 100

The Government makes decisions by majority vote. In case of a tie, the Minister President shall cast the deciding vote.

V. The President of the Republic**Article 101**

The President of the Republic is elected for a term of four years by the People's Chamber and the Laender Chamber, meeting in joint session, which is convoked and presided over by the President of the People's Chamber.

Any citizen who has reached the age of thirty-five years may stand for election.

Article 102

On assuming office, the President of the Republic takes the following oath before a joint session of the People's Chamber and the Laender Chamber:

"I swear that I will dedicate my strength to the welfare of the German people, that I will defend the Constitution and the laws of the Republic, that I will discharge my duties conscientiously and do justice to all.">

Article 103

The President of the Republic may be recalled before the expiration of his term by a joint resolution of the People's Chamber and the Laender Chamber. Such a resolution requires a two-thirds majority of the statutory number of representatives.

Article 104

The President of the Republic promulgates the laws of the Republic.

He receives the oath of office from members of the Government upon their assumption of duties.

Article 105

The President of the Republic represents the Republic in international relations.

He concludes and signs treaties with foreign countries on behalf of the Republic.

He accredits and receives ambassadors and ministers.

Article 106

To become effective, all orders and decrees issued by the President of the Republic must be countersigned by the Minister President or the competent Minister.

Article 107

The President exercises the right of pardon on behalf of the Republic. In this function he is advised by a committee of the People's Chamber.

Article 108

Whenever the President of the Republic is unable to attend to his office, he is represented by the President of the People's Chamber. If such incapacity is expected to continue for a protracted period, a substitute will be appointed by (a specific) law.

Whenever the presidency is terminated prematurely, the same rule applies until the election of a new President.

VI. Republic and Laender

Article 109

Each Land must have a constitution which conforms to the principles of the Constitution of the Republic and under which the Landtag is the supreme and sole popular representative body in the Land.

The popular representative body must be elected, by all citizens entitled to do so, in universal, equal, direct and secret ballot held in accordance with the principles of proportional representation as laid down in the Electoral Law of the Republic.

Article 110

Any change in the territory of a Land and the formation of a new Land within the Republic requires a law of the Republic amending the Constitution.

Only an ordinary law (of the Republic) is required if the Laender immediately affected concur.

An ordinary law will likewise suffice, even if one of the Laender affected does not concur, provided, however, that the territorial change or the formation of a new Land is demanded by a plebiscite held in the territories concerned.

Article 111

The Republic may enact uniform legislation in any field. However, in so doing it should confine itself to laying down principles, provided this meets the need for uniform regulation.

To the extent that the Republic does not exercise its legislative power, the Laender shall have such power.

Article 112

The Republic has the exclusive right to legislate on:

foreign relations;

foreign trade;

customs and the free movement of commodities within a unified customs and trade area;

citizenship; freedom of movement; immigration and emigration, extradition; passport regulations and laws affecting the status of aliens;

legislation on census and registry (marriage, divorce and status of children);

civil law; criminal law; the constitution of courts and their procedure;

labor law;

transport;

the fields of postal, telecommunication, and radio broadcasting services;

the fields of press and of film production, distribution and display;

currency and coinage, weights, measures, standards and gauging;

social insurance; and,

war damages, occupation costs and reparations.

Article 113

Legislation in the field of finance and taxation must be of such nature as not to infringe upon the existence of the Laender, the Kreise (counties) and Gemeinden (communities).

Article 114

Law of the whole of Germany overrides Land law.

Article 115

As a rule, the laws of the Republic are carried out by the executive agencies of the Laender, unless otherwise provided for in this Constitution or by a law. The Republic, insofar as there is a necessity, establishes its own administrative agencies by law.

Article 116

The Government of the Republic exercises supervision in those matters with respect to which the Republic has the right to legislate.

The Government of the Republic may issue general instructions where the laws of the Republic are not executed by its (own) administrative authorities. For the supervision of the execution of these laws and instructions, it is authorized to delegate commissioners to the implementing agencies. As for the powers of these commissioners, Article 65 is correspondingly applicable.

Upon the request of the Republic, the Laender governments are bound to remedy deficiencies discovered in the execution of the laws of the Republic.

Any controversies arising therefrom are to be examined and settled in accordance with the procedure specified in Article 66, paragraph 5.

VII. Administration of the Republic

Article 117

Maintenance of foreign relations is an exclusive concern of the Republic.

The Laender may conclude treaties with foreign states on matters within the competence of Land legislation; such treaties (before taking effect) are subject to the approval of the People's Chamber.

Treaties with foreign states concerning changes of national boundaries are concluded by the Republic, after the consent of the Land thereby affected has been obtained. Boundary changes may be effected only by a law of the Republic, unless a mere rectification of boundaries in uninhabited areas is involved.

Article 118

Germany forms a single customs and trade area, bounded by a common customs frontier.

Territories of foreign states or parts of such territories may be included in the German customs area by treaty or convention. Parts of the German customs area may be excluded therefrom by law.

Any goods enjoying internal free trade within the German customs area may, within the area, freely be introduced into, or carried in transit across the boundaries of, German Laender and political subdivisions as well as, pursuant to paragraph 2, into, or across the boundaries of, the territories of foreign states or parts of such territories included.

Article 119

Customs and such taxes as are regulated by laws of the Republic are administered by the Republic.

The power to levy taxes is, normally, vested in the Republic.

The Republic should levy taxes only to the extent required to cover its needs.

The Republic establishes its own agencies for the administration of taxes. In conjunction therewith, arrangements shall be made enabling the Laender to safeguard their special interests in the spheres of agriculture, commerce, handicrafts, trades or professions, manufacture and industry.

To the extent required for the uniform and equitable enforcement of its tax laws, the Republic shall enact legislation on the organization of tax administrations in the Laender, the organization and powers of the authorities entrusted with the enforcement of the tax laws of the Republic, the settlement of accounts with the Laender, and the reimbursement for the administrative costs incurred in the enforcement of the tax laws of the Republic.

Article 120

Taxes and other levies may be assessed only as provided by law.

Property, income and excise tax legislation are to be kept in a suitable proportion to each other, and to be graduated according to social considerations.

Through sharply progressive tax rates on inheritance, the amassing of socially harmful fortunes should be prevented.

Article 121

Revenues and expenditures of the Republic must be estimated for each fiscal year and provided for in the budget. The budget is to be enacted by legislation before the beginning of the fiscal year.

Article 122

The Minister of Finance, in order to secure a discharge for the Government, gives an accounting to the People's Chamber of the revenues of the Republic and their use. The auditing of accounts is regulated by law of the Republic.

Article 123

Funds may be procured by borrowing only for extraordinary needs. Borrowing of such funds and the guaranteeing of loans as a charge of the Republic may be effected only on the basis of a law of the Republic.

Article 124

Postal, telecommunication, broadcasting and railroad services are to be administered by the Republic.

The former Reich Autobahnen (auto-highways) and Reich highways as well as all roads for long-distance traffic are under the control of the Republic. The same provisions apply to waterways.

Article 125

Control of merchant shipping and the administration of maritime shipping, and of aids to navigation, are duties of the Republic.

VIII. Administration of Justice**Article 126**

The ordinary administration of justice is exercised by the Supreme Court of the Republic and by courts of the Laender.

Article 127

In the exercise of their judicial function, the judges are independent and are bound only by the Constitution and the Law.

Article 128

Judges must be persons who, by their qualification and activity, offer the guarantee that they will exercise their office in accordance with the principles laid down in the Constitution.

Article 129

Through the development of law schools, the Republic provides an opportunity for members of all classes of the population to become qualified for the profession of judge, attorney and public prosecutor.

Article 130

Laymen are, as much as possible, to be used as judges.

Laymen are elected, on the proposal of democratic parties and organizations, by the competent popular representative bodies.

Article 131

Judges of the Supreme Court of the Republic, and the Prosecutor General of the Republic, are elected by the People's Chamber upon their nomination by the Government of the Republic.

Judges of the High Courts of the Laender, and the Prosecutors General of the Laender, are elected by the Landtage upon their nomination by the Land governments.

All other judges are appointed by the Land governments.

Article 132

Judges of the Supreme Court, and the Prosecutor General of the Republic, may be recalled by the People's Chamber if they violate the Constitution, or the laws, or commit a serious breach of their duties as judge or public prosecutor.

This recall is effected after hearing the report of a Committee on Justice to be established in the People's Chamber.

The Committee on Justice is composed of the chairman of the Legal Committee of the People's Chamber, three members of the People's Chamber, two members of the Supreme Court and one member of the Prosecutor General's office. It is presided over by the Chairman of the Legal Committee. The other Committee members are elected by the People's Chamber for the legislative term. The members of the Supreme Court and the Prosecutor General's office serving on the Committee on Justice cannot be members of the People's Chamber.

Judges elected by a Landtag, or appointed by a Land government, may be recalled by the respective Landtag. Their recall will be effected after hearing the report of a Committee on Justice to be set up with the respective Landtag. The Committee on Justice is composed of the Chairman of the Legal Committee of the Landtag, three members of the Landtag, two members of the Land High Court and one member of the Prosecutor General's office of the respective Land. It is presided over by the Chairman of the Legal Committee. The other Committee members are elected by the respective Landtag for the duration of the legislative term. The members of the (Land) High Court and of the Prosecutor General's office, and participating in the Committee on Justice, cannot be members of the Landtag.

Judges appointed by Land governments may, under the same conditions, be recalled by the respective Land government, provided that the consent of the Landtag Committee on Justice has been obtained.

Article 133

All court proceedings are open to the public.

In all matters involving a threat to public safety and order, or to public morals, the court may order the public to be excluded.

Article 134

No citizen should be deprived of his right to be tried before the judge having lawful jurisdiction in the matter. Extraordinary courts are inadmissible. The legislative authorities may set up courts for special matters only if their competence is to comprise categories of persons or issues defined beforehand and in a general way.

Article 135

Only such penalties may be imposed as have been provided for by law at the time the punishable act was

committed.

No penal law has retroactive force.

Exceptions to this rule are measures and the application of provisions which are adopted for the overcoming of Nazism, Fascism and militarism, or which are necessary for the prosecution of crimes against humanity.

Article 136

In cases of temporary arrest, house searches and seizures effected in the course of a preliminary investigation, the approval of a judge must be obtained without (undue) delay.

It rests with the judge alone to decide on the admissibility and continuance of an arrest. Persons arrested must be brought before a judge at the latest on the day after their apprehension. If pretrial confinement is ordered by the judge, he must make a periodic review as to whether continued detention is justified.

The reason for the detention is to be communicated to the arrested person at his first examination by a judge and, if he so desires, within an additional twenty-four hours to a person to be named by him.

Article 137

Execution of sentences is founded on the concept of reforming persons capable of rehabilitation through common productive work.

Article 138

Citizens are protected against unlawful administrative measures by the supervision exercised by the legislature and through recourse to administrative courts.

The structure and jurisdiction of administrative courts are regulated by law.

Principles applying to the election and recall of judges of ordinary courts apply correspondingly to the members of administrative courts.

IX. Administrative Autonomy

Article 139

Gemeinden and Gemeindeverbaende (communities and associated communities) enjoy administrative autonomy subject to the provisions of the laws of the Republic and the Laender.

Autonomy functions include determination and implementation of all policies concerning the economic, social and cultural life of the Gemeinde or Gemeindeverband. Each task is to be accomplished by the lowest (local) administrative unit qualified for this purpose.

Article 140

Gemeinden and Gemeindeverbaende have representative bodies organized on democratic principles.

To assist them, committees are formed in which delegates of the democratic parties and organizations participate responsibly.

The right to vote and the procedure to be followed in (local) elections are governed by the provisions applying to elections to the People's Chamber and to the Landtage.

The right to vote may, however, by Land legislation be predicated on the length of residence in the (respective) locality for a period not to exceed half a year.

Article 141

For the due exercise of their functions, the elected executive authorities of Gemeinden and Gemeindeverbaende require the confidence of the (local) representative bodies.

Article 142

Supervision of the administrative autonomy practiced by Gemeinden and Gemeindeverbaende is limited to a review of the statutory compliance of administrative measures and of the observance of democratic administrative principles.

Article 143

The Republic and the Laender may delegate functions, and the application of laws, to the Gemeinden and Gemeindeverbaende.

X. Transitional and Concluding Provisions

Article 144

All provisions of this Constitution have direct force of law. Any provisions to the contrary are repealed herewith. Provisions superseding them and required to implement the Constitution are to take effect simultaneously with the Constitution. Existing laws are to be interpreted in the meaning of this Constitution.

Constitutional liberties and rights may not be used as arguments against past or future measures adopted for the overcoming of National Socialism and militarism, or to redress wrongs caused by them.

The above Constitution of the German Democratic Republic, worked out with the participation of the entire German People by the German People's Council, passed by it on March 19, 1949, confirmed by the Third German People's Congress on May 30, 1949, and put into effect by a Law of the Provisional People's Chamber dated October 7, 1949, is hereby promulgated.

Berlin, October 7, 1949

The President of the Provisional People's Chamber
of the German Democratic Republic
Dieckmann