



Konstytucja marcowa - Tekst angielski

CONSTITUTION OF THE REPUBLIC OF POLAND We, the Polish Nation, grateful to Providence for setting us free from a servitude of a century and a half¹; remembering gratefully the courage and perseverance of the self-sacrificing struggle of generations which have unceasingly devoted their best efforts to the cause of independence; taking up the glorious tradition of the memorable Constitution of the Third of May;² having in mind the weal of our whole, united, and independent mother-country, and desiring to establish her independent existence, power, safety, and social order on the eternal principles of right and liberty; desirous also of ensuring the development of all her moral and material forces for the good of the whole of renascent humanity, and of securing equality to all citizens of the Republic, and respect, due rights and the special protection of the state to labour; do enact and establish in the Legislative Sejm³ of the Republic of Poland this constitutional law. SECTION I
THE REPUBLIC

Art.1. The Polish State is a Republic⁴.

Art.2. Sovereignty in the Republic of Poland belongs to the nation⁵. The organs of the nation are: in the domain of legislation, the Sejm and the Senate⁶; in the domain of executive power, the President of the Republic; jointly with the responsible ministers; in the domain of the administration of justice, independent courts.

¹ Poland lost its independence in the eighteenth century when its territory was partitioned by its neighbours: Russia, Prussia and Austria. This occurred in three stages, in 1772, 1792 (with only Russia and Prussia taking part in the second partition) and 1795, at which point the Polish state definitively ceased to exist. The fact that the March Constitution made mention of Poland's over 100-year-long servitude was a special way of emphasising that the twentieth-century Polish state was a successor to the Commonwealth which the partitioning powers had wiped off the map in the eighteenth century.

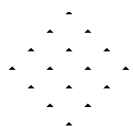
² On 3 May 1791, the Great Sejm adopted a constitution. It was the first document of this type in Europe and the second in the world, after the United States. The adoption of the Third of May Constitution sparked vehement protest from Russia and part of Poland's conservative nobility. The constitution was rescinded as early as 1792 after Russia waged a victorious war on Poland. Over the course of subsequent years it became one of the most important symbols of the Polish independence movement. A few months after Poland regained independence, the date of the enactment of the Third of May Constitution was made a national holiday. After World War II it was abolished by the communist authorities, to be reinstated in 1989.

³ The Constitutional Sejm – the single-chamber Polish parliament in existence from February 1919 until November 1922. Its main task was to lay down the legal foundations of the nascent Polish state – first and foremost to prepare a constitution. It was dissolved after the first parliamentary elections held according to the rules defined in the 1921 constitution. At that point, the first Sejm of the Republic of Poland took office.

⁴ Rzeczpospolita (Republic of Poland) – the traditional name of the Polish state. The word comes from the Latin 'res publica' – public thing (common good). In old Polish, 'respublica' denoted a state system with rulers elected for a set period of time as well as a state so constituted. In practice, the word 'respublica' (and subsequently 'Rzeczpospolita') became equivalent to 'republic'.

⁵ The word 'nation' was understood as referring both to an ethnic community as well as all citizens of the state generally, regardless of their ethnic background.

⁶ The names of the parliamentary chambers – Sejm and Senat – marked a departure from the old Polish terms 'Izba Poselska' (Chamber of Deputies) and 'Senat' (Senate), with the term 'Sejm' reserved for parliament as a whole. The traditional nomenclature was changed as a result of political disagreement between the Left, which demanded a one-chamber parliament, and the Right, which called for a two-chamber one. A compromise was adopted, taking legislative initiative away from the Senate. The superior position of the lower chamber over the Senate was accentuated by giving it a name denoting all of parliament.



SECTION II LEGISLATIVE POWER

Art.3. The domain of state legislation comprises the establishment of all public and private laws, and the manner of their execution. There can be no statute without the consent of the Sejm, expressed in a manner conforming to the Standing Orders.

A statute voted by the Sejm comes into force at the time determined in the statute itself.

The Republic of Poland, basing its organization on the principle of broad territorial self-government, will delegate to the bodies representing this self-government the proper domain of legislation, especially in administrative, cultural and economic fields, to be defined more fully by statutes of the state.

Ordinances by public authorities, from which result rights or duties of citizens, have binding force only if issued by the authority of a statute, and with a specific reference to the same. Art. 4. A statute of the state will determine annually the budget of the state for the ensuing year. Art. 5. The establishment of the numerical strength of the army, and permission for the annual draft of recruits, can be determined only by statute. Art. 6. The contracting of a state loan, the alienation, exchange or pledging of immovable property of the state, the imposition of taxes and public dues, the determination of customs duties and monopolies, the establishment of the monetary system and the taking over by the state of a financial guarantee, can take place only by the authority of a statute. Art. 7. The Government will present annually for parliamentary confirmation the accounts of the state for the past year.



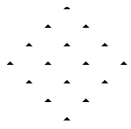
Art. 8. The manner of exercising parliamentary control over the debts of the state will be defined by a special statute. Art. 9. The control of the whole state administration as regards finances; the examination of the accounts of the state; the annual submission to the Sejm of its motion for the granting or refusing of its absolutorium to the Government, are in the hands of the Supreme Board of Control, which is organized on the basis of collegiality and judicial independence of its members, the latter being removable only by a vote of the Sejm representing a majority of three-fifths of those actually voting. The organization of the Supreme Board of Control and its method of procedure will be defined in detail by a special statute. The President of the Supreme Board of Control enjoys a position equal to that of a Minister, but he is not a member of the Council of Ministers and is directly responsible to the Sejm for the exercise of his office and for the officials who are his subordinates. Art. 10. Measures can originate either with the government or with the Sejm. Motions and bills which involve expenditure from the state treasury must state the manner of their raising and expenditure.

Art. 11. The Sejm is composed of deputies elected for a term of five years to be counted from the day of the opening of the Sejm, by secret, direct, equal and proportional voting*¹. Art. 12. The right to vote belongs to every Polish citizen without distinction of sex², who, on the day of the proclamation of the elections, is twenty-one years of age, is in full possession of civil rights, and is a resident of the electoral district at least from the day preceding the proclamation of the elections in the Journal of Laws. The right to vote can be exercised only in person. Members of the army in active service do not possess the right to vote*³.

¹ This provision largely mirrored the procedures followed in electing the Legislative Sejm in 1919. The only universal limitation was age. Voting limitations were also placed on military men in active service.

² Women obtained voting rights as early as 1918, shortly after Poland regained independence. At the time, Poland was one of a handful of countries to grant women full and unrestricted electoral rights. In this respect, it was ahead of the United States, the United Kingdom and France.

³ Voting limitations placed on members of the army were meant to prevent exploitation of the military for political purposes.



Art. 13. Every citizen having the right to vote is eligible for election to the Sejm, independently of his place of residence, if he is at least twenty-five years of age, not excepting members of the army in active service.

Art. 14. Citizens convicted of offences which the law of elections may define as involving temporary or permanent loss of the right to vote, of eligibility, or of being a deputy, may not enjoy the electoral right.

Art. 15. Administrative, revenue, and judicial officials of the state may not be elected in the districts in which they are performing their official duties. This rule does not apply to officials employed in the central departments.

Art. 16. State and self-government employees obtain leaves of absence at the moment of being elected deputies. This rule does not apply to ministers, undersecretaries of state, and professors in academic schools. The years spent in the exercise of the duties of a deputy are considered as years of service.

Art. 17. A deputy loses his seat on being appointed to a paid office of the state. This rule does not apply to appointment as minister, under-secretary of state, or professor in an academic school.

Art. 18. The law of elections will define the manner of electing deputies to the Sejm.

Art. 19. The validity of unprotested elections is verified by the Sejm. The validity of protested elections is decided upon by the Supreme Court.



Art. 20. The deputies are representatives of the whole nation and are not bound by any instructions given by the voters.

The deputies make to the Marshal the following vow in the presence of the Chamber: 'I do solemnly vow, as deputy to the Sejm of the Republic of Poland, to work honestly, according to the best of my understanding and in conformity with my conscience, for the sole good of the Polish State as a whole.'

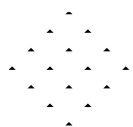
Art. 21. Deputies cannot be made responsible, either during their term of office or after it has expired, for their activities in or out of the Sejm appertaining to the exercise of their office as deputies. For their speeches, presentations, and manifestations in the Sejm, deputies are responsible only to the Sejm. For violation of the rights of a third person, they may be made to answer before a court of law, if the judicial authority obtains the consent of the Sejm thereto.

Criminal, penal-administrative, or disciplinary proceedings instituted against a deputy before his election, may, at the demand of the Sejm, be suspended until the expiration of his mandate. Prescription in criminal proceedings against a deputy does not run while he retains his office. While he retains his office, a deputy may not, without the permission of the Sejm, be made to answer before a criminal court, penal-administrative authority, or a disciplinary court, or be deprived of his freedom. If a deputy is caught in the act of committing a common felony, and if his arrest is necessary to insure the administration of justice, or to avert the consequences of the offence, the court is bound to notify immediately the Marshal of the Sejm in order to obtain the consent of the Sejm to his arrest and to further criminal proceedings. Upon demand of the Marshal, the arrested deputy must be liberated at once.

Art. 22. A deputy may not, either in his own name or in the name of another, buy, or acquire the lease of, any real property of the state, contract for public supplies or government works, or obtain from the government any concessions or other personal benefits. A deputy is also debarred from receiving from the government any decorations other than military.

Art. 23. A deputy may not be the responsible editor¹ of a periodical publication.

¹ A responsible editor worked for a newspaper and represented the editors in any court proceedings related to published content.

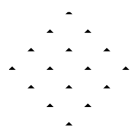


Art. 24. The deputies receive compensation the amount of which is determined by the standing orders, and are entitled to the free use of the state means of communication for travelling over the whole territory of the Republic. Art. 25. The President of the Republic convokes, opens, adjourns, and closes the Sejm and Senate. The Sejm must be convoked to assemble on the third Tuesday after election day, and every year, at the latest in October, to an ordinary session for the purpose of voting the budget, the numerical strength and recruiting of the army, and other current affairs. The President of the Republic may, at his own discretion, convoke the Sejm to an extraordinary session at any time and is bound to do this within two weeks upon request of one-third of the total number of deputies.

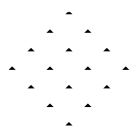
Other cases in which the Sejm assembles in extraordinary session are determined by this constitution. An adjournment requires the consent of the Sejm, if previous adjournment has taken place during the same ordinary session, or if the interruption is to last for more than thirty days.

The Sejm, when convoked in October for its ordinary session, may not be closed before the budget has been voted.

Art. 26. The Sejm may be dissolved by its own vote, passed by a majority of two-thirds of those voting with the turn-out not less than half of the total number of deputies as determined by the law. The President of the Republic may dissolve the Sejm with the consent of three-fifths of the statutory number of members of the Senate in the presence of at least one-half of the total membership. In both cases the Senate is automatically dissolved at the same time. Elections will take place within forty days from the date of dissolution, the precise date to be determined either in the resolution of the Sejm or in the message of the President, on the dissolution of the Sejm. Art. 27. The deputies exercise all their rights and duties in person.



Art. 28. The Sejm elects from among its members, the Marshal, his deputies, the secretaries, and committees. The Marshal and his deputies continue in office after the dissolution of the Sejm until the new Sejm shall have elected its officers. Art. 29. The standing rules of the Sejm define the mode and order of the proceedings of the Sejm, the type and number of the committees, the number of marshals and secretaries, the rights and duties of the Marshal. The employees of the Sejm are appointed by the Marshal, who is responsible to the Sejm for their actions. Art. 30. The meetings of the Sejm are public. On the motion of the Marshal, of a Government representative, or of thirty deputies, the Sejm may vote the secrecy of its meetings. Art. 31. No one may be called to account for a truthful report of an open meeting of the Sejm or a committee of the Sejm. Art. 32. A vote is valid only when carried by a plurality vote in the presence of at least one-third of the total statutory number of deputies, in so far as provisions of this constitution do not contain other rules. Art. 33. The deputies have the right of addressing interpellations to the Government or to individual ministers, in the manner prescribed by the standing rules. A minister is bound to answer, within six weeks, orally or in writing, or submit a statement wherein he justifies his failure to give an answer to the point. At the request of those addressing the interpellation, the answer must be communicated to the Sejm. The Sejm may make the answer of the Government the subject of debate and vote. Art. 34. The Sejm may form and appoint for the investigation of individual cases, extraordinary committees empowered to hear the interested parties, as well as to summon witnesses and experts. The competence and powers of such committees will be determined by the Sejm.

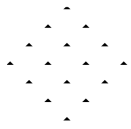


Art. 35. Every bill passed by the Sejm will be submitted to the Senate for consideration. If the Senate, within thirty days from the day on which a passed bill has been delivered to it, does not raise any objections to the bill, the President of the Republic will direct the publication of the statute. Upon the motion of the Senate, the President of the Republic may direct the publication of the statute before the lapse of the thirty days. If the Senate decides to alter or reject a bill passed by the Sejm, it must announce this to the Sejm within the aforesaid thirty days, and must return the bill to the Sejm with the proposed changes within the following thirty days.

If the Sejm approves by an ordinary majority, or rejects by a majority of eleven-twentieths of those voting, the changes proposed by the Senate, the President of the Republic will direct the publication of the statute in the wording determined by the second vote of the Sejm.

Art. 36. The Senate is composed of members elected by the individual Voivodeships, by universal, secret, direct, equal, and proportional voting. Every Voivodeship forms one constituency and the number of senators is equal to one-fourth of the number of members of the Sejm, in proportion to the number of inhabitants. The right of electing to the Senate is enjoyed by every elector for the Sejm who, on the day of the proclamation of the elections, is thirty years of age and has on that day been a resident of the electoral district for at least one year; the right of voting is not lost by newly settled colonists who have left their former place of residence, availing themselves of the agrarian reform; neither is that right lost by workmen who have changed their place of residence as a result of changing their place of occupation, or by the state officials transferred by their superior authorities. Eligibility is enjoyed by every citizen who has the right of voting for the Senate, not excluding members of the army in active service, provided that citizen is forty years of age on the day of the proclamation of the elections. The term of the Senate begins and ends with the term of the Sejm.

No one may be at the same time a member of the Sejm and of the Senate.



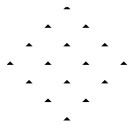
Art. 37. The provisions contained in Articles 14, 15, 16, 17, 19, 20, 21, 22, 23, 24, 27, 28, 29, 30, 31, 32, and 33 have analogous application to the Senate and to its members respectively.

Art. 38. No statute may be in opposition to this constitution or violate its provisions.

SECTION III EXECUTIVE POWER

Art. 39. The President of the Republic is elected for seven years by the absolute majority of the votes of the Sejm and the Senate united in National Assembly. The National Assembly is convoked by the President of the Republic in the last three months of his seven years' term of office. If the convocation has not taken place thirty days before the end of the seven years' term, the Sejm and the Senate, upon the invitation of the Marshal of the Sejm and under his chairmanship, unite automatically in National Assembly. Art. 40. Should the President of the Republic be unable to perform the duties of his office, or should the office of the President of the Republic become vacant through death, resignation, or some other reason, the Marshal of the Sejm will act as his deputy.

Art. 41. In case the office of the President of the Republic becomes vacant, the Sejm and the Senate, upon the invitation of the Marshal of the Sejm and under his chairmanship, at once unite automatically in a National Assembly for the purpose of electing a President. Should the Sejm be dissolved at the moment when the office of President of the Republic becomes vacant, the Marshal of the Sejm will direct without delay new elections to the Sejm and the Senate.



Art. 42. If the President of the Republic does not perform the duties of his office for three months, the Marshal will without delay convoke the Sejm and submit to its decision the question whether the office of the President of the Republic is to be declared vacant.

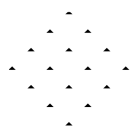
The decision to declare the office vacant is taken by a majority of three-fifths of the votes in the presence of at least one-half of the statutory number of deputies; that is, the number prescribed by the Law of Election.

Art. 43. The President of the Republic exercises the executive power through ministers responsible to the Sejm and through officials subordinated to the Ministers. Every official of the Republic must be subordinate to a minister, who is responsible to the Sejm for the former's actions.

The President of the Council of Ministers countersigns the appointment of officials of the civil cabinet of the President of the Republic, and is responsible for their actions to the Sejm.

Art. 44. The President of the Republic signs the statutes jointly with the competent ministers, and directs the publication of the statutes in the journal of the Laws of the Republic.

The President of the Republic has the right to issue, for the purpose of executing the statutes and with reference to the statutory authorization, executive ordinances, directions, orders and prohibitions, and to insure their execution by the use of force. The ministers and the authorities subordinate to them have the same right in their respective fields of jurisdiction.



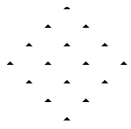
Every governmental act of the President of the Republic requires for its validity the signature of the President of the Council of Ministers and of the competent minister, who, by countersigning the act, assume the responsibility therefor.

Art. 45. The President of the Republic appoints and recalls the President of the Council of Ministers; on the latter's motion he appoints and recalls ministers, and on the motion of the Council of Ministers makes appointments to the civil and military offices reserved by statutes.

Art. 46. The President of the Republic is at the same time the supreme head of the armed forces of the state, but he may not exercise the chief command in time of war. The Commander-in-Chief of the armed forces of the state, in case of war, is appointed by the President of the Republic, on the motion of the Council of Ministers, presented by the minister of military affairs who is responsible to the Sejm for the acts connected with the command in time of war, as well as for all affairs of military direction.

Art. 47. The right to reprieve and to mitigate punishment, and to destroy the consequences of criminal conviction in individual cases, belongs to the President of the Republic.
The President may not exercise this right in the case of ministers convicted upon impeachment by the Sejm.

Amnesty may be granted only by statute. Art. 48. The President of the Republic represents the state in foreign relations, receives diplomatic representatives of foreign states, and sends diplomatic representatives of the Polish State to foreign states.



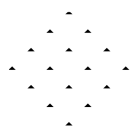
Art. 49. The President of the Republic makes treaties with other states and brings them to the notice of the Sejm.

Commercial and customs treaties, as well as treaties which impose a permanent financial burden on the state, or contain legal rules binding on the citizens, or change the frontiers of the state, also alliances, require the consent of the Sejm.

Art. 50. The President of the Republic may declare war and conclude peace only after obtaining the consent of the Sejm. Art. 51. The President of the Republic is not responsible either to Parliament or at civil law.

For betraying the country, violating the constitution, or for criminal offences, the President of the Republic may be made responsible only by the Sejm by a vote of a majority of three-fifths in the presence of at least one-half of the Statutory number of deputies. The cause is heard and the sentence given by the Court of State, according to the rules of a special statute. Immediately upon his impeachment before the Court of State, the President of the Republic is suspended from office.

Art. 52. The President of the Republic receives a salary according to the rules of a special statute. Art. 53. The President of the Republic may not hold any other office or be a member of the Sejm or the Senate. Art. 54. Before assuming office, the President of the Republic takes his oath in the National Assembly, in the following terms:

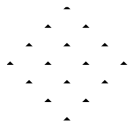


‘I swear to Almighty God, One in the Holy Trinity, and I vow to Thee, Polish Nation, that while holding the office of President of the Republic I will keep and defend faithfully the laws of the Republic and above all the constitutional law; that I shall serve devotedly, with all my power, the general good of the nation; that I will avert, watchfully, from the state all evil and danger; that I will guard steadfastly the dignity of the name of Poland; that I will hold justice toward all citizens without distinction as the highest virtue; that I will devote myself individually to the duties of office and service. So help me God and the Holy Martyrdom of His Son. Amen.’

Art. 55. The ministers form the Council of Ministers under the chairmanship of the President of the Council of Ministers. Art. 56. The Council of Ministers bears the joint constitutional and parliamentary responsibility for the general direction of the activities of the government.

Apart from that, each minister is individually responsible, in his domain, for his activities in office; that is, as well for their conformity with the constitution and the other statutes of the state, and for the activities of the subordinate organs, as for the direction of his policies.

Art. 57. Within the same limits, the ministers are jointly and individually responsible for the governmental acts of the President of the Republic. Art. 58. The parliamentary responsibility of the ministers is enforced by the Sejm by an ordinary majority. The Council of Ministers or any individual minister will resign at the request of the Sejm.



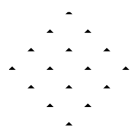
Art. 59. The constitutional responsibility of the ministers and the way of its realization will be determined by a special statute.

The decision to impeach a minister can be made only in the presence of at least one-half the statutory number of deputies and by a majority of three-fifths of the votes cast.

The causes are heard and judgement is passed by the Court of State. A minister cannot evade his constitutional responsibility by resigning his office. Immediately Upon his impeachment, the minister is suspended from office.

Art. 60. The ministers and officials delegated by them have the right to take part in the meetings of the Sejm, and to speak out of the turn of those figuring on the list of speakers; they may take part in the vote if they are deputies. Art. 61. The ministers may not hold any other office or participate in the governing or controlling bodies of societies and institutions which work for profit.

Art. 62. Should the office of a minister be held by a provisory head of the ministry, he will be subject to all the rules concerning the office of a ministry. The President of the Council of Ministers will, in case of need, appoint one of the ministers his deputy. Art. 63. A special statute will determine the number, competence, and mutual relation of the Ministers, as well as the competence of the Council of Ministers.



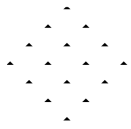
Art. 64. The Court of State is composed of the First President of the Supreme Court as chairman, and of twelve members, eight of whom are elected by the Sejm and four by the Senate from outside their own membership. To membership in the Court of State are eligible persons who do not hold any State office, and are in full possession of civil rights. The election of the members of the Court of State is carried out by the Sejm and the Senate immediately upon the election of their officers for the whole term of the Sejm.

Art. 65. For administrative purposes, the Polish State will be divided by statute into Voivodeships, districts, and urban and rural communes, which will at the same time be the units of territorial self-government.*¹ The units of self-government may combine into unions in order to accomplish tasks which belong to the domain of self-government. Such unions may obtain the character of bodies of public law only by special statute.

Art. 66. The administration of the state will be organized on the principle of decentralization, organs of state administration in the individual territorial units being, as far as possible, joined in one official body under one superior, and on the principle that within the limits determined by statutes, citizens elected for this purpose shall participate in the discharge of the duties of such official bodies.

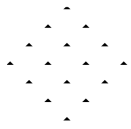
Art. 67. The right of determining affairs belonging to the domain of self-government rests with elected councils. The executive functions of Voivodeship and district self-government rests with organs formed by adding to boards elected by representative bodies, representatives of State administrative authorities, under the chairmanship of the latter.

¹ Poland's administrative structure took final shape in the mid-1920s. It comprised 16 voivodeships (plus Warsaw as a distinct city). The voivodeships were split into 281 districts (Pol. powiat) and several thousand communes (municipalities). All of these numbers, with the exception of the number of voivodeships, changed over time.



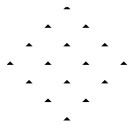
Art. 68. A special statute will create, in addition to territorial self-government, economic self-government for the individual fields of economic life; namely, chambers of agriculture, commerce, industry, arts and crafts, hired labour and others, united into a Supreme Economic Council of the Republic, the collaboration of which with state authorities, in directing economic life and in the field of legislative proposals, will be determined by statutes. Art. 69. The sources of revenue of the state and of self-government organizations respectively, will be strictly delimited by statutes. Art. 70. The state will exercise supervision over self-government activities through superior self-government boards; such supervision may, however, be partially delegated by statute to administrative courts. Statutes will determine the cases in which decisions of self-government organs may exceptionally require confirmation by superior self-government organs or by ministries. Art. 71. An appeal from decisions of state and self-government organs will be allowed only to one superior body, unless other provisions are made by statutes.

Art. 72. Statutes will put into effect the principle that from penal decisions of administrative authorities, made in the first instance, the parties concerned will have the right to appeal to the competent court. Art. 73. For the purpose of passing upon the legality of administrative acts in the field of state, as well as of self-government administrative, a special statute will create administrative courts, basing their organization on the cooperation of (lay) citizens and (professional) judges, and culminating in a Supreme Administrative Court.



SECTION IV JUDICIARY Art. 74. The courts administer justice in the name of the Republic of Poland. Art. 75. The organization, jurisdiction, and procedure of all courts will be defined by legislation. Art. 76. The President of the Republic appoints the judges, unless a different provision is made by statute, but justices of the peace are, as a rule, elected by the population. Judicial office is accessible only to persons who possess the qualifications required by law. Art. 77. In the exercise of their judicial office, the judges are independent, and subject only to statutes. Judicial decisions may not be changed either by the legislative power or by the executive power. Art. 78. A judge may be removed from office, suspended from office, transferred to a different place of office, or pensioned, against his own will, by judicial decision only, and only in cases provided by statute. This rule does not apply in the case of the transfer of a judge to a different place, or his pensioning owing to a change in the organization of the courts decided upon by statute. Art. 79. Judges may not be criminally prosecuted or be deprived of their freedom without the previous consent of the court assigned by statute, unless they are caught in the act, but even in this last case the court may demand that the arrested judge be freed without delay.

Art. 80. A special statute will define the peculiar position of the judges, their rights and duties, as well as their compensation.



Art. 81. The courts have not the right to inquire into the validity of duly promulgated statutes. Art. 82. The hearings before a determining court, as well in civil as in criminal cases, are public, except when statutes provide otherwise.

Art. 83. Courts with juries will be called upon to determine cases of felonies entailing more severe punishment, and cases of political offences. Statutes will define in detail the jurisdiction of court with juries, the organization of such courts, and their procedure.

Art. 84. A Supreme Court for judicial causes, civil and criminal, is hereby created.

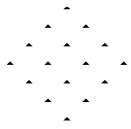
Art. 85. Special statutes will define the organization of military courts, their jurisdiction, procedure, and the rights and duties of the members of such courts.

Art. 86. A special Tribunal of Conflicts will be created by a statute to determine conflicts of jurisdiction between the administrative authorities and the courts. **SECTION V**
GENERAL DUTIES AND RIGHTS OF CITIZENS

Art. 87. A Polish citizen may not be at the same time a citizen of another state.

Art. 88. Polish citizenship is acquired:

(1.) By birth if the parents are Polish citizens. (2.) By naturalization granted by the competent state authority. Special statutes define other rules as to Polish citizenship, its acquisition and loss.



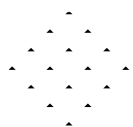
Art. 89. Fidelity to the Republic of Poland is the first duty of a citizen. Art. 90. Every citizen has the duty of respecting and obeying the constitution of the state and the valid laws and ordinances of the state and self-government authorities. Art. 91. All citizens are subject to military service¹; the character and manner, order and term of service, exemption from such duty, and any duties, contributions or services, for military purposes, will be defined by legislation. Art. 92. It is the duty of all citizens to submit to any public burdens, services, and duties imposed by virtue of statute. Art. 93. All citizens are bound to respect legitimate authority and to facilitate the performance of its duties, as well as to perform conscientiously public duties to which they may be appointed by the nation or the proper authority. Art. 94. It is the duty of citizens to bring up their children as righteous citizens of the mother country, and to secure to them at least elementary education.

This duty will be defined more in detail by a special statute.

Art. 95. The Republic of Poland guarantees on its territory, to all, without distinction of extraction, nationality, language, race, or religion*², full protection of life, liberty, and property. Foreigners enjoy, on condition of reciprocity, rights equal to those of citizens of the Polish State, and have duties equal to those of such citizens, unless statutes expressly require Polish citizenship.

¹ Military service was supposed to be two years (later reduced to 18 months). The exceptions were: the cavalry and artillery (two years and one month), and the navy (two years and three months).

² According to the census of 1921, ethnic Poles made up around 70 percent of the population. Other ethnicities included: Ukrainians (14 percent), Jews (close to 8 percent), Belarusians and Germans (4 percent each). Other nationalities accounted for just over 1 percent of the overall population.

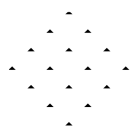


Art. 96. All citizens are equal before the law. Public offices are accessible in equal measure to all, on conditions prescribed by the law. The Republic of Poland does not recognize privileges of birth or of estate, or any coats of arms, family or other titles, with the exception of those of learning, office, or profession. A Polish citizen may not accept foreign titles or orders without the permission of the President of the Republic. Art. 97. Limitations of personal liberty, especially search of person and arrest, are admissible only in cases prescribed by law, and in the manner defined by statutes, by virtue of an order from judicial authorities.

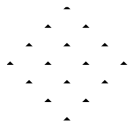
In case a judicial order cannot be issued immediately, it should be served, at the latest, within forty-eight hours with a written statement of the cause of arrest, signed by a judicial authority. Arrested persons who have not been served within forty-eight hours with a written statement of the cause of arrest, signed by a judicial authority, regain their freedom at once.

The means of compulsory service by which the administrative authorities may enforce their orders are determined in statutes. Art. 98. No one may be deprived of the court to which he is subject by law. Exceptional courts are admissible only in cases determined by statutes, which statutes must have been issued before the offence was committed. A citizen may be prosecuted and punishment inflicted only by virtue of a statute actually in force. Punishments involving physical suffering are not permitted, and no one may be subjected to such punishment.

No statute may deprive a citizen of access to the courts for the purpose of demanding reparation for injury or damage.



Art. 99. The Republic of Poland recognizes all property, whether belonging personally to individual citizens or collectively to associations of citizens, institutions, self-government organizations, or the state itself, as one of the most important bases of social organization and legal order, and guarantees to all citizens, institutions, and associations, protection of their property, permitting only in cases provided by a statute the abolition or limitation of property, whether personal or collective, for reasons of higher utility, against compensation. Only a statute may determine to what extent property, for reasons of public utility, shall form the exclusive property of the state, and in how far rights of citizens and of their legally recognized associations to use freely land, waters, minerals, and other treasures of nature, may be subject to limitations for public reasons. The land, as one of the most important factors of the existence of the nation and the state, may not be the subject of unrestricted transfer (commerce). Statutes will define the right of the state to buy up land against the will of the owners, and to regulate the transfer of land, applying the principle that the agrarian organization of the Republic of Poland should be based on agricultural units capable of regular production and forming private property. Art. 100. The home and hearth of the citizen are inviolable. Infringements of this right by entering the home, searching it and taking papers or movables may, apart from the necessity of executing administrative orders based on a specific statutory authorization, take place only by order of judicial authorities, in the manner and in the cases prescribed by the protection statute. Art. 101. Every citizen has the liberty of selecting on the territory of the state his place of residence and abode, to move about and to emigrate, as well as to choose his occupation and profession, and to transport his property. These rights may be restricted only by statute.



Art. 102. Labour is the main basis of the wealth of the Republic, and should remain under the special protection of the state. Every citizen has the right to state protection for his labour, and in case of lack of work, illness, accident, or debility, to the benefits of social insurance which will be determined by a special statute. The state has the duty of making accessible also moral guidance and religious consolation to citizens under its immediate care in public institutions, such as educational institutions, barracks, hospitals, prisons, and charitable homes. Art. 103. Children without sufficient parental care, neglected with respect to education, have the right to state care and aid within the limits to be determined by statute.

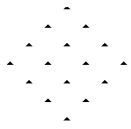
Parents may not be deprived of authority over their children except by judicial decision.

Special statutes determine the protection of motherhood. Children under fifteen years of age may not be wage-earners; neither may women be employed at night, or young labourers be employed in industries detrimental to their health.

Permanent employment of children and young people of school age for wage-earning purposes is forbidden. Art. 104. Every citizen has the right to express freely his ideas and convictions in so far as he does not thereby violate legal provisions.

Art. 105. Freedom of the press is guaranteed. Censorship, or the system of licensing printed matter, may not be introduced. Daily papers and other matter printed in the country may not be debarred from the mails, nor may their dissemination on the territory of the Republic be restricted.

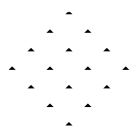
A special statute will define the responsibility for the abuse of this freedom.



Art. 106. The secrecy of letters and other correspondence may be infringed upon only in cases provided by law. Art. 107. Citizens have the right of presenting individual or collective petitions to all state and self-government representative bodies and public authorities. Art. 108. Citizens have the right of combining, meeting, and forming associations and unions. The exercise of these rights is defined by statutes. Art. 109. Every citizen has the right of preserving his nationality and developing his mother-tongue and national characteristics.

Special statutes of the state will guarantee to minorities in the Polish State the full and free development of their national characteristics, with the assistance of autonomous minority unions, endowed with the character of public law organizations, within the limits of unions of general self-government.

The state will have, in regard to their activity, the right of control and of supplementing their financial means in case of need. Art. 110. Polish citizens belonging to national, religious, or linguistic minorities have the same right as other citizens of founding, supervising, and administering at their own expense, charitable, religious, and social institutions, schools and other educational institutions, and of using freely therein their language, and observing the rules of their religion.

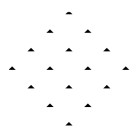


Art. 111. Freedom of conscience and of religion is guaranteed to all citizens. No citizen may suffer a limitation of the rights enjoyed by other citizens, by reason of his religion and religious convictions. All inhabitants of the Polish State have the right of freely professing their religion in public as well as in private, and of performing the commands of their religion or rite, in so far as this is not contrary to public order or public morality. Art. 112. Religious freedom may not be used in a way contrary to statutes. No one may evade the performance of public duties by reason of his religious beliefs. No one may be compelled to take part in religious activities or rites unless he is subject to parental or guardians' authority. Art. 113. Every religious community recognized by the state has the right of organizing collective and public services; it may conduct independently its internal affairs; it may possess and acquire movable and immovable property, administer and dispose of it; it remains in possession and enjoyment of its endowments and funds, and of religious, educational, and charitable institutions. No religious community may, however, be in opposition to the statutes of the state.

Art. 114. The Roman Catholic religion, being the religion¹ of the preponderant majority of the nation, occupies in the state the chief position among enfranchised religions. The Roman Catholic Church governs itself under its own laws. The relation of the state to the church will be determined on the basis of an agreement with the Apostolic See², which is subject to ratification by the Sejm.

¹ According to the 1921 census, almost 64 percent of Polish citizens were Roman Catholic. Greek Catholics, Orthodox Catholics, and Jews made up 10-11 percent each. Around 4 percent of Polish citizens were Protestant.

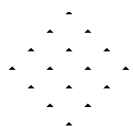
² A concordat was concluded with the Holy See in 1925



Art. 115. The churches of the religious minorities and other legally organized religious communities govern themselves by their own laws, which the state may not refuse to recognize unless they contain rules contrary to law. The relation of the state to such churches and religions will be determined from time to time by legislation after an understanding with their legal representatives. Art. 116. The recognition of a new, or hitherto not legally recognized religion, may not be refused to religious communities whose institutions' teachings and organization are not contrary to public order or public morality. Art. 117. Learned investigations and the publication of their results are free. Every citizen has the right to teach, to found a school or educational institution, and to direct it if he complies with the requirements laid down by statutes concerning the qualifications of teachers, the safety of the child entrusted to him, and a loyal attitude toward the state. All schools and educational institutions, public as well as private, are subject to supervision by state authorities within the limits prescribed by statutes. Art. 118. Within the limits of the elementary school, instruction is compulsory for all citizens of the state. A statute will define the period, limits, and manner of acquiring such education.*¹

Art. 119. Teaching in state and self-government schools is gratuitous. The state will insure to pupils who are exceptionally able, but not well-to-do, scholarships for their maintenance in secondary and academic schools.

¹ At time the constitution entered into force in Poland, children aged 7-14 were subject to compulsory education, i.e. seven-grade elementary school (Pol. szkoła powszechna – general school). Of course the condition of the state budget made the immediate implementation of these principles impossible. Many schools, particularly in the eastern provinces, provided very modest education (often limited to four grades only). Schooling was thoroughly reorganised in 1932.



Art. 120. Instruction in religion is compulsory for all pupils in every educational institution, the curriculum of which includes instruction of youth under eighteen years of age, if the institution is maintained wholly or in part by the state, or by self-government bodies. The direction and supervision of religious instruction in schools belongs to the respective religious communities, reserving to the state educational authorities the right of supreme supervision. Art. 121. Every citizen has the right to compensation for damage inflicted upon him by civil or military organs of state authorities, by an official act not in accordance with the right or duties of the service. The state is responsible for the damage, jointly with the guilty organs; actions may be brought against the state and against officials, independently of any permission by a public authority. Communes and other self-government bodies, as well as their organs, are responsible in the same manner. Special statutes will define the application of this principle. Art. 122. The rules as to citizens' rights apply also to persons belonging to the armed force. Special military statutes define exceptions to this principle. Art. 123. Armed force may be used only by request of a civil authority under strict obedience to statutes, for the purpose of putting down disturbances, or of enforcing the execution of legal rules. Exceptions to this principle are admissible only by virtue of statutes on the state of siege and of war. Art. 124. A temporary suspension of citizen's rights; of personal liberty (Article 97), of inviolability of home and hearth (Article 100), of freedom of the press (Article 105), of secrecy of correspondence (Article 106), of the right of combining, meeting, and forming associations (Article 108), may take place for the whole territory of the state or for localities in which it may prove necessary for reasons of public safety.



Such suspension may be directed only by the Council of Ministers, by permission of the President of the Republic, during a war or when an outbreak of war threatens, as well as in case of internal disturbances or of widespread conspiracies which bear the character of high treason and threaten the constitution of the state or the safety of the citizens. Such a decision of the Council of Ministers, if made while the Sejm is in session, must be immediately submitted to the Sejm for confirmation. If such a decision, to apply on a territory which comprises more than one Voivodeship be issued during an interval between meetings of the Sejm, the Sejm meets automatically within eight days from the publication of the decision in order to take the proper step. Should the Sejm refuse confirmation, the state of siege immediately loses its binding force. If the Council of Ministers directs a state of siege after the expiration of the term of the Sejm, or after dissolution of the Sejm, the decision of the Government must be submitted to the newly elected Sejm without delay, at its first meeting. These principles will be defined more in detail by a statute on the state of siege. SECTION VI

GENERAL PROVISIONS

Art. 125. A change in the constitution must be signed by at least one-fourth of the total statutory number of Deputies and notice of such a motion must be given at least fifteen days in advance. The second Sejm, which will meet on the basis of this constitution, may revise this constitutional law by its own vote, taken by a majority of three-fifths, in the presence of at least one-half of the statutory number of Deputies. Every twenty-five years after the adoption of the present constitution, revision shall take place following the decision of the Sejm and the Senate, united in a National Assembly and voting by an ordinary majority*¹.

¹ This provision was drawn from among the solutions posited by the Third of May Constitution of 1791.



SECTION VII TRANSITORY PROVISIONS Art. 126. This constitution has binding force from the day of its publication, or in so far as the realization of its individual provisions is dependent on the issuing of special statutes on the day of their going into force. All legal rules and institutions now in force, which do not agree with the rules of this constitution, will, within a year from the voting of this constitution, be submitted to the legislative body in order to be brought into harmony with the constitution by legislation.

Marshal
Trąpczyński¹

President of the [Council of] Ministers
Witos²

Minister of Internal Affairs
Skulski³

Minister of Foreign Affairs
E. Sapieha⁴

Minister of Military Affairs
Sosnkowski⁵

Minister of the Treasury
Steczkowski⁶

¹ Wojciech Trąpczyński (1860-1953) – lawyer and political activist. In 1919-1922, Marshal (Speaker) of the Legislative Sejm, then Marshal of the Senate from 1922 to 1927. He was also a deputy in 1928-1935.

² Wincenty Witos (1874-1945) – political activist. One of the founders of the Polish peasant movement. Deputy to the Galician Sejm (1908-1914) and to the Austrian parliament – the National Council (1911–1918). Active in efforts to restore Poland as an independent state. Deputy to the Sejm in 1919-1930. Thrice prime minister of Poland (1920-1921, 1923 and 1926). His last government was overthrown by Józef Piłsudski's coup. In 1930, Witos was arrested by his political opponents and sentenced to a year and a half in prison. To avoid incarceration, he emigrated to Czechoslovakia. He returned to Poland shortly before the outbreak of World War II; after the outbreak of war, he was arrested by the Germans.

³ Leopold Skulski (1877-1940?) – pharmacist, chemical engineer, political activist. In 1919-1920, prime minister of Poland, and in 1920-1921, Poland's minister of internal affairs. In 1919-1922, a deputy to the Legislative Sejm. Arrested by the Soviets in 1939; his subsequent fate is unknown.

⁴ Eustachy Sapieha (1881-1963) – political activist, diplomat. Engaged in independence activity during World War I. From 1919, Polish envoy to the United Kingdom. In 1920-1921, minister of foreign affairs. Arrested by the Soviets in 1939 and sentenced to death. The sentence was commuted to 10 years in the Gulag. Freed in 1941, he left the USSR. He died as an emigrant.

⁵ Kazimierz Sosnkowski (1885-1969) – officer of the Polish Army and political activist. Engaged in independence activity since early youth. Before and during World War I, one of Józef Piłsudski's closest associates, including as head of staff of the First Brigade of the Polish Legions. After Poland regained independence, he became deputy minister (1919-1920) and minister (1920-1923 and 1923-1924) of military affairs. Named commander of the Southern Front in September 1939. After Poland fell, he made it to the West, where he became a member of the Polish government-in-exile. Commander of the underground Union of Armed Struggle operating in Poland (1939-1940). After the death of Gen. Władysław Sikorski he became commander-in-chief of the Polish Armed Forces (1943-1944). After being revoked from this post, he left for Canada, where he spent the remainder of his life.

⁶ Eustachy Sapieha (1881-1963) – political activist, diplomat. Engaged in independence activity during World War I. From 1919, Polish envoy to the United Kingdom. In 1920-1921, minister of foreign affairs. Arrested by the Soviets in 1939 and sentenced to death. The sentence was commuted to 10 years in the Gulag. Freed in 1941, he left the USSR. He died as an emigrant.



Minister of Justice

St. Nowodworski¹

Minister of Religious Denominations and Public Enlightenment

M. Rataj²

Minister of Agriculture and State Properties

J. Raczyński³

Minister of Industry and Trade

S. Przanowski⁴

Minister of the Railways

Jasiński⁵

Minister of Posts and Telegraphs

Stesłowicz⁶

Minister of Public Works

G. Narutowicz⁷

¹ Stanisław Nowodworski (1873-1931) – lawyer, political activist. Minister of justice in 1920-1921 and again in 1923. He served as mayor of Warsaw in 1921-1922 and was a senator in 1922-1926.

² Maciej Rataj (1884-1940) – teacher, political activist. Associated with the peasant movement since the beginning of his political activity. Involved in independence activity during World War I. In 1919, he became a deputy to the Legislative Sejm, and in 1920, minister of religious denominations and public enlightenment (until 1921). In 1922, he was again elected a deputy and served as Marshal of the Sejm from 1922 until 1928. During this time he twice stepped in to assume the duties of president – the first time in 1922 after the murder of President Gabriel Narutowicz, and in 1926 after the resignation of President Stanisław Wojciechowski. He was also an MP in 1928-1930 and in 1934-1935. In 1935, he also became the leader of the Peasant Party (Stronnictwo Ludowe). During the German occupation, he was involved in underground activity. Arrested by the Germans, he was executed by firing squad.

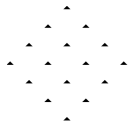
³ Józef Raczyński (1874-1931) – lawyer, political and social activist, In 1921-1923 and in 1926 – minister of agriculture and state properties in different governments.

⁴ Stefan Przanowski (1874-1938) – engineer, economic activist. Minister of industry and trade in 1920-1921.

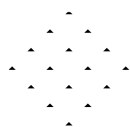
⁵ Zygmunt Jasiński (1860-1939) – engineer, economic activist. Minister of the railways in 1920-1921.

⁶ Władysław Stesłowicz (1867-1940) – lawyer and political activist. Deputy to the Legislative Sejm in 1919-1922. Minister of posts and telegraphs in 1920-1922. After the end of his term in office, he was an entrepreneur. Arrested by the Soviets in 1939, he died in unknown circumstances.

⁷



Gabriel Narutowicz (1865-1922) – engineer, scholar, social and political activist. He lived in Switzerland in 1887-1919, where he was a distinguished engineer and professor at the Zurich Polytechnic. In 1920, he became Poland's minister of public works until 1922, when he became minister of foreign affairs. In December of that same year, the National Assembly elected him as president of the Republic of Poland. A few days after taking office, he was shot by an assassin.



Minister of Labour and Welfare

J. Jankowski¹

Minister of Public Health

p.p. Chodźko²

Minister of Provisioning

Grodziecki³

Minister of Art and Culture

p.p. Jan Heurich⁴

Minister of the Former Prussian District⁵

W. Kucharski⁶

Howard Lee McBain, Lindsay Rogers, *The New Constitutions of Europe*, Garden City, New York: Doubleday, Page and Company, 1922, pp. 405-425.

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¹ Jan Stanisław Jankowski (1882-1953) – engineer, political and social activist. During World War I, he served in the First Cadre Company and then in the Polish Legions. From March to May 1921, he served as minister of labour and welfare. MP from 1928 to 1935. Associated with underground organisations during World War II. At the end of 1942, he became deputy delegate and in April 1943 the Government Delegate for Poland, the highest function in the civilian underground. From 1944, he was also deputy prime minister of the Polish Underground State. In March 1945, he was arrested by the NKVD and received a prison sentence of eight years. He was probably murdered in a Soviet prison.

² Witold Chodźko (1875-1954) – physician, social activist. In 1919-1922, he served as director of the Ministry of Health, and in 1922-1923 as minister of public health.

³ Bolesław Grodziecki (1875-1960) – economic activist. He was minister of provisioning for a few months in 1921.

⁴ Jan Heurich (1873-1925) – architect, in 1920-1921 head of the Ministry of Art and Culture.

⁵ Ministry of the Former Prussian Province – in existence from 1919 to 1922. Its main task was to gradually unify pre-war German territories that had become part of Poland. The ministry comprised departments that mirrored the structure of the central Polish ministries. It was based in Poznań.

⁶ Władysław Kucharski (1884-1964) – engineer, political activist. In 1920-1921, he was director and then minister in the Ministry of the Former Prussian Province. In 1922-1927, he was an MP, and in 1923, minister of industry and trade.