

**CONSTITUTION of the People's Republic of Hungary.—
Budapest, 20th August, 1949****CHAPTER 1***The Hungarian People's Republic*

1. Hungary is a People's Republic.
- 2.—(1) The Hungarian People's Republic is a State of workers and working peasants.
(2) All power in the People's Republic is vested in the working people. The workers of town and country exercise their power through elected delegates responsible to the people.
3. The State of the H.P.R. defends the liberty and power of the Hungarian working people and the independence of the country, fights against every form of exploitation of man, and organises social forces for the building of socialism. The H.P.R. realises itself in the close alliance of workers and the working peasantry led by the workers' class.

CHAPTER 2*The Social Order.*

- 4.—(1) The bulk of the means of production in the H.P.R., being the property of society, is in the ownership of the State, the community or the co-operatives. The means of production may also be in private ownership.

(2) In the H.P.R. the directing force of the people's economy is the State power of the people. The working class is gradually eliminating the capitalist elements and is consistently building the socialist order of economy.

5. The economic life of the H.P.R. is regulated by a State plan of the people's economy. Supported by the State undertakings, the national banking system and agricultural machine stations, the State power directs and controls the people's economy in the interest of the development of productive power, the increase of public wealth, the constant raising of the material and cultural standard of the workers and the strengthening of the State defence force.

6. The following, which represent the wealth of the whole people, are the property of the State and the community:—

Any natural deposits, forests, waters, natural sources of power, mines, significant industrial undertakings, means of communication—railways, roads, waterways and airways,—banks, posts, telegraph, telephone, radio, State-organised agricultural undertakings, machine stations, irrigation works, etc.

The State undertakings provide for foreign trade as well as wholesale commerce. All commercial transactions are directed by the State.

7.—(1) The H.P.R. recognises and supports the rights of the working peasants to the land and considers it its duty to promote the socialist development of agriculture by the organisation of State farms and agricultural machine stations and by the support of production co-operatives, formed by voluntary association and functioning by common work.

(2) The State recognises and supports every real co-operative movement of the workers directed against their exploitation.

8.—(1) The Constitution recognises and protects property acquired by work.

(2) Private property and individual initiative may not infringe public interests.

(3) The Constitution ensures the right of inheritance.

9.—(1) The basis of the social order of the H.P.R. is work.

(2) Private property and individual initiative may not infringe public interests.

(3) The workers, by their work, participation in competitive work, increase of work discipline and perfecting of working methods, serve the cause of socialist building.

(4) The H.P.R. aims at the realisation of the socialist principle "Everyone according to his ability and to everyone according to his work".

CHAPTER 3

The Supreme Organ of State Power

10.—(1) The supreme organ of State power in the H.P.R. is the National Assembly.

(2) The National Assembly exercises all rights issuing from the sovereignty of the people and decides upon the organisation of the Government, its policy and purpose.

(3) The National Assembly has authority to:—

(a) Constitute laws;

(b) Decide upon the State budget;

(c) Determine the people's economic plan;

(d) Elect the Presidium of the People's Republic;

(e) Elect the Council of Ministers;

(f) Set up and abolish Ministries; decide and, when necessary, change the sphere of operations of any one of them;

(g) Decide questions concerning the declaration of war and the conclusion of peace;

(h) Exercise amnesty and pardon.

11.—(1) The National Assembly is elected for a period of four years.

(2) No deputy may be arrested or have criminal proceedings instituted against him without the consent of the National Assembly, except when caught *in flagrante delicto*.

(3) Every political, economic or other activity or attitude which is opposed to the interests of the workers is incompatible with membership of the National Assembly.

12.—(1) The National Assembly will meet at least twice a year in full session.

(2) The National Assembly will be convened if this is requested in writing by one-third of the deputies or by the decision of the Presidium of the People's Republic.

(3) The National Assembly will elect from among its own members a president, two deputy-presidents and six recorders.

(4) The National Assembly meetings are convened by the Presidium of the People's Republic.

(5) The National Assembly, within its fixed rules of procedure, decides upon its own conduct of routine business.

13. The meetings of the National Assembly are, in general, held in public. In extraordinary cases the National Assembly may decide to hold a closed session.

14.—(1) Constitutional rights are vested in the National Assembly.

(2) Bills may be initiated by the Presidium, the Council of Ministers or by any member of the National Assembly.

15.—(1) The National Assembly may function if at least half of its members are present as a quorum.

(2) The National Assembly decides by a majority vote.

(3) The votes of two-thirds of the members are, however, needed for any change in the Constitution.

16. Bills passed by the National Assembly are signed by the President and the Secretary of the Presidium of the People's Republic. The President of the Presidium is responsible for the promulgation of the law. The law must be published in the Official Gazette.

17.—(1) The National Assembly may, when necessary, delegate a committee from amongst its own members to investigate any question.

(2) All authorities, offices and institutions, as well as every individual citizen, are obliged to place all data required at the disposal of any such committee and to give evidence before it.

18.—(1) The National Assembly may declare its dissolution before the expiry of its full term.

(2) In case of war or other extraordinary circumstance the National Assembly may decide to prolong its mandate for an indefinite time.

(3) A dissolved National Assembly may also be re-convened by the Presidium of the People's Republic in case of war or other extraordinary circumstance. The National Assembly thus convened, itself decides on the prolongation of its mandate.

(4) Within three months of the dissolution of the National Assembly a new National Assembly must be elected.

(5) The newly elected National Assembly will be convened by the President of the Presidium of the People's Republic within one month of the elections.

19.—(1) The National Assembly, at its first meeting, will elect from among its own members the Presidium of the People's Republic, which will consist of a President, two Vice-Presidents and seventeen members.

(2) The Chairman, Vice-Chairman and members of the Council of Ministers cannot be elected to the Presidium.

20.—(1) The Presidium of the People's Republic—

(a) Promulgates elections ;

(b) Convokes the National Assembly ;

(c) Initiates laws ;

(d) May order a plebiscite in matters of national importance ;

(e) Represents the Hungarian People's Republic when concluding international agreements ;

(f) Appoints and receives Ministers ;

(g) Ratifies international agreements ;

(h) Appoints those higher State functionaries and officers of higher rank in the army, whose appointment comes by law under its authority ;

(i) Awards decorations and titles conferred by the National Assembly and gives permission for the wearing of foreign decorations ;

(j) Exercises the right of mercy ;
 (k) Decides cases which come under its authority in virtue of any special law.

(2) The Presidium of the People's Republic may annul or amend any legal decision or measure adopted by any State or local authority which is liable to infringe the Constitution or gravely endanger the interests of the working people.

(3) The Presidium of the People's Republic may dissolve any local body or State organ whose activities are opposed to the Constitution or gravely endanger the interests of the people.

(4) When the National Assembly is not in session, its legal functions are carried out by the Presidium of the People's Republic, which cannot, however, alter the Constitution.

(5) Legal measures authorised by the Presidium of the People's Republic are decrees with the force of law. They must be submitted to the next meeting of the National Assembly.

(6) Every decision and measure adopted by the Presidium of the People's Republic is signed by the President and by the Secretary. Its decrees are published in the Official Gazette.

21.—(1) The mandate of the Presidium of the People's Republic expires when the National Assembly elects a fresh Presidium.

(2) The Presidium of the People's Republic is responsible to the National Assembly and is obliged to report to it on its activities.

(3) The National Assembly is entitled to dismiss the Presidium of the People's Republic or any of its members.

(4) The presence of nine members of the Presidium in addition to the President and the Secretary is needed for the validity of its acts.

(5) The Presidium decides upon its own programme and presents this to the National Assembly.

CHAPTER 4

The Highest Executive and Administrative Organ of State Authority

22. The highest executive and administrative organ of State Authority is the Council of Ministers of the Hungarian People's Republic.

23.—(1) The Council of Ministers consists of :—

- (a) The Chairman of the Council of Ministers ;
- (b) The Vice-Chairman or Vice-Chairmen ;

- (c) The Minister or Ministers of State ;
- (d) The Ministers in charge of Government Departments.

(2) The Council of Ministers, individually and collectively, is elected and dismissed by the National Assembly on the proposal of the Presidium of the People's Republic.

(3) Those members of the Council of Ministers who are not members of the National Assembly may participate in and speak at meetings of the National Assembly.

24. The Ministries of the Hungarian People's Republic are :—

- (a) The Ministry of Foreign Affairs,
- (b) The Ministry of the Interior,
- (c) The Ministry of National Defence,
- (d) The Ministry of Finance,
- (e) The Ministry of Justice,
- (f) The Ministry of Heavy Industry,
- (g) The Ministry of Light Industry,
- (h) The Ministry of Agriculture,
- (i) The Ministry of External Trade,
- (j) The Ministry of Internal Trade,
- (k) The Ministry of Building,
- (l) The Ministry of Communications and Postal Affairs,
- (m) The Ministry of Popular Culture,
- (n) The Ministry of Religion and Public Education,
- (o) The Ministry of Public Welfare.

25.—(1) The Council of Ministers :—

(a) Directs the work of the Ministries and other organs under its control;

(b) Is responsible for the carrying into effect of laws and decrees issued by the Presidium of the People's Republic;

(c) Is responsible for the implementation of the plans of the people's economy;

(d) Solves all those questions which by law come under its authority.

(2) In order to discharge its functions effectively, it may issue decrees. These, however, may not be opposed to the laws of the People's Republic or to the decrees issued by the Presidium of the People's Republic.

(3) Decrees of the Council of Ministers are signed by the Chairman of the Council and must be published in the Official Gazette.

(4) The Council of Ministers may annul or amend any legal measure or decision adopted by other executive and administrative organs of the State or by local authorities which infringe the Constitution or harm the interests of the working people.

26.—(1) The Chairman of the Council of Ministers presides over the Council's meetings, is responsible for the carrying into effect of its decisions and instructions, and supervises the work of all organs under his direct authority.

(2) The Ministers supervise the branches of State administration under their authority and the organs under their control in accordance with the law and in conformity with the decisions of the Council of Ministers.

(3) The Chairman of the Council of Ministers and the Ministers in the exercise of their functions may issue decrees. These, however, may not conflict with the laws of the People's Republic or decrees issued by the Presidium of the People's Republic or by the Council of Ministers. The decrees must be published in the Official Gazette.

27.—(1) The Council of Ministers is responsible to the National Assembly and is obliged to report on its work regularly to the National Assembly.

(2) The Chairman of the Council of Ministers, or his deputy, and the members are individually responsible for their actions and attitude. A special law will provide for the method of calling them to account.

(3) Members of the National Assembly may put questions to the Council of Ministers, its Chairman or any of its members concerning any matter lying within their sphere of authority, and they are obliged to give an answer to the National Assembly.

28.—(1) The Council of Ministers may take action, either collectively or through any of its members, in any matters lying within the sphere of the State's executive and administrative authority.

(2) The Council may take any branch of State administration under its direct control and may set up special organs for this purpose.

CHAPTER 5

Local Organs of State Authority

29.—(1) For purposes of State administration the territory of the Hungarian People's Republic is divided into counties, districts, towns and communities. Greater towns may be subdivided into administrative districts.

(2) Territorial changes of the administrative districts are decided by the Cabinet Council.

30.—(1) The local organs of the State authority are: the county council, the district council, the town council, the commune council and the town district council.

(2) The members of local councils are elected for a period of four years by the district electors.

(3) The members of local councils may lawfully be dismissed by the district electors.

31.—(1) The local councils carry out their duties as State functionaries in accordance with the law and within the sphere decided by superior authorities.

(2) The local council:—

(a) Directs economic, social and cultural activities;

(b) Prepares the local economy plan and budget and controls their implementation;

(c) Implements laws and higher decrees;

(d) Directs and controls the organs of State authority and administration subordinate to itself;

(e) Protects the State order and public property;

(f) Protects the rights of the workers;

(g) Directs and controls the work of economic undertakings of a local character;

(h) Supports the co-operatives of the workers;

(i) Takes measures in any other matter coming under its authority by law.

(3) The local councils issue local ordinances within their sphere of authority. These may not conflict with the law, or with decrees issued by the Council of Ministers, the Presidium, Ministers or other superior authorities. The ordinances issued by local councils must be published in conformity with custom.

(4) Local councils may annul or amend any decision, ordinance or measure taken by councils subordinate to their own authority which infringes the Constitution or the laws.

32.—(1) In their work the local councils are in direct contact with the population ; they promote the active participation, initiative and control of the workers in the local exercise of State authority.

(2) The local councils must report on their work to the electors at least twice a year.

33.—(1) The directive and executive bodies of the local councils are the Executive Committees elected from the members of those local councils.

(2) The Executive Committee is headed by a Chairman. The working procedure is managed by a Secretary, who is subordinate to the Chairman. The Chairman, his deputy or deputies, and the Secretary are elected by the Executive Committee from amongst its own members.

(3) The Executive Committees are directly responsible to the local councils and to the Executive Committees of higher councils. They must comply with the instructions of State administrative organs.

(4) The Executive Committees or their members may be dismissed by the local councils.

34. State administrative bodies may set up separate branch organisations to work beside the Executive Committees. Any such organisations in their specialist activity are subordinate to the higher bodies of State management, while in their normal work they are subordinate to the Executive Committee.

35. A separate law will lay down detailed rules relating to local councils and Executive Committees.

CHAPTER 6

The Judicature

36.—(1) Justice is administered in the Hungarian People's Republic by the Supreme Court of the H.P.R., the Courts of Appeal, the county courts and the district courts.

(2) For any specific group of cases the law may order the setting-up of separate courts.

37. Verdicts are pronounced by courts consisting of a professional judge sitting with non-professional members. The law may allow exemptions from this rule.

38. The Supreme Court of the Hungarian People's Republic exercises supervision over the functions and verdicts of all inferior courts. To this end the Supreme Court may

issue directives on the principles of the law and make decisions which are binding on the courts.

39.—(1) All judicial dignitaries in the Hungarian People's Republic are elected. The elected judges can be dismissed.

(2) Judges of the Supreme Court and of the Courts of Appeal are elected for a period of five years ; those of county and district courts for a period of three years.

(3) The President and the Judges of the Supreme Court, and likewise the Presidents of the Courts of Appeal, are elected by the National Assembly.

(4) The judges are obliged to furnish reports to those who elect them.

(5) A separate law will provide for the election procedure in the cases of Appeal Court judges and county and district judges.

40.—(1) All Court proceedings, excepting those exempted by law, are open to the public.

(2) The accused has the right of defence before the judges.

41.—(1) The courts of the Hungarian People's Republic punish the enemies of the working people ; they defend and support the State, economic and social order, the institutions and the rights of the workers in the People's Democracy, and they educate the workers to keep to the rules of socialist society.

(2) The judges are independent and are only subordinate to the law.

CHAPTER 7

The Prosecutor's Office

42.—(1) The Chief Public Prosecutor is responsible for ensuring the observance of the law.

(2) The Chief Public Prosecutor in his sphere of activity is responsible for ensuring that the laws are observed by the Ministries, the authorities subordinate to them, whether offices, institutions or other organisations, and local organs of the State authority, as well as by all individual citizens.

(3) The Chief Public Prosecutor is responsible for ensuring that any action injurious or dangerous to the order, safety and independence of the People's Republic is consistently subjected to prosecution.

43.—(1) The Chief Prosecutor of the Hungarian People's Republic is elected by the National Assembly for a period of six years. He can be dismissed by the National Assembly.

(2) The Chief Public Prosecutor is responsible to the National Assembly and is bound to report to it on his activities.

(3) Prosecutors are appointed by the Chief Public Prosecutor of the Hungarian People's Republic.

(4) The Public Prosecutor's Office is headed and directed by the Chief Public Prosecutor of the H.P.R.

44. The Public Prosecutors work independently of State administrative organisations and local authorities.

CHAPTER 8

Rights and duties of citizens

45.—(1) The Hungarian People's Republic guarantees to its citizens the right to work, and adequate pay according to the quantity and quality of the work carried out.

(2) This right is realised by the Hungarian People's Republic by the planned increase of the productive forces of the people's economy and by the labour power economy based on the people's economy plan.

46.—(1) The Hungarian People's Republic guarantees to the workers the right to rest and to enjoy holidays.

(2) This right is realised by the Hungarian People's Republic by the legal working time, paid holidays and the organisation of holidays for the workers.

47.—(1) The Hungarian People's Republic protects the health of the workers and affords assistance to them in the event of their disablement.

(2) The Hungarian People's Republic realises this protection and assistance by large-scale public insurance and by the organisation of medical services.

48.—(1) The Hungarian People's Republic guarantees to the workers the right of education.

(2) The Hungarian People's Republic realises this right by the general provision of public education in free and compulsory general schools, by secondary and high school education, by the further education of adult workers and their material support.

49.—(1) The citizens of the Hungarian People's Republic are equal before the law and enjoy equal rights.

(2) The law severely punishes any injurious discrimination against citizens by reason of their sex, religion or nationality.

(3) The Hungarian People's Republic guarantees to every nationality living on its territory the possibility of education in its mother-tongue and the fostering of its national culture.

50.—(1) In the Hungarian People's Republic men and women enjoy equal rights.

(2) The equality of rights of women is guaranteed by the ensuring to them of conditions of work equal to those of men, equal insurance, paid holidays in case of pregnancy, increased legal protection of motherhood and children, and finally by the system of mother and child welfare institutions.

51. The Hungarian People's Republic protects marriage and the family.

52. The Hungarian People's Republic attaches particular attention to the development and education of youth: the interests of youth are consistently protected.

53. The Hungarian People's Republic energetically supports scientific work serving the cause of the working people, and also the arts when they faithfully portray the life and struggles of the people and proclaim the victories of the people; the Hungarian People's Republic promotes with all the means at its disposal the development of an intelligentsia faithful to the people.

54.—(1) The Hungarian People's Republic guarantees to its citizens freedom of conscience and the right of free exercise of religion.

(2) In the interest of ensuring freedom of conscience the Hungarian People's Republic separates the Church from the State.

55.—(1) In accordance with the interests of the workers the Hungarian People's Republic guarantees freedom of the press, freedom of speech and freedom of assembly.

(2) For the realisation of these rights the State will place at the disposal of the workers the necessary material means.

56.—(1) In order to promote the development of the social, economic and cultural activity of the workers the Hungarian People's Republic constitutionally guarantees the right to form associations.

(2) In the due performance of its tasks the Hungarian People's Republic relies upon the organisations of self-reliant workers. In the interest of protecting the order of the People's Republic, of increasing participation in socialist reconstruction, of extending cultural education and of realising the rights of the people and fostering international solidarity, the workers form Trade Unions, democratic women and youth organisations and other mass organisations, and combine their forces in the

Democratic People's Front. In these organisations the close co-operation of industrial, agricultural and intellectual workers as well as their democratic unity is being realised. The workers' class, relying on the democratic unity of the people and directed by its vanguard, is the leading force of all State and social activity.

57. The Hungarian People's Republic guarantees the personal freedom and privileges of the citizens, and respects the secrecy of correspondence and the inviolability of the home.

58.—(1) The Hungarian People's Republic guarantees the rights of freedom to every worker residing on its territory.

(2) Foreign citizens suffering persecution because of their democratic conduct and activity displayed in the interest of the liberation of peoples, enjoy the right of asylum in the Hungarian People's Republic.

59. The fundamental duties of the citizens of the Hungarian People's Republic are: protecting the property of the people, strengthening social property, increasing the economic power of the Hungarian People's Republic, raising the workers' standard of life, fostering their education and strengthening the order of the people's democracy.

60. It is the honourable duty of the citizens of the Hungarian People's Republic to perform military service on the basis of general conscription.

61.—(1) The defence of the country is the sacred duty of every citizen of the Hungarian People's Republic.

(2) Treason, the breaking of the military oath, desertion, espionage, or any act tending to undermine the military power of the State, will be severely punished by law as treason to the country and to the cause of the workers.

CHAPTER 9

Fundamental Electoral Principles

62.—(1) Parliamentary Deputies are elected by the electors of the Hungarian People's Republic by secret vote, on the basis of a general, uniform and direct election law.

(2) Elected deputies are bound to report on their activities to their electors.

(3) Electors may dismiss Parliamentary deputies elected by them.

63.—(1) The right to vote belongs to every adult citizen of the Hungarian People's Republic.

(2) Enemies of the working people and persons suffering from mental disease are excluded by law from the right to vote.

64. Every citizen entitled to vote at the elections has one vote, and every vote is equal.

65. Anyone may be elected as Parliamentary deputy who has the right to vote.

66. A special law regulates the election and the dismissal of Parliamentary deputies.

CHAPTER 10

The Emblem, Flag and Capital of the Hungarian People's Republic

67. The emblem of the Hungarian People's Republic displays, in the centre of a round, light blue field, a hammer and an ear of wheat, crossed and mounted between two ears of wheat; at the top is a five-pointed star throwing rays onto the centre field; and underneath is a red, white and green ribbon.

68. The flag of the Hungarian People's Republic is a red, white and green banner charged with the emblem of the Hungarian People's Republic.

69. The Capital of the Hungarian People's Republic is Budapest.

CHAPTER 11

Final Provisions

70.—(1) The Constitution of the Hungarian People's Republic comes into force on the day of its proclamation;⁽¹⁾ the carrying into effect of its provisions will be the task of the Council of Ministers.

(2) The Council of Ministers must first submit to Parliament the laws necessary for the carrying into effect of the Constitution.

71.—(1) The Constitution is the basic law of the Hungarian People's Republic.

(2) The Constitution, together with the laws connected with it, is binding on all bodies of the State power and on all citizens of the State.

(1) Entered into force on 20th August, 1949.