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SOURCE Chosun Minjujuui Inminkonghwakuk Honbop, published by the Presidium, Supreme People's Assembly, Democratic People's Republic of Korea.

CONSTITUTION OF THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA

[Adopted 8 September 1948]

I. GENERAL PROVISIONS

1. Our country shall be called the Democratic People's Republic of Korea [hereinafter referred to as the People's Republic].
2. The sovereignty of the People's Republic is vested in the people. The Supreme People's Assembly, which is the highest body of authority, shall exercise sovereignty through its local authorities, the people's committees.
3. All delegates to the governing bodies, from the Ri (village) People's Committees to the Supreme People's Assembly inclusive, shall be elected by the people in accordance with their free will. The citizens of the People's Republic shall elect the delegates to their governing bodies by secret ballot under the principles of universal, direct, and impartial suffrage.
4. All public functionaries shall have the responsibility of discharging their duties to the people. The constituency may petition for the recall of a delegate whom they have elected whenever he is found incapable of discharging his duties.
5. The productive enterprises of the People's Republic may belong to the state, individuals, groups of individuals, or to corporations. The mining, forestry, marine, and other extractive industries, banks, railways, marine transportation, aviation, communications, waterworks, electric power facilities, and all other properties formerly owned by Japanese citizens, or by pro-Japanese elements shall belong to the state. Foreign trade shall be conducted by the state or under state supervision.

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6. Lands formerly owned by the Japanese government or by Japanese nationals, and lands owned by Korean landlords, shall be confiscated, and the tenancy system abolished forever. Land may be owned only by those who do their own farming. The maximum size of land owned individually shall be limited to from 5 to 20 chongbo [One chongbo equals 2.45 acres]. The maximum size shall depend on location and other conditions of the land as defined by law. The state and [state-controlled?] organizations may own land without limitations as to size. The state shall give special protection to the interests of the farmers and shall assist farmers as much as the state's economic policy permits.

7. Land reform shall be executed, within the period specified by the Supreme People's Assembly, in the areas within the territorial limits of Korea where the land reform has not been completed.

8. Private ownership of the land allocated by law; of other property including livestock, farm implements, etc., of the raw materials, finished products, buildings and fixtures that belong to the medium and small enterprises; also of homes, furniture, incomes, and savings of individuals, shall be protected by law. The right to inherit private property is guaranteed by law.

9. The state shall promote and protect by law the development of associations and organizations of people.

10. The state shall formulate the People's Economic Programs and, on the basis of such programs, direct economic and cultural reconstruction and development to permit the maximum utilization of the economic resources of the state for public benefit. To execute the People's Economic Programs, the state shall mobilize mainly the enterprises owned by the state and organizations, but may permit participation therein by private enterprises.

## II. RIGHTS AND DUTIES OF CITIZENS

11. All citizens of the People's Republic shall be equal before the law, irrespective of sex, race, religion, technical or productive abilities, or degree of literacy, in the political, economic, social, cultural, or any other field of daily life.

12. Citizens of the People's Republic having attained the age of 20 years may vote or be elected to public office irrespective of sex, race, place of birth, religion, length of domicile, wealth, or degree of literacy. The members of the People's Army (Chosun Inmingun) shall have the right to vote or be elected to public office if they are citizens of the People's Republic. Persons whose suffrage is annulled by court decision, persons who are declared insane, and persons adjudged pro-Japanese may not vote.

13. Every citizen shall have freedom of opinion, publication, assembly, and freedom to form associations, or participate in public demonstrations. Every citizen shall have the freedom of organizing and joining democratic political parties, trade unions, cooperative associations, and physical culture, cultural, technical, and scientific organizations.

14. Every citizen shall have freedom of religion and of participating in religious rituals.

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15. Every citizen shall have the right to receive an equal amount of compensation for an equal amount of work in the enterprises operated by the state, by organizations, or by individuals.

16. Every citizen shall have the right to rest. The systems of 8 hours of work per day and vacations with pay are guaranteed by law for laborers and clerical workers.

17. The workers entitled to social insurance benefits shall receive material aid in case of old-age infirmities, illness, or any other disability. Such workers are entitled to free medical care and such other assistances as are guaranteed under the social insurance system provided by the state.

18. All citizens shall have equal opportunity for education. Primary education shall be universal and compulsory. The state guarantees free education for the children of the poor. The state scholarship system shall be extended to the majority of the students in the colleges and technical schools. The national language of Korea shall be used for instruction in all schools.

19. Every citizen shall have the right to operate medium and small-size commercial or industrial enterprises.

20. Every citizen shall have the right of scientific and artistic pursuits. Copyrights and patent rights shall be protected by law.

21. Every citizen's freedom of privacy and of secrecy of correspondence shall be protected by law.

22. Women shall have equal rights with men in political, economic, social, cultural, and all other affairs of the state. The state shall give special protection to mothers and infants.

23. The state shall protect the sanctity of marriage and the family system. The parental responsibilities of the blood parents for the illegitimate child shall be equal to the parental responsibilities of the lawfully married parents. The rights and privileges of the illegitimate child as a citizen shall be equal to those of the legitimate child. Legal recognition of the marriage and family status of the illegitimate child shall be prescribed under a separate law.

24. All citizens shall have personal liberty and may not be arrested except by court order or under authorization of a public procurator.

25. Every citizen shall have the right to present petitions to or lodge complaints with the government. The people may petition removal of any official from public office whenever he is found guilty of misconduct. A person who suffers damage as the result of an unlawful act by a public official may claim indemnity from the government.

26. The People's Republic shall protect the foreign political refugees who fought for the liberation of their democratic compatriots, or for the benefit of laboring masses, or for the freedom of science and culture in their own countries, and who seek refuge in the Democratic People's Republic of Korea.

27. Every citizen must observe the constitution and laws of the People's Republic. Any attempt to abuse constitutional rights, to alter or to destroy the spirit set forth in the Constitution, constitutes a capital offense against the state and is punishable by law.

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28. Every citizen shall be subject to the duty of defending the Fatherland. The defense of the Fatherland shall be the supreme duty and honor of every citizen. Betrayal of the Fatherland or of the people shall constitute a capital offense and is subject to severe criminal prosecution.

29. Every citizen shall be subject to the duty of paying taxes according to his ability.

30. Every citizen shall be subject to the duty of rendering labor service. The Korean people shall regard labor an honor. Labor shall be the foundation of the economic and cultural development of the People's Republic.

31. Minority races who have citizenship of the People's Republic shall have equal rights with those of the native citizens. These naturalized citizens shall have the freedom of using their native languages and of promoting their native culture.

### III. CENTRAL ADMINISTRATIVE SYSTEM

#### A. The Supreme People's Assembly

32. The Supreme People's Assembly is the highest body of state authority of the People's Republic.

33. Only the Supreme People's Assembly shall exercise legislative powers.

34. The Supreme People's Assembly shall be composed of the delegates elected by the people through universal, direct, and impartial suffrage and by secret ballots.

35. The delegates to the assembly shall be elected at the ratio of one delegate to each 50,000 population.

36. The tenure of office of the delegates to the assembly shall be 3 years.

37. The assembly shall exercise the highest authority of the state. Only the constitutional powers vested in the Presidium of the Supreme People's Assembly and the cabinet may exceed those of the assembly. The assembly shall have the following powers:

- a. To approve or amend the Constitution.
- b. To make basic policies for domestic and foreign affairs.
- c. To elect the members of the Presidium.
- d. To organize the cabinet.
- e. To hold referendums on laws, and to approve bills adopted by the Presidium while the assembly is not in session.
- f. To approve the People's Economic Programs.
- g. To approve the state budgets.
- h. To establish or change to, si, kun, myon, and ri administrative districts.
- i. To exercise the power of granting amnesty.
- j. To elect judges to the Supreme Court.
- k. To appoint the Procurator General.

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38. The Supreme People's Assembly shall be convened for regular or extraordinary sessions. The regular sessions shall be convened twice a year, by the decision of the Presidium. Extraordinary sessions of the assembly may be convened by the request of the Presidium or at the instance of one third or more of the members of the assembly.

39. The assembly shall elect its chairman and two vice-chairmen. The chairman shall conduct the assembly in accordance with the rules adopted by the assembly.

40. The assembly shall open its sessions when the majority of its members are present, and may pass resolutions by majority votes of its members present.

41. The legislative measures adopted by the assembly shall be promulgated under joint signatures by the chairman and secretary-general of the Presidium, within 5 days after the adoption.

42. The assembly may appoint committees to study special issues presented to it. The committees may consult the government agencies related to the issues in question.

43. A legislative committee shall be formed in the assembly to draft or examine legislative bills to be submitted to the Presidium for approval.

44. Every member of the assembly shall be guaranteed certain inviolable rights as a delegate. No delegate shall be arrested or punished, except when apprehended in flagrante delicto, without the permission of either the assembly when it is in session or of the Presidium when the assembly is not in session.

45. The Presidium shall conduct the election of new members of the assembly before expiration of tenure of the current members. If the assembly is dissolved, the election of new members must be conducted within 2 months after the dissolution.

46. The assembly may extend its tenure in case of a state emergency and continue to function with the existing members for the duration of such an emergency. The assembly may also dismiss its members before the termination of office if the situation so demands.

#### B. Presidium of the Supreme People's Assembly

47. The Presidium of the Supreme People's Assembly shall assume the highest authority of the state when the assembly is not in session.

48. The members of the Presidium shall be elected by the assembly, and it shall be composed of a chairman, two vice-chairmen, a secretary-general, and 17 members.

49. The Presidium shall have the following duties:

- a. To summon the assembly.
- b. To supervise enforcement of the Constitution and laws, and to interpret and proclaim laws.
- c. To annul the cabinet decisions which are in conflict with the Constitution or statutes.
- d. To proclaim the laws adopted by the assembly.
- e. To grant amnesty.

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- f. To appoint ministers, through recommendations of the premier, when the assembly is not in session, and to request subsequent confirmation by the assembly of such appointments.
- g. To confer medals and honorary titles.
- h. To ratify or revoke treaties with foreign nations.
- i. To appoint or recall ambassadors and ministers of the People's Republic.
- j. To accept credentials and letters of recall from the foreign envoys to the People's Republic.

50. The Presidium is responsible to the assembly for its activities, and the assembly may replace by election a part or all members of the Presidium whenever deemed advisable.

51. If the assembly is dissolved, the exiting Presidium must continue to function until the new Presidium is formed.

#### IV. STATE CENTRAL EXECUTIVE BODY

##### A. The Cabinet

52. The cabinet is the highest executive body of the state.

53. The cabinet may issue decisions and mandates in accordance with the Constitution and statutes. The decisions and mandates proclaimed by the cabinet shall be enforced within the territories of the People's Republic.

54. The cabinet shall supervise the activities of the ministries and their subsidiary agencies.

55. The cabinet shall have the following duties:

- a. To supervise the foreign affairs of the state and to conclude treaties with foreign countries.
- b. To control the foreign trade of the state.
- c. To supervise local governments.
- d. To organize and control the currency and credit systems.
- e. To formulate state budgets, to control state and local budgets, and to assess taxes.
- f. To control commerce, industry, agriculture, finance, transportation, and communications of the state.
- g. To establish policies concerning the maintenance of public peace and order, the protection of state interests, and the guaranty of civil rights.
- h. To establish basic policies for the exploitation of land and marine resources.
- i. To administrate education, culture, science, art, and public health.
- j. To establish political, economic, and social policies in order to elevate the economic and cultural standards of the people.
- k. To supervise the organization of the People's Army and to commission the officers thereof.
- l. To appoint vice-ministers of the cabinet, directors of the important industrial enterprises, and presidents of universities.

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56. The cabinet may overrule the ministerial regulations or the decisions and instructions issued by the provincial people's committees which in any way contradict the Constitution, statutes, mandates, or cabinet decisions or instructions.

57. The resolutions of the cabinet meeting shall be adopted by majority votes. The resolutions adopted by the cabinet shall be promulgated in written form bearing countersignatures of the premier and the cabinet members concerned.

58. The cabinet shall be composed of the premier, vice-premier, chairman of the State Planning Board, and the following ministers: National Defense, State Inspection, Internal Affairs, Foreign Affairs, Industry, Agriculture and Forestry, Commerce, Transportation, Finance, Education, Communications, Justice, Culture and Propaganda, Labor, Public Health, Urban Management, and a minister without portfolio. Each ministry may establish its subordinate bureaus and departments according to the needs.

59. The premier is the head of the government of the People's Republic. The premier may summon cabinet meetings and shall preside over the meeting. The vice-premier is responsible to the premier; in case the premier is incapacitated, the vice-premier shall assume the duties of the premier acting in the full capacities accorded to the premier.

60. The cabinet is responsible to the assembly, and when the latter is in recess, to the Presidium.

61. The premier, vice-premier, and ministers shall take the following oath before the assembly on the day of their inauguration:

"I do solemnly and sincerely swear that I will serve faithfully the people and the Democratic People's Republic of Korea, perform my duties satisfactorily as a member of the cabinet, work for the benefit of the entire people and the state, observe the Constitution and statutes faithfully, and protect the democratic freedom and sovereignty of the Democratic People's Republic of Korea to the best of my ability."

62. The members of the assembly may interrogate the cabinet or ministries. The cabinet or ministries interrogated shall answer in accordance with the rules prescribed by the assembly.

#### B. The Ministries

63. Each ministry is a specialized executive organ of the state.

64. The functions of each ministry shall be under the jurisdiction of the cabinet and shall be confined to administration of the respective field concerned.

65. The minister shall be the head of the ministry concerned. The minister is empowered to make ministerial decisions, and is responsible to the cabinet for discharging his duties.

66. The minister may, within his juridical power, issue mandates and ordinances necessary for execution of his duties.

67. In case the minister is incapacitated, the vice-minister shall act in his behalf. The vice-minister is subordinate to the minister.

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## V. LOCAL GOVERNMENT SYSTEM

68. People's committees for to, si, kun, myon, and ri shall constitute the local government system.

69. People's committees of all levels shall be composed of the delegates elected by universal, equal, and direct suffrage and by secret ballot. The rules governing the election of the people's committees shall be prescribed by law.

70. People's committees shall function in accordance with the rules set forth by the Constitution, statutes, ordinances, cabinet decisions, and instructions.

71. In their respective administrative activities, the To People's Committees shall be responsible to the cabinet, the Si and Kun People's Committees to the To People's Committees, the Myon People's Committees to the Kun People's Committees, and the Ri People's Committees to Myon People's Committees.

72. People's committees may, within their respective spheres of authority, enact and ordain local laws and regulations insofar as they are not in conflict with the Constitution, statutes, ordinances, cabinet decisions, and instructions.

73. The local people's committees shall have their own budgets.

74. The people's committees of all levels shall have the following duties.

- a. To protect the citizenship and ownership rights of citizens.
- b. To protect the state properties entrusted to the people's committees.
- c. To maintain public peace and order.
- d. To enforce the laws and regulations issued by the central government.
- e. To develop local industries.
- f. To develop local communications systems.
- g. To construct and repair public roads.
- h. To administer local budgets and to collect taxes.
- i. To administer education and cultural activities.
- j. To supervise the state hospitals and clinics, to provide medical aid to the people, and to guide public health services.
- k. To formulate and execute rural and urban development programs, and to supervise construction of houses and sewage system, and to maintain public health and sanitation.
- l. To make surveys of arable lands, and to supervise the proper use of lands.
- m. To collect taxes in kind.
- n. To formulate measures to combat natural calamities and epidemics.

75. The people's committees of all levels shall carry out the duties listed above, within the province of authority vested in them at the respective levels.

76. Each people's committee shall organize a standing committee to carry on the functions of the people's committee while it is not in session. The standing committee shall be composed of a chairman, vice-chairman, secretary, and committee members. The standing committee may be dispensed with at ri level, provided that the chairman, vice-chairman, and secretary of the Ri People's Committee jointly assume the functions of the standing committee.

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77. The standing committees for the respective level of the people's committee shall be elected by majority votes with more than two thirds of the members of the people's committee present.

78. The standing committee shall function as an executive body for the people's committee concerned, and shall be responsible to the people's committee for its activities. The people's committee may re-elect part or whole of the standing committee before the termination of the member's tenure.

79. Each people's committee shall have subcommittees in charge of specialized fields of industrial activities. The method of organizing subcommittees shall be prescribed by a separate ordinance.

80. The chairman of each subcommittee shall be selected and appointed by the people's committee, and he shall be responsible for his activities to the people's committee or the standing committee while the former is not in session.

81. In the course of executing its duties, each people's committee may at any time mobilize the local populace as extensively as possible, and shall at times stress the importance of the creative energies of the populace.

#### VI. COURT OF JUSTICE AND PUBLIC PROCURATOR'S OFFICE

82. The judicial power shall reside in the Supreme Court, in the local to, si, and kun courts and in the special courts. Judgments shall be rendered by each court in the name of the Democratic People's Republic of Korea.

83. The courts shall be organized by elections. The Supreme Court shall be organized by the Supreme People's Assembly through elections. The to, si, and kun courts shall be organized by the people's committees of the corresponding levels through secret-ballot elections. Special courts shall be organized in accordance with a law to be enacted separately. Only the body which elected and appointed the judicial officials shall have the authority to remove from office the judicial officials whom it elected and appointed.

84. The first trials may be conducted by "ch'amsimwon" [acting judges?] who have the same judicial power as judges.

85. Any citizen of the People's Republic who has suffrage and who did not serve as a judge or procurator under the Japanese government may become a judge or "ch'amsimwon."

86. Trials and judgments of the court shall be conducted in public, except in cases where the law prohibits open trial or public release of the judgment. The defendant is guaranteed his right to plead his case.

87. In general, the Korean language shall be used in the trials. If the person before the court does not speak Korean, he may use his mother tongue, provided that an interpreter be hired.

88. Judges shall have complete independence in the conduct of trials.

89. The Supreme Court shall be the highest judicial organ of the People's Republic, and shall supervise the court proceedings of lower courts.

90. The procurators shall exercise surveillance over the government offices and officials, public and private organizations, and over individuals as to their strict and sincere obedience of the laws.

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91. The procurators shall see to it that the executive ordinances, regulations, and measures issued by the central and local governments do not contradict or violate the Constitution or laws.

92. The head of the Public Procurator's Office shall be the Public Procurator General appointed by the Supreme People's Assembly.

93. The procurators for to, si and kun courts shall be appointed by the Public Procurator General.

94. The procurators shall not be subservient to any of the local governments, and shall have complete independence in the performance of their duties.

#### VII. STATE BUDGET

95. The purpose of the state budget is to consolidate state wealth, to build a powerful people's economy, to elevate the cultural and living standards of the people, and to strengthen the national security.

96. The state budget shall be formulated each year by the cabinet, subject to approval by the Supreme People's Assembly.

97. All the state revenues and expenditures shall be combined under a single state budget.

98. No government office may exceed expenses appropriated under the state budget. All government offices must conform to the fiscal rules set forth by law.

99. Economy and proper allocation of funds shall be the cardinal principle of all financial undertakings of the government.

#### VIII. PEOPLE'S SECURITY

100. The People's Army shall be organized to protect the security of the People's Republic. The mission of the People's Army shall be to protect the sovereignty of the Fatherland and the freedom of the people.

#### IX. STATE EMBLEM, FLAG, AND CAPITAL

101. The state emblem of the People's Republic shall be a circle inscribed with "Democratic People's Republic of Korea" written horizontally across the bottom, framed by two blades of a rice plant encircling a magnificent picture of a hydroelectric plant, with a brilliant light from above illuminating the background.

102. The state flag of the People's Republic shall be rectangular in shape, and shall be twice as long as it is wide. It shall be red except for single blue stripes at the top and bottom, with a five-pointed red star on a white circular background in the left center of the flag.

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103. Seoul shall be the capital of the People's Republic.

X. AMENDMENTS TO THE CONSTITUTION

104. No amendment to the Constitution may be made unless it shall have been approved by not less than two thirds of the delegates to the Supreme People's Assembly.

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