

MEXICO

CONSTITUTIONS OF THE COUNTRIES OF THE WORLD

Editors

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MEXICO

1972 - 1982
by GIBBERT H. FLANZ

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CONSTITUTIONAL CHRONOLOGY
THE CONSTITUTION
ANNOTATED BIBLIOGRAPHY

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CHRONOLOGY

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During the past decade great transformations have taken place in Mexico's political, economic and social system. These changes and aspirations are reflected to a considerable extent in the constitutional amendments which were adopted during this period.

1972 The amendment of Article 123 B XI f of November 8, 1972, which was published on November 10, 1972, extended and made more specific the right of workers to low-cost housing for rent or sale. It provided for the establishment by state contributions of a National Housing Fund which was to grant workers "a sufficient and inexpensive credit" that would enable them to acquire ownership of comfortable and healthy homes or to build, repair or improve them or to pay debts resulting from such expenditures. The amendment specified that such contributions were to be delivered to the agency in charge of social security, which was authorized to regulate the manner and procedure of granting and awarding such loans.

On the same day Article 123 B XIII was also amended. Previously it stated that "military and naval personnel and members of the public security corps, and personnel of the foreign service, shall be governed by their own laws." To this was added a provision analogous to the previously cited Article 123 BXI f, which was to extend to more individuals the same benefits granted to workers.

On February 14 the Diario Oficial published the amended texts of Articles 52, 54 and 58.

The "Law on the registration of contracts and agreements regarding the transfer of technology" was published in the Diario Oficial on December 28 and went into effect 30 days later.

1973 The "Law on the Promotion of Mexican investment and the regulation of foreign investment" was published in the Diario Oficial on March 9. The purpose of this law which consists of 31 articles and additional transitory articles was "to stimulate a just and balanced development and consolidate the country's economic independence." As stipulated in the transitory articles (1) this law entered into force on May 8, sixty days after its publication in the Diario Oficial.

On August 30 Mexico and the United States signed an "Agreement in Mexico City on the Permanent and Definitive Solution to the International Problem of Salinity of the Colorado River."

1974 In sharp contrast with the previous year in which no amendments were passed, the year 1974 brought many changes in the text of the Constitution. The following articles were amended: 4,5,27 (VI) (XII) (XVII),30 (II),43,45,54,55 (II),73

- 1973 (several deletions), 74(I and VI), 79(II and V), 82(VI), 89(II,XIV,XVII), 93, 104, 107(II and VIII), 123(II,V,XI, XXV,XXIX, and XXXI) and 131. 1976 On No in I tre tow Art try tut int on
- On January 31 Article 93 was amended to require not only the secretaries of the Cabinet but also the directors and the administrators of the decentralized federal agencies and certain enterprises, in which the State has majority participation, to provide reports to Congress on matters relating to their particular fields of activity. Such requests, as previously, could be initiated by either branch of the Congress as soon as Congress had commenced its regular session to assist lawmakers in their deliberations on specific legislation. Presi inat mic nati
- Article 107 was amended in February to correct certain deficiencies in the constitutional provisions of articles 103 and 107 pertaining to suits affecting the rights of minors and incapacitated persons. This amendment was published on February 27. 1977 In 19 By de ame
- 1975 The amended version of Article 27 was published in Diario Oficial on February 6. It stated that the use of nuclear fuels for the generation of nuclear energy and the regulation of its application to other purposes is also a function of the "Nation" and that nuclear energy may only be used for peaceful purposes. The amended texts of Articles 73(X) and 123(XXXI) were published in the same issue. enc lic reh off cri Fed ori tre gov req in mad
- 1976 On January 26 the President issued a decree which added another paragraph to Article 27 of the Constitution of Mexico which established an exclusive economic zone beyond the limits of the territorial sea. On Se pro par fro
- To further implement this constitutional amendment, the President issued an appropriate decree which amended the Law on Fisheries Development. It was published in the Diario Oficial on February 13. By de mad mag was
- Another paragraph concerning the exclusive economic zone was added to Article 27. It was published in the Diario Oficial on February 6.
- On July 4 Sr. Jose Lopez Portillo, the candidate of ruling PRI, was elected President. Congressional elections were held on the same day which resulted in an overwhelming victory of the PRI. However, the political situation was far from stable. There was a drastic devaluation of the peso and a great deal of social unrest. In August, President Echeverria declared that he would not leave office without implementing the legislation which limited land ownership to 100 hectares (250 acres) and on November 19 the lame-duck President ordered the expropriation of large tracts of land. The f 6, 97,

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On November 25 Mexico and the United States concluded a treaty in Mexico City on the execution of penal sentences. The treaty, consisting of 10 articles, marked a further step toward mutual assistance in combating crime. According to Article 1 of this treaty, sentences imposed by either country on nationals of the other may be served in penal institutions in the country of the offender. The treaty entered into force on November 30. The exchange of prisoners began on December 9.

President Lopez Portillo was sworn in on December 1. In his inaugural address he called for greater emphasis on economic development, and more effective utilization of Mexico's natural resources.

1977

In 1977, the Constitution was extensively amended.

By decree published on February 4, 1977, Article 18 was amended by adding the following provision:

"Offenders of Mexican nationality who are serving sentence in foreign countries may be transferred to the Republic to continue their confinement according to the social rehabilitation systems provided for in this article, and offenders of foreign nationality sentenced for federal crimes within the Republic, or for crimes committed in the Federal District, may be transferred to their country of origin or residence under the terms of the international treaties that have been concluded for that effect. State governors may, with the support of the pertinent local laws, request the Federal Executive to include common offenders in such treaties. The transfer of such offenders may be made only with their express consent."

On September 1 the President outlined his political reform program which called for the participation of all political parties and an eventual increase of the number of deputies from 250 to 400.

By decree published on December 2, some minor deletions were made in the text of Article 97 which deals with circuit magistrates and district judges. The following paragraph was inserted:

"The Supreme Court of Justice is empowered to inquire on its own initiative into the facts relating to violations committed in public elections, but only in cases which in its opinion could put in doubt the legality of the entire process of election of one of the Powers of the Union. The result of the investigation shall be made known in due time to the competent organs."

The following articles were amended by decree of December 6: 6, 41, 51, 52, 53, 54, 55, 60, 61, 65, 70, 73, 74, 76, 93, 97, and 115.

1977 The changes were as follows: Article 6 was amended by adding "the right to information shall be guaranteed by the State."

Important constitutional provisions were added to Article 41 which concerns the exercise of national sovereignty. No reference was previously made to political parties. Now, five new paragraphs were added as follows:

"Political parties are entities of public interest. The law shall determine the specific forms of their intervention in the electoral process.

"The purpose of political parties is to promote the participation of the people in democratic activity, to contribute to forming the national representation and, as organizations of citizens, to make possible their access to the exercise of public power, in accordance with the programs, principles and ideas which they postulate through universal, free, secret and direct suffrage.

"Political parties shall have the right to permanent use of the communications media in accordance with the formalities and procedures provided by law.

"In the federal electoral process national political parties shall have on an equitable basis a minimum of resources for their efforts to obtain popular suffrage.

"National political parties shall have the right to participate in state and municipal elections."

Further changes were made in Title III (Articles 51, 52, 53, 54 and 55) pertaining to the "election and installation of Congress." Article 51 now contains the provision that "for each titular deputy there shall be elected one alternate." This was formerly Article 53. Article 52 sets up a new system of representation:

"The Chamber of Deputies shall be composed of 300 deputies elected by a plurality, within a system of single electoral districts, and up to 100 deputies who shall be elected according to the principle of proportional representation, within the regional listing system, the lists being voted for in multiple districts."

The new Article 53 reads as follows:

"The territorial demarcation of the 300 single electoral districts will result from dividing the total population among the districts indicated. The distribution of the single electoral districts among the federal entities shall be made according to the last general population census, although in no case may the representation of a State be less than two deputies of the majority party.

"For the election of the 100 deputies according to the principle of proportional representation and the system of

1977

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regional lists, up to five multiple electoral districts may be constituted in the country. The law shall determine the form of establishing the territorial demarcation of these districts."

Article 41
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Article 60 was also amended by decree published on December 6. However, these lengthy provisions have recently been superseded by decree published on April 22, 1981. It now reads:

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"The Chamber of Deputies shall judge the elections of its members through an electoral college composed of 100 deputy candidates: 60 of those elected in the single districts, designated by the political party which, according to the majority votes registered by the Federal Electoral Commission, has obtained the highest number of votes; and 40 of those elected in the multiple districts, designated by the political parties in proportion to the number which for each of them the Federal Electoral Commission had recognized according to the percentage of the votes obtained."

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To Article 61, which deals with the inviolability of deputies, another paragraph was added by decree published on December 6, which entrusts to the presidents of the two chambers the responsibility for maintaining this constitutional privilege.

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The somewhat detailed provisions of Article 65 condensed the agenda of the Congress to one short paragraph.

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The following three paragraphs were added to Article 70:

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"The Congress shall enact the law regulating its internal structure and operation.

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"The law shall determine the formalities and procedures for the grouping of deputies, according to their party affiliation, so as to guarantee free expression of the ideological trends represented in the Chamber of Deputies.

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"This law cannot be vetoed nor shall it require promulgation by the Federal Executive to enter into force."

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From the lengthy provisions of Article 73 concerning the powers of Congress, two paragraphs were deleted: XXIII and XXVIII. The first deletion concerned the right of Congress to make its own rules. This is now covered by the second paragraph of Article 70. Paragraph XXVIII empowered Congress "to examine the account which the executive branch must submit to it annually." This is now covered by Article 93 which was substantially amended by decrees published on January 3, 1974 and December 6, 1977. It now reads:

1977

"As soon as the regular session is opened, the secretaries of the Cabinet and the chiefs of the administrative agencies shall give a report to the Congress on the state of their respective branches. Either of the Chambers may summon the secretaries of state and the chiefs of the administrative agencies, as well as the directors and administrators of the decentralized federal agencies or of the enterprises in which the State has majority participation, for information, whenever a law is under discussion or a matter is being studied relating to their respective fields or activities.

1978

"The chambers, at the request of one fourth of their members in the case of deputies, and one half in the case of senators, have the power to form committees to investigate the operations of the above agencies and enterprises. The results of the investigations shall be made known to the Federal Executive."

Article 74(IV) concerning the exclusive powers of Congress to examine the annual budget were greatly expanded from one short sentence into seven paragraphs which detail the procedure to be followed.

The amended text of Article 76(I) which specifies "the exclusive powers of the Senate" in matters of foreign policy suggests a considerable expansion of its activities. In the earlier version of this paragraph the exclusive powers were "to approve the treaties and diplomatic conventions made by the President of the Republic with foreign powers." The wording seems to expand the scope of the Senate's powers and responsibilities. The Senate is now expected "to analyze the foreign policy developed by the Federal Executive on the basis of the annual reports which the President of the Republic and the pertinent cabinet secretary submit to Congress; furthermore, to approve the treaties and diplomatic conventions made by the Executive of the Union."

1979

1980

Reference has already been made to the expanded investigatory powers of the chambers, as specified in the amended text of Article 93(2) and published on December 6, 1977.

The following paragraph was inserted into Article 115:

"In accordance with the legislation enacted in each of the federal entities, there shall be introduced the system of minority deputies in the election of local legislatures and the principle of proportional representation in the election of council members of municipalities with a population of 300,000 or more inhabitants."

1981

1978 The lengthy and frequently amended Article 123 concerning workers and workers' rights was further amended by a decree published in the Diario Oficial on January 9, 1978. The amended Article 123(XII) requires the setting aside of

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space for public markets and recreation facilities if more than 200 workers are employed. It also prohibits the sale of intoxicating liquors and games of chance in all work centers. These are not new provisions but rather restatements contained in the previously numbered Article 123(XIII).

A new provision may be found in Article 123(XIII) which obliges enterprises "regardless of their activity" to provide "training or instruction" for their workers.

The wording of Article 123(XXXI), pertaining to the enactment of the labor laws, was also amended by a decree published on January 9. It added to the previously enumerated exclusive jurisdiction of the federal authorities enforcement in the following manufactures: "basic lumber, including the manufacture of plywood; glass and bottles and other glass containers; tobacco and tobacco products." It also added to the obligations in educational matters imposed upon employers "the training and instruction of their workers, for which federal authorities shall have the assistance of state authorities in matters where the local jurisdiction is involved, as the applicable law may require."

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1979

In August the PRI held a party assembly. It agreed on a new party statute and adoption of a program which called for an amendment to the Constitution to guarantee the right to work and to provide for universal medical care.

On July 1, elections were held for the Chamber of Deputies. The PRI won 296 of the 300 available seats. One hundred seats were reserved to the opposition party. The abstention rate was unusually high--over 50% as compared with 38% in 1976.

1980

Article 4 was amended and published on March 18 in the Diario Oficial. A third paragraph was added which states that "it is the duty of parents to preserve the rights of minors and to satisfy their needs." The protection to be provided by public institutions is to be determined by law.

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Another amendment to Article 3(VIII) was published on June 9. This amendment added provisions pertaining to the autonomy of the universities.

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On April 14 the following articles of the Constitution were amended: 29, 60, 90, 92, 117. English translations of the amended texts have been added at the end of the translated text of the Constitution.

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The Institutional Revolutionary Party (PRI) announced on September 25 that Sr. Miguel de la Madrid would be its candidate in the presidential elections, scheduled for July 1982.

1982 Sr. Miguel de la Madrid was easily elected on July 4. Also elected were 64 senators and 400 deputies. The 74% vote for the presidential candidate of the PRI was widely expected. But analysts were somewhat surprised by the 14% vote for the opposition National Action Party. It was interpreted as an indication of discontent among the middle classes who had expected greater improvements. Sr. Miguel de la Madrid will assume the office of President on December 1, 1982, when President Jose Lopez Portillo's term comes to an end.

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CONSTITUTION

CONSTITUTION OF MEXICO 1917
(Completely updated, including
amendments of April 14, 1981.)

GENERAL SECRETARIAT
ORGANIZATION OF AMERICAN STATES
WASHINGTON, D.C.
1982

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CONSTITUTION OF MEXICO

65

TITLE I

80

Chapter I

83

Individual Guarantees

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Article 1. Every person in the United Mexican States shall enjoy the guarantees granted by this Constitution, which cannot be restricted or suspended except in such cases and under such conditions as are herein provided.

105

105

Article 2. Slavery is forbidden in the United Mexican States. Slaves who enter national territory from abroad shall, by this act alone, recover their freedom and enjoy the protection afforded by the laws.

105

Article 3.1/ The education imparted by the State--Federation, States, Municipalities--shall be designed to develop harmoniously all the faculties of the human being and shall foster in him at the same time a love of country and an awareness of international solidarity, in independence and justice.

I. Freedom of religious beliefs being guaranteed by Article 24, the standard which shall guide such education shall be maintained entirely apart from any religious doctrine and, based on the results of scientific progress, shall strive against ignorance and its effects, servitudes, fanaticism, and prejudices. Moreover:

- a. It shall be democratic, considering democracy not only as a legal structure and a political regimen, but as a system of life founded on constant economic, social, and cultural betterment of the people;

1/ As amended by decree published in the Diario Oficial of December 30, 1946.

- b. It shall be national insofar as--without hostility or exclusiveness--it shall achieve the understanding of our problems, the utilization of our resources, the defense of our political independence, the assurance of our economic independence, and the continuity and growth of our culture; and
- c. It shall contribute to better human relationships, not only with the elements which it contributes toward strengthening and at the same time inculcating, together with respect for the dignity of the person and the integrity of the family, the conviction of the general interest of society, but also by the care which it devotes to the ideals of brotherhood and equality of rights of all men, avoiding privileges of race, creed, class, sex, or persons.

II. Private persons may engage in education of all kinds and grades. But as regards elementary, secondary, and normal education, and that of any kind or grade designed for laborers and field workers, they must previously obtain, in every case, the express authorization of the public power. Such authorization may be refused or revoked by decisions against which there can be no judicial proceedings or recourse.

III. Private institutions devoted to education of the kinds and grades specified in the preceding section must be without exception in conformity with the provisions of sections I and II of the first paragraph of this article and must also be in harmony with official curricula.

IV. Religious corporations, ministers of religion, stock companies which exclusively or predominantly engage in educational activities, and associations or companies devoted to propagation of any religious creed shall not in any way participate in institutions providing elementary, secondary and normal education and education for laborers or field workers.

V. The State may at its discretion withdraw at any time the recognition of official validity of studies conducted in private institutions.

VI. Elementary education shall be mandatory.

VII. All education provided by the State shall be free.

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VIII. The universities and other institutions of higher learning to which the law grants autonomy shall have the authority and responsibility of governing themselves; they shall realize their objectives to educate, investigate and diffuse culture in accordance with the principles of this article, respecting the freedom of teaching and research and the free examination and discussion of ideas; they shall determine their curricula; they shall set the terms for the acceptance, promotion and tenure of their academic staff; and they shall administer their endowments. Labor relations, for both the academic staff and the administrative staff, shall be governed by section A of Article 123 of this Constitution, under the terms and practices established by the Federal Labor Law according to the nature of special work, in such a way as to be in accord with autonomy, the freedom of teaching and research, and the objectives of the institutions to which this paragraph refers.1/

IX. The Congress of the Union, with a view to unifying and coordinating education throughout the Republic, shall enact the necessary laws for allocating the social function of education among the Federation, the State and the Municipalities, for fixing the appropriate financial allocations for this public service and for establishing the penalties applicable to officials who do not comply with or enforce the pertinent provisions, as well as the penalties applicable to all those who infringe such provisions.

Article 4.2/ Men and women are equal before the law. The law shall protect the organization and development of the family.

Every person has the right to decide in a free, responsible and informed manner on the number and spacing of their children.

It is the duty of parents to preserve the right of minors to satisfy their needs and to physical and mental health. The law shall determine the support for the protection of minors to be given by public institutions.3/

1/ As amended by decree published in the Diario Oficial of June 9, 1980.

2/ As amended by decree published on December 31, 1974.

3/ As amended by decree published on March 18, 1980.

Article 5.1/ No person can be prevented from engaging in the profession, industrial or commercial pursuit or occupation of his choice, provided it is lawful. The exercise of this liberty shall only be enjoined by judicial order when the rights of third parties are infringed, or by administrative order, issued in the manner provided by law, when the rights of society are violated. No one may be deprived of the fruits of his labor except by judicial decision.

The law in each state shall determine the professions which may be practiced only with a degree, and set forth the requirements for obtaining it and the authorities empowered to issue it.

No one can be compelled to render personal services without due remuneration and without his full consent, excepting labor imposed as a penalty by the judiciary, which shall be governed by the provisions of clauses I and II of Article 123.

Only the following public services shall be compulsory, subject to the conditions set forth in the respective laws: military service and jury service as well as the discharge of the office of municipal councilman and offices of direct or indirect popular election. Duties in relation to elections and the census shall be compulsory and unpaid. Professional services of a social character shall be compulsory and paid according to the provisions of law and with the exceptions fixed thereby.

The State cannot permit the performance of any contract, covenant, or agreement having for its object the restriction, loss or irrevocable sacrifice of the individual freedoms, whether for work, education, or religious vows. The law, therefore, does not permit the establishment of monastic orders, whatever be their denominator or purpose.

Likewise, no person can legally agree to his own proscription or exile, or to the temporary or permanent renunciation of the exercise of a given profession or industrial or commercial pursuit.

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A labor contract shall be binding only to render the services agreed on for the time set by law and may never exceed one year to the detriment of the worker, and in no case may it embrace the waiver, loss, or restriction of any civil or political right.

Noncompliance with such contract by the worker shall only render him civilly liable for damages, but in no case shall it imply coercion against his person.

Article 6.1/ The expression of ideas shall not be subject to any judicial or administrative investigation unless it offends good morals, infringes the rights of others, incites to crime, or disturbs the public order. The right to information shall be guaranteed by the State.

Article 7. Freedom of writing and publishing writings on any subject is inviolable. No law or authority may establish censorship, require bonds from authors or printers, or restrict the freedom of printing, which shall be limited only by the respect due to the right of privacy, morals, and public peace. Under no circumstances may a printing press be sequestered as the instrument of the offense.

The organic laws shall contain whatever provisions may be necessary to prevent the imprisonment of the vendors, newsboys, workmen, and other employees of the establishment publishing the work denounced, under pretext of a denunciation of offenses of the press, unless their guilt is previously established.

Article 8. Public officials and employees shall respect the exercise of the right of petition, provided it is made in writing and in a peaceful and respectful manner; but this right may only be exercised in political matters by citizens of the Republic.

Every petition shall be replied to in writing by the official to whom it is addressed, and said official is bound to inform the petitioner of the decision taken within a brief period.

1/ As amended by decree published in the Diario Oficial of December 6, 1977.

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Article 9. The right to assemble or associate peaceably for any lawful purpose cannot be restricted; but only citizens of the Republic may do so to take part in the political affairs of the country. No armed deliberative meeting is authorized.

No meeting or assembly shall be deemed unlawful which has for its object the petitioning of any authority or the presentation of a protest against any act; nor may it be dissolved, unless insults be proffered against said authority or violence is resorted to, or threats are used to intimidate or compel such authority to render a favorable decision.

Article 10.1/ The inhabitants of the United Mexican States are entitled to have arms in their possession in their homes for their protection and legitimate defense, except such as are expressly forbidden by law, or which the nation may reserve for the exclusive use of the army, navy, air force or national guard. Federal law shall determine the cases, conditions, requirements and places in which inhabitants may be authorized to carry arms.

Article 11. Everyone has the right to enter and leave the Republic, to travel through its territory and to change his residence without necessity of a letter of security, passport, safe-conduct or any other similar requirement. The exercise of this right shall be subordinated to the powers of the judiciary, in cases of civil or criminal liability, and to those of the administrative authorities insofar as concerns the limitations imposed by the laws regarding emigration, immigration and public health of the country, or in regard to undesirable aliens resident in the country.

Article 12. No titles of nobility, or hereditary prerogatives or honors shall be granted in the United Mexican States, nor shall any effect be given to those granted by other countries.

Article 13. No one may be tried according to private laws or by special tribunals. No person or corporate body shall have privileges or enjoy emoluments other than those

^{1/} As amended by decreed published in the Diario Oficial of October 22, 1971.

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given in compensation for public services and which are set by law. Military jurisdiction shall be recognized for the trial of crimes or offenses against any violation of military discipline, but the military tribunals shall in no case have jurisdiction over persons who do not belong to the army. Whenever a civilian is implicated in a military crime or violation, the respective civil authority shall deal with the case.

Article 14. No law shall be given retroactive effect to the detriment of any person whatsoever.

No person shall be deprived of life, liberty, property, possessions, or rights without a trial by a duly created court in which the essential formalities of procedure are observed and in accordance with laws issued prior to the act.

In criminal cases no penalty shall be imposed by mere analogy or by majority opinion. The penalty must be decreed in a law in every respect applicable to the crime in question.

In civil suits the final judgment shall be according to the letter or the juridical interpretation of the law; in the absence of the latter it shall be based on the general principles of law.

Article 15. No treaty shall be authorized for the extradition of political offenders or of offenders of common crimes who have been slaves in the country where the offense was committed. Nor shall any agreement or treaty be entered into which restricts or modifies the guarantees and rights which this Constitution grants to the individual and to the citizen.

Article 16. No one shall be molested in his person, family, domicile, papers, or possessions except by virtue of a written order of the competent authority stating the legal grounds and justification for the action taken. No order of arrest or detention shall be issued against any person other than by the competent judicial authority, and unless same is preceded by a charge, accusation, or complaint concerning a specific act punishable by law by confinement, made by a credible party, supported by a sworn affidavit or by other evidence indicating the probable guilt of the accused; in cases of flagrante delicto, any person may arrest the offender and his accomplices, turning them over without delay to the nearest authorities.

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Only in urgent cases instituted by the public attorney without previous complaint or indictment and when there is no judicial authority available may the administrative authorities, on their strictest accountability, order the detention of an accused person, turning him over immediately to the judicial authorities. Every search warrant, which can be issued only by judicial authority and which must be in writing, shall specify the place to be searched, the person or persons to be arrested, and the objects sought, the proceedings to be limited thereto, at the conclusion of which a detailed statement shall be drawn up in the presence of two witnesses proposed by the occupant of the place searched, or by the official making the search in his absence or should he refuse to do so.

Administrative officials may enter private homes for the sole purpose of ascertaining whether the sanitary and police regulations have been complied with, and may demand to be shown the books and documents required to prove compliance with fiscal rules, in which latter cases they must abide by the provisions of the respective laws and be subject to the formalities prescribed for cases of search.

Article 17. No one may be imprisoned for debts of a purely civil nature. No one may take the law into his own hands, or resort to violence in the enforcement of his rights. The courts shall be open for the administration of justice at such times and under such conditions as the law may establish; their services shall be gratuitous and all judicial costs are, accordingly, prohibited.

Article 18.1/ Preventive custody is permissible only for offenses punishable by imprisonment. The place of detention shall be completely separate from the place used for the serving of sentences.

The federal and state governments shall organize the penal system within their respective jurisdictions on the basis of labor, training, and education as a means of social readjustment of the offender. Women shall serve their sentences in places separate from those intended for men for the same purpose.

1/ As amended by decree published in the Diario Oficial of February 23, 1965.

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Governors of States, subject to the provisions of the respective local laws, may conclude agreements of a general nature with the federal government, under which offenders convicted for common offenses may serve their sentence in establishments maintained by the branch executive.

The federal government and the state governments shall establish special institutions for the treatment of juvenile delinquents.

Offenders of Mexican nationality who are serving sentence in foreign countries may be transferred to the Republic to continue their confinement according to the social rehabilitation systems provided for in this article, and offenders of foreign nationality sentenced for federal crimes within the Republic, or for crimes committed in the Federal District, may be transferred to their country of origin or residence under the terms of the international treaties that have been concluded for that effect. State governors may, with the support of the pertinent local laws, request the Federal Executive to include common offenders in such treaties. The transfer of such offenders may be made only with their express consent.^{1/}

Article 19. No detention shall exceed three days without a formal order of commitment, which shall state the offense with which the accused is charged; the elements thereof; the place, time and circumstances of its commission; and the facts brought to light in the preliminary examination. These facts must be sufficient to establish the corpus delicti and the probable guilt of the accused. All authorities who order a detention or consent thereto, as well as all agents, subordinates, wardens, or jailers who execute it, shall be liable for any breach of this provision.

The trial shall take place only for the offense or offenses set forth in the formal order of commitment. Should it develop, during the course of the proceedings, that another offense, different from that charged, has been committed, a separate accusation must be brought. This, however, shall not prevent the joinder of both proceedings, if applicable.

^{1/} Added by decree published on February 4, 1977 and entered into force on the following day.

Any ill-treatment during arrest or confinement, any molesting without legal justification, any exaction or contribution levied in prison are abuses which shall be punishable by law and repressed by the authorities.

Article 20. In every criminal trial the accused shall enjoy the following guarantees:

I. He shall be freed on demand and on furnishing bail which shall be fixed by the judge, according to his status and the gravity of the offense with which he is charged, provided, however, that such offense is not punishable with more than five years' imprisonment. No requisites shall be necessary other than placing the stipulated sum at the disposal of the proper authorities or giving adequate security or personal bond for acceptance of which the judge is responsible.

The security or bond shall be not more than 250,000 pesos except for offenses by which the offender profits or the victim suffers financially; for such offenses the security shall be at least three times the amount of the profit obtained or the damage suffered.^{1/}

II. He may not be forced to be a witness against himself; wherefore isolation or other means tending to this end is strictly prohibited.

III. He shall be publicly notified within forty-eight hours after being turned over to the judicial authorities of the name of his accuser and the nature of and cause for the accusation, so that he may be familiar with the offense with which he is charged, and reply thereto and make a preliminary statement.

IV. He shall be confronted with the witnesses against him, who shall testify in his presence if they are to be found in the place where the trial is held, so that he may cross-examine them in his defense.

V. All witnesses and other evidence which he may offer shall be heard in his defense, for which he shall be given the time which the law deems necessary for the purpose; he

^{1/} As amended by decree published in the Diario Oficial of December 2, 1948.

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shall furthermore be assisted in securing the presence of the persons whose testimony he may request, provided they are to be found at the place where the trial is held.

VI. He shall be entitled to a public trial by a judge or jury of citizens who can read and write and are also residents of the place and district where the offense was committed, provided the penalty for such offense exceeds one year's imprisonment. The accused shall always be entitled to a trial by jury for all offenses committed by means of the press against the public peace or against the domestic or foreign safety of the nation.

VII. He shall be furnished with all information on record which he may request for his defense.

VIII. He shall be tried within four months, if charged with an offense whose maximum penalty does not exceed two years' imprisonment; and within one year, if the maximum penalty is greater.

IX. He shall be heard in his own defense, either personally or by counsel, or by both, as he may desire. Should he have no one to defend him, a list of official counsel shall be submitted to him, in order that he may choose one or more to act in his defense. If the accused does not wish to appoint any counsel for his defense, after being called upon to do so at the time of his preliminary examination, the court shall appoint his counsel for the defense. The accused may appoint his counsel immediately upon arrest, and shall be entitled to have him present at every stage of the trial; but he shall be obliged to make him appear as often as required by the court.

X. In no event may imprisonment or detention be extended through failure to pay counsel fees or for any other monetary obligation, on account of civil liability, or for other similar cause.

Nor shall detention be extended beyond the time set by law as the maximum for the offense charged.

The period of detention shall be included as a part of the term of imprisonment imposed by sentence.

Article 21. The imposition of all penalties is an exclusive attribute of the judiciary. The prosecution of offenses pertains to the public prosecutor and to the

judicial police, who shall be under the immediate command and authority of the public prosecutor. The punishment of violations of governmental and police regulations pertains to the administrative authorities, which punishment shall consist solely of imprisonment for a period not exceeding thirty-six hours or of a fine. Should the offender fail to pay the fine, it shall be substituted by a corresponding period of detention, which in no case may exceed fifteen days.

If the offender is a day laborer or a workman, his punishment cannot consist of a fine exceeding the amount of his wages, for one week.

Article 22. Punishment by mutilation and infamy, branding, flogging, beating with sticks, torture of any kind, excessive fines, confiscation of property and any other unusual or extreme penalties are prohibited.

Attachment proceedings covering the whole or part of the property of a person made under judicial authority to cover payment of civil liability arising out of the commission of an offense or for the payment of taxes or fines shall not be deemed a confiscation of property.

Capital punishment for political offenses is likewise prohibited; as regards other offenses, it can only be imposed for high treason committed during a foreign war, parricide, murder that is treacherous, premeditated, or committed for profit, arson, abduction, highway robbery, piracy, and grave military offenses.

Article 23. No criminal trial shall have more than three instances. No person, whether acquitted or convicted, can be tried twice for the same offense. The practice of absolving from the instance 1/ is prohibited.

1/ In Spanish law, when the evidence was inconclusive, the matter could be disposed of by an order of absolución de la instancia, which operated as a dismissal but not as a judgment for or against either party in a civil case, or as an acquittal or conviction in a criminal case. Hence, upon discovery of more evidence the case might be revived. Similar to the Scotch verdict of not proved, and to the Roman non liquet (it does not appear clear). Diccionario Escriche.

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Article 24. Everyone is free to embrace the religion of his choice and to practice all ceremonies, devotions, or observances of his respective faith, either in places of public worship or at home, provided they do not constitute an offense punishable by law.

Every religious act of public worship must be performed strictly inside places of public worship, which shall at all times be under governmental supervision.

Article 25. Sealed correspondence sent through the mail shall be exempt from search and its violation shall be punishable by law.

Article 26. No member of the army shall in time of peace be quartered in private dwellings without the consent of the owner, nor may he impose any obligation whatsoever. In time of war the military may demand lodging, equipment, provisions, and other assistance, in the manner laid down in the respective martial law.

Article 27. Ownership of the lands and waters within the boundaries of the national territory is vested originally in the Nation, which has had, and has, the right to transfer title thereof to private persons, thereby constituting private property.

Private property shall not be expropriated except for reasons of public use and subject to payment of indemnity.

The Nation shall at all times have the right to impose on private property such limitations as the public interest may demand, as well as the right to regulate the utilization of natural resources which are susceptible of appropriation, in order to conserve them to ensure a more equitable distribution of public wealth, to attain a well-balanced development of the country and improvement of the living conditions of the rural and urban population. With this end in view, necessary measures shall be taken to divide up large landed estates; to develop small landed holdings in operation; to create new agricultural centers, with necessary lands and waters; to encourage agriculture in general and to prevent the destruction of natural resources, and to protect property from damage to the detriment of society. Centers of population which at present either have no lands or water or which do not possess them in sufficient quantities for the needs of their inhabitants, shall be entitled to grants thereof, which shall be

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taken from adjacent properties, the rights of small landed holdings in operation being respected at all times.

In the Nation is vested the direct ownership of all natural resources of the continental shelf and the submarine shelf of the islands; of all minerals or substances, which in veins, ledges, masses or ore pockets, form deposits of a nature distinct from the components of the earth itself, such as the minerals from which industrial metals and metalloids are extracted; deposits of precious stones, rocksalt and the deposits of salt formed by sea water; products derived from the decomposition of rocks, when subterranean works are required for their extraction; mineral or organic deposits of materials susceptible of utilization as fertilizers; solid mineral fuels; petroleum and all solid, liquid, and gaseous hydrocarbons; and the space above the national territory to the extent and within the terms fixed by international law.^{1/}

In the Nation is likewise vested the ownership of the waters of the territorial seas, within the limits and terms fixed by international law; inland marine waters; those of lagoons and estuaries permanently or intermittently connected with the sea; those of natural, inland lakes which are directly connected with streams having a constant flow; those of rivers and their direct or indirect tributaries from the point in their source where the first permanent, intermittent, or torrential waters begin, to their mouth in the sea, or a lake, lagoon, or estuary forming a part of the public domain; those of constant or intermittent streams and their direct or indirect tributaries, whenever the bed of the stream, throughout the whole or a part of its length, serves as a boundary of the national territory or of two federal divisions, or if it flows from one federal division to another or crosses the boundary line of the Republic; those of lakes, lagoons, or estuaries whose basins, zones, or shores are crossed by the boundary lines of two or more divisions or by the boundary line of the Republic and a neighboring country or when the shoreline serves as the boundary between two federal divisions or of the Republic and a neighboring country; those of springs that issue from beaches, maritime areas, the beds, basins, or shores of lakes, lagoons, or estuaries in the

^{1/} As amended by decree published in the Diario Oficial of January 20, 1960.

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national domain; and waters extracted from mines and the channels, beds, or shores of interior lakes and streams in an area fixed by law. Underground waters may be brought to the surface by artificial works and utilized by the surface owner, but if the public interest so requires or use by others is affected, the Federal Executive may regulate its extraction and utilization, and even establish prohibited areas, the same as may be done with other waters in the public domain. Any other waters not included in the foregoing enumeration shall be considered an integral part of the property through which they flow or in which they are deposited, but if they are located in two or more properties, their utilization shall be deemed a matter of public use, and shall be subject to laws enacted by the States.^{1/}

In those cases to which the two preceding paragraphs refer, ownership by the Nation is inalienable and imprescriptible, and the exploitation, use, or appropriation of the resources concerned, by private persons or by companies organized according to Mexican laws, may not be undertaken except through concessions granted by the Federal Executive, in accordance with rules and conditions established by law. The legal rules relating to the working or exploitation of the minerals and substances referred to in the fourth paragraph shall govern the execution and proofs of what is carried out or should be carried out after they go into effect, independent of the date of granting the concessions, and their nonobservance will be grounds for cancellation thereof. The Federal Government has the power to establish national reserves and to abolish them. The declarations pertaining thereto shall be made by the Executive in those cases and conditions prescribed by law. In the case of petroleum, and solid, liquid, or gaseous hydrocarbons or radioactive minerals, no concessions or contracts will be granted nor may those that have been granted continue, and the Nation shall carry out the exploitation of these products, in accordance with the provisions indicated in the respective regulatory law. It is exclusively a function of the Nation to generate, conduct, transform, distribute, and supply electric power which is to be used for public service. No concessions for this purpose will

^{1/} As amended by decrees published in the Diario Oficial of April 21, 1945 and January 20, 1960.

be granted to private persons and the Nation will make use of the property and natural resources which are required for these ends.1/

The use of nuclear fuels for the generation of nuclear energy and the regulation of its application to other purposes is also a function of the Nation. Nuclear energy may be used only for peaceful purposes.2/

The Nation exercises in an exclusive economic zone situated outside the territorial sea and adjacent thereto the rights of sovereignty and jurisdiction as determined by the laws of the Congress. The exclusive economic zone shall extend two hundred nautical miles, measured from the base line from which the territorial sea is measured. In those cases in which that extension results in a superposition on the exclusive economic zones of other States, the delimitation of the respective zones shall be made as this becomes necessary, by agreement with those States.3/

Legal capacity to acquire ownership of lands and waters of the Nation shall be governed by the following provisions:

I.4/ Only Mexicans by birth or naturalization and Mexican companies have the right to acquire ownership of lands, waters, and their appurtenances, or to obtain concessions for the exploitation of mines or waters. The State may grant the same right to foreigners, provided they agree before the Ministry of Foreign Affairs to consider themselves as nationals in respect to such property, and bind themselves not to invoke the protection of their governments in matters relating thereto; under penalty, in case of noncompliance with this agreement, of forfeiture of the acquired property to the Nation. Under no circumstances may foreigners acquired direct ownership of lands

1/ As amended by decree published in the Diario Oficial of January 20, 1960, and by declaration published on February 6, 1975.

2/ Paragraph added by declaration published on February 6, 1975.

3/ Paragraph added by decree published on February 6, 1976.

4/ As amended by decree published on January 6, 1960.

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or waters within a zone of one hundred kilometers along the frontiers and of fifty kilometers along the shores of the country.

The State, in accordance with its internal public interests and with principles of reciprocity, may in the discretion of the Secretariat of Foreign Affairs authorize foreign states to acquire, at the permanent sites of the Federal Powers, private ownership of real property necessary for the direct services of their embassies or legations.^{1/}

II. Religious institutions known as churches, regardless of creed, may in no case acquire, hold, or administer real property or hold mortgages thereon; such property held at present either directly or through an intermediary shall revert to the Nation, any person whosoever being authorized to denounce any property so held. Presumptive evidence shall be sufficient to declare the denunciation well founded. Places of public worship are the property of the Nation, as represented by the Federal Government, which shall determine which of them may continue to be devoted to their present purposes. Bishopricks, rectories, seminaries, asylums, and schools belonging to religious orders, convents, or any other buildings built or intended for the administration, propagation, or teaching of a religious creed shall therefore become the property of the Nation by operation of law, to be used exclusively for the public services of the Federal or State Governments, within their respective jurisdictions. All places of public worship hereafter erected shall be the property of the Nation.

III. Public or private charitable institutions for the rendering of assistance to the needy, for scientific research, the diffusion of knowledge, mutual aid to members, or for any other lawful purpose, may not acquire more real property than actually needed for their purpose and immediately and directly devoted thereto; but they may acquire, hold, or administer mortgages on real property provided the term thereof does not exceed ten years. Under no circumstances may institutions of this kind be under

^{1/} Paragraph added by decree published in the Diario Oficial of November 9, 1940.

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the patronage, direction, administration, charge, or supervision of religious orders or institutions, or of ministers of any religious sect or of their followers, even though the former or the latter may not be in active service.

IV. Commercial stock companies may not acquire, hold or administer rural properties. Companies of this kind that are organized to operate any manufacturing, mining, or petroleum industry or for any other purpose that is not agricultural, may acquire, hold, or administer lands only of an area that is strictly necessary for their buildings or services, and this area shall be fixed in each particular case by the Federal or State Executive.

V. Banks duly authorized to operate in accordance with the laws on credit institutions may hold mortgages on urban and rural property in conformity with the provisions of such laws but they may not own or administer more real property than is actually necessary for their direct purpose.

VI.1/ With the exception of the corporate entities referred to in clauses III, IV, and V hereof, and the centers of population which by law or in fact possess a communal status or centers that have received grants or restitutions or have been organized as centers of agricultural population, no other civil corporate entity may hold or administer real property or hold mortgages thereon, with the sole exception of the buildings intended immediately and directly for the purposes of the institution. The States, the Federal District, and all Municipalities in the Republic shall have full legal capacity to acquire and hold all the real property needed to render public services.

The federal and state laws, within their respective jurisdictions, shall determine in what cases the occupation of private property shall be considered to be of public utility; and in accordance with such laws, the administrative authorities shall issue the respective declaration. The amount fixed as compensation for the expropriated property shall be based on the value recorded in assessment or

1/ As amended by decree published in the Diario Oficial of October 8, 1974.

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tax offices for tax purposes, whether this value had been declared by the owner or tacitly accepted by him by having paid taxes on that basis. The increased or decreased value of such private property due to improvements or depreciation which occurred after such assessment is the only portion of the value that shall be subject to the decision of experts and judicial proceedings. This same procedure shall be followed in the case of property whose value is not recorded in the tax offices.

The institution of actions pertaining to the Nation by virtue of the provisions of this article shall be made effective by judicial procedure, but during these proceedings and by order of the proper courts, which must render a decision within a maximum of one month, the administrative authorities shall proceed without delay to occupy, administer, auction, or sell the lands and waters in question and all their appurtenances, and in no case may the acts of such authorities be set aside until a final decision has been rendered.

VII.1/ The centers of population which, by law or in fact, possess a communal status shall have legal capacity to enjoy common possession of the lands, forests, and waters belonging to them or which have been or may be restored to them.

All questions, regardless of their origin, concerning the boundaries of communal lands, which are now pending or that may arise hereafter between two or more centers of population, are matters of federal jurisdiction. The Federal Executive shall take cognizance of such controversies and propose a solution to the interested parties. If the latter agree thereto, the proposal of the Executive shall take full effect as a final decision and shall be irrevocable; should they not be in conformity, the party or parties may resort to the Supreme Court of Justice of the Nation, without prejudice to immediate enforcement of the presidential proposal.

The law shall specify the brief procedure to which the settling of such controversies shall conform.

1/ As amended by decree published in the Diario Oficial of December 6, 1937.

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VIII. The following are declared null and void:

- a. All transfers of the lands, waters, and forests of villages, rancherías, groups, or communities made by local officials (jefes políticos), state governors, or other local authorities in violation of the provisions of the Law of June 25, 1856, and other related laws and regulations;
- b. All concessions, deals or sales of lands, waters, and forests made by the Secretariat of Development, the Secretariat of Finance, or any other federal authority from December 1, 1876 to date, which encroach upon or illegally occupy communal lands (ejidos), lands allotted in common, or lands of any other kind belonging to villages, rancherías, groups or communities, and centers of population;
- c. All survey or demarcation-of-boundary proceedings, transfers, alienations, or auction sales effected during the period of time referred to in the preceding subparagraph, by companies, judges, or other federal or state authorities entailing encroachments on or illegal occupation of the lands, waters, or forests of communal holdings (ejidos), lands held in common, or other holdings belonging to centers of population.

The sole exception to the aforesaid nullification shall be the lands to which title has been granted in allotments made in conformity with the Law of June 25, 1856, held by persons in their own name for more than ten years and having an area of not more than fifty hectares.

IX. Division or allotments of land among the inhabitants of a given center of population which, although apparently legitimate are not so, due to a mistake or defect, may be annulled at the request of three fourths of the residents holding one fourth so divided, or one fourth of such residents holding three fourths of the lands.

X. Centers of population which lack communal lands (ejidos) or which are unable to have them restored to them due to lack of titles, impossibility of identification, or because they had been legally transferred, shall be granted sufficient lands and waters to constitute them, in accordance with the needs of the population; but in no case shall they fail to be granted the area needed, and for this

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The area or individual unit of the grant shall hereafter be not less than ten hectares of moist or irrigated land, or in default of such land its equivalent in other types of land in accordance with the third paragraph of section XV of this article.^{1/}

XI. For the purpose of carrying out the provisions of this article and of regulating laws that may be enacted, the following are established.

- a. A direct agency of the Federal Executive entrusted with the application and enforcement of the agrarian laws;
- b. An advisory board composed of five persons which shall be appointed by the President of the Republic and who shall perform the functions specified in the organic laws;
- c.^{2/} A mixed commission composed of an equal number of representative of the Federal Government, the local governments, and a representative of the peasants, to be appointed in the manner set forth in the respective regulating law, to function in each state and in the Federal District, with the powers and duties set forth in the organic and regulatory laws;
- d. Private executive committees for each of the centers of population that are concerned with agrarian cases;
- e. A communal office (comisariado ejidal) for each of the centers of population that possess communal lands (ejidos).

^{1/} This paragraph was added by decree published in the Diario Oficial of February 12, 1947.

^{2/} As amended by decree published on October 8, 1974.

XII. Petitions for a restitution or grant of lands or waters shall be submitted directly to the State governors.1/

The governors shall refer the petitions to the mixed commissions, which shall study the cases during a fixed period of time and render a report; the State governors shall approve or modify the report of the mixed commission and issue orders that immediate possession be given to areas which they deem proper. The case shall then be turned over to the Federal Executive for decision.

Whenever the governors fail to comply with the provisions of the preceding paragraph, within the peremptory period of time fixed by law, the report of the mixed commission shall be deemed rejected and the case shall be referred immediately to the Federal Executive.

Inversely, whenever a mixed commission fails to render a report during the peremptory time limit, the governor shall be empowered to grant possession of the area of land he deems appropriate.

XIII. The agency of the Executive and the Agrarian Advisory Board shall report on the approval, rectification, or modification of the reports submitted by the mixed commissions, containing the changes made therein by the local governments, and so notify the President of the Republic, who as the supreme agrarian authority will render a decision.

XIV.2/ Landowners affected by decisions granting or restoring communal lands and waters to villages, or who may be affected by future decisions, shall have no right or ordinary legal recourse and cannot institute amparo proceedings.

Persons affected by such decisions shall have solely the right to apply to the Federal Government for payment of the corresponding indemnity. This right must be exercised by the interested parties within one year from the date of publication of the respective resolution in the

1/ As amended by decree published in the Diario Oficial of October 8, 1974.

2/ As amended by decree published on February 12, 1947.

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Diario Oficial. After this period has elapsed, no claim is admissible.

Owners or occupants of agricultural or stockraising properties in operation who have been issued or to whom there may be issued in the future certificates of non-affectability may institute amparo proceedings against any illegal deprivation or agrarian claims on their lands or waters.

XV.1/ The mixed commissions, the local governments and any other authorities charged with agrarian proceedings cannot in any case affect small agricultural or livestock properties in operation and they shall incur liability for violations of the Constitution if they make grants which affect them.

Small agricultural property is that which does not exceed one hundred hectares of first-class moist or irrigated land or its equivalent in other classes of land, under cultivation.

To determine this equivalence one hectare of irrigated land shall be computed as two hectares of seasonal land; as four of good quality pasturage (agostadero) and as eight of monte (scrub land) or arid pasturage.

Also to be considered as small holdings are areas not exceeding two hundred hectares of seasonal lands or pasturage susceptible of cultivation; or one hundred fifty hectares of land used for cotton growing if irrigated from fluvial canals or by pumping; or three hundred, under cultivation, when used for producing bananas, sugar cane, coffee, henequen, rubber, coconuts, grapes, olives, quinine, vanilla, cacao, or fruit trees.

Small holdings for stockraising are lands not exceeding the area necessary to maintain up to five hundred head of large livestock* (ganado mayor) or its equivalent in smaller animals** (ganado menor) under provisions of law, in accordance with the forage capacity of the lands.

* Cattle, horses, oxen.

** Sheep, goats, pigs.

1/ As amended by decree published in the Diario Oficial of February 12, 1947.

Whenever, due to irrigation or drainage works or any other works executed by the owners or occupants of a small holding to whom a certificate of nonaffectability has been issued, the quality of the land is improved for agricultural or stockraising operations, such holding shall not be subject to agrarian appropriation even if, by virtue of the improvements made, the maximums indicated in this section are lowered, provided that the requirements fixed by law are met.

XVI. Lands which are subject to individual adjudication must be partitioned precisely at the time the presidential order is executed, according to regulatory laws.

XVII. The Federal Congress and the State Legislatures, within their respective jurisdictions, shall enact laws to fix the maximum area of rural property, and to carry out the subdivision of the excess lands, in accordance with the following bases:

- a. 1/ In each State and in the Federal District there shall be fixed a maximum area of land of which a single individual or legally constituted company may be the owner;
- b. The excess over the fixed area shall be subdivided by the owner within the time fixed by the local law, and these parcels shall be offered for sale under terms approved by the governments, in accordance with the aforementioned laws;
- c. If the owner should oppose the subdivision, it shall be carried out by the local government, by expropriation;
- d. The value of the parcels shall be paid by annual installments which will amortize principal and interest, at an interest rate not exceeding 3% per annum;
- e. Owners shall be required to receive bonds of the local Agrarian Debt to guarantee payment for the property expropriated. For this purpose, the Federal Congress shall enact a law empowering the States to create their Agrarian Debt;

1/ As amended by decree published in the Diario Oficial of October 8, 1974.

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- f. No subdivision can be sanctioned which fails to satisfy the agrarian needs of neighboring settlements (poblados inmediatos). Whenever subdivision projects are to be executed, the agrarian claims must be settled within a fixed period;
- g. Local laws shall organize the family homestead, determining what property shall constitute it, on the basis that it shall be inalienable and shall not be subject to attachment or encumbrance of any kind.

XVIII. All contracts and concessions made by previous governments since the year 1876, which have resulted in the monopolization of lands, waters, and natural resources of the Nation, by a single person or company, are declared subject to revision, and the Executive of the Union is empowered to declare them void whenever they involve serious prejudice to the public interest.

Article 28. In the United Mexican States there shall be no monopolies or restrictions to free competition (estancos) of any kind, nor exemption from taxes, nor prohibitions under the guise of protection to industry, excepting only those relating to the coinage of money, the mails, telegraph, and radiotelegraphy, to the issuance of paper money by a single bank to be controlled by the Federal Government, and to the privileges which for a specified time are granted to authors and artists for the reproduction of their works, and to those which, for the exclusive use of their inventions, may be granted to inventors and those who perfect some improvement.

Consequently, the law shall punish severely and the authorities shall effectively prosecute every concentration or cornering in one or a few hands of articles of prime necessity for the purpose of obtaining a rise in prices; every act or proceeding which prevents or tends to prevent free competition in production, industry or commerce, or services to the public; every agreement or combination, in whatever manner it may be made, of producers, industrialists, merchants, and common carriers, or those engaged in any other service, to prevent competition among themselves and to compel consumers to pay exaggerated prices; and in general, whatever constitutes an exclusive and undue advantage in favor of one or more specified persons and to the prejudice of the public in general or of any social class.

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Associations of workers, formed to protect their own interests, do not constitute monopolies.

Nor do cooperative associations or societies of producers constitute monopolies, which in defense of their interests or of the general interest, sell directly in foreign markets the domestic or industrial products which are the main source of wealth in the region in which they are produced, and which are not articles of prime necessity, provided that such associations are under the supervision and protection of the Federal or State Governments and that they were previously duly authorized for the purpose by the respective legislatures, which latter of themselves or on proposal of the executive may, when the public need so requires, repeal the authorizations granted for the formation of the associations in question.

Article 29. In the event of invasion, serious disturbance of the public peace, or any other event which may place society in great danger or conflict, only the President of the Mexican Republic, with the consent of the Council of Ministers and with the approval of the Federal Congress, and during adjournments of the latter, of the Permanent Committee, may suspend throughout the country or in a determined place the guarantees which present an obstacle to a rapid and ready combatting of the situation; but he must do so for a limited time, by means of general preventive measures without such suspensions being limited to a specified individual. If the suspension should occur while the Congress is in session, the latter shall grant such authorizations as it deems necessary to enable the Executive to meet the situation. If the suspension occurs during a period of adjournment, the Congress shall be convoked without delay in order to grant them.

Chapter II

Mexicans

Article 30.1/ Mexican nationality is acquired by birth or by naturalization:

1/ As amended by decree published in the Diario Oficial of January 18, 1934.

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A. Mexicans by birth are:

I. Those born in the territory of the Republic, regardless of the nationality of their parents;

II.1/ Those born in a foreign country of Mexican parents, of a Mexican father, or of a Mexican mother;

III. Those born on Mexican vessels or airships, either war or merchant vessels.

B. Mexicans by naturalization are:

I. Foreigners who obtain letters of naturalization from the Secretariat of Foreign Relations;

II.2/ A foreign man or woman who marries a Mexican and has or establishes domicile within the national territory.

Article 31. The obligations of Mexicans are:

I. To see that their children or wards, under fifteen years of age, attend public or private schools to obtain primary, elementary and military education during the time prescribed by the Public Education Law in each State;

II. To be present on the days and hours designated by the municipality (ayuntamiento) in which they reside, to receive civic and military instruction which will equip them for the exercise of their rights as citizens, give them skill in the handling of arms, and acquaint them with military discipline;

III. To enlist and serve in the National Guard, according to the respective organic law, to secure and defend the independence, the territory, the honor, the rights and interests of the homeland, as well as domestic tranquility and order;

1/ As amended by decree published in the Diario Oficial of December 26, 1969.

2/ As amended by decree published on December 31, 1974.

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IV. To contribute to the public expenditures of the Federation, and the State and Municipality in which they reside, in the proportional and equitable manner provided by law.

Article 32.1/ Mexicans shall have priority over foreigners under equality of circumstances for all classes of concessions and for all employment, positions, or commissions of the Government in which the status of citizenship is not indispensable. In time of peace no foreigner can serve in the Army nor in the police or public security forces.

In order to belong to the National Navy or the Air Force, and to discharge any office or commission, it is required to be a Mexican by birth. This same status is indispensable for captains, pilots, masters, engineers, mechanics, and in general for all personnel of the crew of any vessel or airship protected by the Mexican merchant flag or insignia. It is also necessary to be Mexican by birth to discharge the position of harbor master and all services of pilotage and airport commandant, as well as all functions of customs agent in the Republic.2/

Chapter III

Foreigners

Article 33. Foreigners are those who do not possess the qualifications set forth in Article 30. They are entitled to the guarantees granted by Chapter I, Title I, of the present Constitution; but the Federal Executive shall have the exclusive power to compel any foreigner, whose stay he may deem inexpedient, to abandon the national territory immediately and without the necessity of prior legal action.

Foreigners may not in any way participate in the political affairs of the country.

1/ As amended by decree published in the Diario Oficial of December 15, 1934.

2/ As amended by decree published on February 10, 1944.

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Chapter IV

Mexican Citizens

Article 34.1/ Men and women who, having the status of Mexicans, likewise meet the following requirements are citizens of the Republic:

- I. Having reached eighteen years of age;
- II. Having an honest means of livelihood.

Article 35. The prerogatives of citizens are:

- I. To vote at popular elections;
- II. To be voted for, for all offices subject to popular election, and to be appointed to any other employment or commission, if they have the qualifications established by law;
- III. To assemble to discuss the political affairs of the country;
- IV. To bear arms in the Army or National Guard in the defense of the Republic and its institutions, under the provisions prescribed by law;
- V. To exercise in all cases the right of petition.

Article 36. The obligations of citizens of the Republic are:

- I. To register on the tax lists of the municipality, declaring the property they possess, the industry, profession, or occupation by which they subsist; and also to register in the electoral poll-books, according to the provisions prescribed by law;
- II. To enlist in the National Guard;
- III. To vote in popular elections in the electoral district to which they belong;

1/ As amended by decree published in the Diario Oficial of December 22, 1969.

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IV. To serve in the elective offices of the Federation or of the States, which shall in no case be gratuitous;

V. To serve in municipal council positions where they reside, and to fulfill electoral and jury functions.

Article 37.1/ A. Mexican nationality is forfeited:

I. By the voluntary acquisition of a foreign nationality;

II. By accepting or using titles of nobility which imply submission to a foreign state;

III. By residing, if a Mexican by naturalization, for five consecutive years in the country of origin; or

IV. By passing as a foreigner in any public instrument, when Mexican by naturalization, or by obtaining and using a foreign passport.

B. Mexican citizenship is forfeited:

I. By accepting or using titles of nobility which imply submission to a foreign government;

II. By rendering voluntary official services to a foreign government without permission of the Federal Congress or of its Permanent Committee;

III. By accepting or using foreign decorations without permission of the Federal Congress or of its Permanent Committee;

IV. By accepting titles or functions from the government of another country without prior permission of the Federal Congress or its Permanent Committee, excepting literary, scientific, or humanitarian titles which may be freely accepted;

V. By aiding a foreigner or a foreign country, against the Nation, in any diplomatic claim or before an international tribunal; or

^{1/} As amended by decree published in the Diario Oficial of January 18, 1934.

VI. In other cases which the laws may specify.

Article 38. The rights or prerogatives of citizens are suspended:

I. Through failure to comply, without sufficient cause, with any of the obligations imposed by Article 36. This suspension shall last for one year and shall be in addition to any other penalties prescribed by law for the same offense;

II. Through being subjected to criminal prosecution for an offense punishable by imprisonment (pena corporal), the suspension to be reckoned from the date of the formal order of commitment;

III. Throughout a term of imprisonment;

IV. Through vagrancy or habitual drunkenness, affirmed in the manner prescribed by law;

V. Through being a fugitive from justice, the suspension being reckoned from the date of the order of arrest until the prescription of the criminal action;

VI. Through final sentence imposing such suspension as a penalty.

The law shall specify those cases in which civil rights may be lost or suspended and the manner of rehabilitation.

TITLE II

Chapter I

National Sovereignty and Form of Government

Article 39. The national sovereignty resides essentially and originally in the people. All public power originates in the people and is instituted for their benefit. The people at all times have the inalienable right to alter or modify their form of government.

Article 40. It is the will of the Mexican people to organize themselves into a federal, democratic, representative Republic composed of free and sovereign States in all that concerns their internal government, but united in a Federation established according to the principles of this fundamental law.

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Article 41. The people exercise their sovereignty through the powers of the Union in those cases within its jurisdiction, and through those of the States, in all that relates to their internal affairs, under the terms established by the present Federal Constitution and the individual constitutions of the States, respectively, which latter shall in no event contravene the stipulations of the Federal Pact.

Political parties are entities of public interest. The law shall determine the specific forms of their intervention in the electoral process.1/

The purpose of political parties is to promote the participation of the people in democratic activity, to contribute to forming the national representation and, as organizations of citizens, to make possible their access to the exercise of public power, in accordance with the programs, principles and ideas which they postulate through universal, free, secret and direct suffrage.1/

Political parties shall have the right to permanent use of the communications media in accordance with the formalities and procedures provided by law.1/

In the federal electoral process national political parties shall have on an equitable basis a minimum of resources for their efforts to obtain popular suffrage.1/

National political parties shall have the right to participate in state and municipal elections.1/

Chapter II

Integral Parts of the Federation
and of the National Territory

Article 42.2/ The national territory comprises:

- I. The integral parts of the Federation;

1/ Added by decree published in the Diario Oficial of December 6, 1977 and entered into force on the following day.

2/ As amended by decree published on January 20, 1960.

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II. The islands, including the reefs and keys in adjacent seas;

III. The islands of Guadalupe and the Revillagigedos situated in the Pacific Ocean;

IV. The continental shelf and the submarine shelf of the islands, keys, and reefs;

V. The waters of the territorial seas to the extent and under terms fixed by international law and domestic maritime law;

VI. The space located above the national territory to the extent and according to rules established by international law on the subject.

Article 43.1/ The integral parts of the Federation are the States of Aguascalientes, Baja California, Baja California Sur, Campeche, Coahuila, Colima, Chiapas, Chihuahua, Durango, Guanajuato, Guerrero, Hidalgo, Jalisco, México, Michoacán, Morelos, Nayarit, Nuevo León, Oaxaca, Puebla, Querétaro, Quintana Roo, San Luis Potosí, Sinaloa, Sonora, Tabasco, Tamaulipas, Tlaxcala, Veracruz, Yucatán, Zacatecas, and the Federal District.

Article 44. The Federal District shall embrace its present territory, and in the event of the removal of the federal branches to some other place, it shall become the State of Valle de México, with such boundaries and area as the General Congress shall assign to it.

Article 45.2/ The States of the Federation shall keep their present area and boundaries as of this day, provided no difficulties arise concerning them.

Article 46. The States having pending boundary questions shall arrange or settle them as provided in this Constitution.

1/ As amended by decree published in the Diario Oficial on October 8, 1974.

2/ As amended by decree published on October 8, 1974.

Article 47. The State of Nayarit shall have the territorial area and boundaries which at present comprise the Territory of Tepic.

Article 48.1/ The islands, keys, and reefs of the adjacent seas which belong to the national territory, the continental shelf, the submarine shelf of the islands, keys, and reefs, the territorial waters, the inland marine waters, and the space above the national territory shall depend directly on the Government of the Federation, with the exception of those islands over which the State have up to the present exercised jurisdiction.

TITLE III

Chapter I

Division of Powers

Article 49.2/ The supreme power of the Federation is divided, for its exercise, into legislative, executive, and judicial branches.

Two or more of these powers shall never be united in one single person or corporation, nor shall the legislative power be vested in one individual except in the case of extraordinary powers granted to the Executive, in accordance with the provisions of Article 29. In no other case, except as provided in the second paragraph of Article 131, shall extraordinary powers be granted to legislate.

Chapter II

The Legislative Branch

Article 50. The legislative power of the United Mexican States is vested in a General Congress, which shall be divided into two chambers, one of deputies and the other of senators.

1/ As amended by decree published in the Diario Oficial of January 20, 1960.

2/ As amended by decree published on March 28, 1951.

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Section I

Election and Installation of Congress

Article 51.1/ The Chamber of Deputies shall be composed of representatives of the Nation, all elected every three years. For each titular deputy there shall be elected one alternate.

Article 52.2/ The Chamber of Deputies shall be composed of 300 deputies elected by a plurality, within a system of single electoral districts, and up to 100 deputies who shall be elected according to the principle of proportional representation, within the regional listing system, the lists being voted for in multiple districts.

Article 53.3/ The territorial demarcation of the 300 single electoral districts will result from dividing the total population among the districts indicated. The distribution of the single electoral districts among the federal entities shall be made according to the last general population census, although in no case may the representation of a State be less than two deputies of the majority party.

For the election of the 100 deputies according to the principle of proportional representation and the system of regional lists, up to five multiple electoral districts may be constituted in the country. The law shall determine the form of establishing the territorial demarcation of these districts.

1/ As amended by decree published in the Diario Oficial of April 29, 1933, and later by decree published on December 6, 1977 and entered into force on the following day.

2/ As amended by decrees published on June 11, 1951, December 20, 1960, February 14, 1972, October 8, 1974 and December 6, 1977 and entered into force on the following day.

3/ As amended by decree published on December 6, 1977.

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Article 54.1/ The election of the 100 deputies according to the principle of proportional representation and the system of regional lists shall be subject to the following provisions and to those established by law:

I. To have its regional lists registered, the national political party applying for registration must prove that it has candidates for deputy with a relative majority in at least one third of the 300 single districts.

II. Parties shall have the right to have accredited to them elected deputies, according to the principle of proportional representation, when (a) they have not received a majority of 60 or more votes and (b) when they have attained at least 1.5 percent of the total votes cast for all regional lists in the multiple electoral districts.

III. The party that complies with the requirements indicated in sections I and II of this article shall have accredited to it, according to the principle of proportional representation, the number of deputies from its regional list that corresponds to the percentage of votes obtained in the corresponding multiple district. The law shall determine the electoral formulas and procedures that shall be observed in making the accreditation; in any case, such allotment must follow the order which the candidates had in the corresponding lists.

IV. In case two or more parties entitled to participate in the distribution of the regional lists should obtain a total majority of 90 or more votes, they shall be allotted only 50 percent of the seats that should be accredited to them according to the principle of proportional representation.

Article 55. The following are the requirements to be a deputy:

I. To be a Mexican citizen by birth, in the exercise of his rights;

1/ As amended by decrees published in the Diario Oficial of June 22, 1963, February 14, 1972, October 8, 1974, and December 6, 1977, and entered into force on the following day.

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II.1/ To have attained twenty-one years of age by the day of the election;

III.2/ To be a native of the State in which the election is held, or a resident thereof with effective residence for more than six months prior to its date.

In order to be able to appear on the lists of the multiple electoral districts as a candidate for deputy, it is necessary to be a native of one of the federal entities within the district in which the election is held or a resident thereof with effective residence for more than six months prior to its date.

Residence is not lost in the discharge of elective public office.

IV. Not to be in active service in the federal army nor to hold command in the police or rural gendarmería in the district where the election is held, within at least ninety days prior thereto;

V.3/ Not to be secretary or undersecretary of state, nor justice of the Supreme Court of Justice of the Nation, unless he shall have definitively resigned from his position ninety days before the election.

The governors of the States cannot be elected in the districts of their jurisdiction during their term of office, even though they may have definitively resigned their position.

The secretaries of government of the States, federal magistrates and judges, or those of the States cannot be elected in the districts of their respective jurisdictions unless they definitively resign their position ninety days before the election;

1/ As amended by decree published in the Diario Oficial of February 14, 1972.

2/ As amended by decree published on October 8, 1974, and later by decree published on December 6, 1977 and entered into force on the following day.

3/ As amended by decree published on April 29, 1933.

VI.1/ Not to be a minister of any religious cult; and

VII.2/ Not to be subject to any of the incapacities specified in Article 59.

Article 56.1/ The Chamber of Senators shall be composed of two members for each State and two for the Federal District, all directly elected every six years.

The legislature of each State shall declare elected the person obtaining a majority of the votes cast.

Article 57. For each titular senator one alternate shall be elected.

Article 58.3/ To be a senator the same requisites must be met as to be a deputy except that of age, which shall be thirty years of age attained by the date of the election.

Article 59.1/ Senators and deputies to the Congress of the Union cannot be re-elected for the immediately following term.

Alternate senators and deputies may be elected for the immediately following term as full senators and deputies, provided that they have not been serving (in the office of their principals); but full senators and deputies cannot be elected for the immediately following term in the capacity of alternates.

Article 60.4/ The Chamber of Deputies shall be the judge of the elections of its members through an electoral college composed of the 60 deputy candidates who, according to the majority votes registered by the Federal Electoral Commission, have obtained the highest number of votes, and

1/ As amended by decree published in the Diario Oficial of April 29, 1933.

2/ Added by decree published on April 29, 1933.

3/ As amended by decree published on February 14, 1972.

4/ As amended by decree published on December 6, 1977 and entered into force on the following day.

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the 40 deputy candidates who are elected in the multiple district or districts that had the highest number of returns.

In the Chamber of Senators the Electoral College shall be composed of the senatorial candidates declared elected to the Legislature of the corresponding federal entity and to the Permanent Commission of the Congress of the Union in the case of the Federal District.

Decisions of the Electoral College of the Chamber of Deputies may be appealed before the Supreme Court of Justice of the Nation.

If the Supreme Court of Justice considers that substantial violations have been committed in the course of the electoral process or in arriving at the final results, it shall so inform the Chamber so as to issue a new decision, which shall be final and unimpeachable.

The law shall determine when this recourse is applicable and the procedure to which it shall be subject.

Article 61. Deputies and senators are inviolable for opinions expressed by them in the discharge of their offices and shall never be called to account for them.

The president of each chamber shall see that the constitutional privilege of the members thereof is respected and that the premises where their meetings take place are not violated.^{1/}

Article 62. Full deputies and senators, during their terms of office, may not hold any other commission or employment of the Federation or of the States for which they receive a salary, without prior permission from the respective chamber; but their representative functions shall thereupon cease, while they are holding the new position. The same rule shall apply to alternate deputies and senators when serving (as principals). Infraction of this provision shall be punishable by loss of the status of deputy or senator.

^{1/} Paragraph added by decree published in the Diario Oficial of December 6, 1977 and entered into force on the following day.

Article 63. The chambers cannot open their meetings nor exercise their duties without the presence, in the Senate, of two thirds, and in the Chamber of Deputies, of more than half of the total number of members; but those present in either chamber must assemble on the day appointed by law and compel the absentees to attend within thirty days following, with the warning that if they do not do so, it shall be understood that by that sole fact they do not accept their office, and the alternates shall be immediately called and must present themselves within a like period, and if they fail to do so, the position shall be declared vacant and a new election shall be called.

It is also understood that deputies or senators who fail to attend for ten consecutive days, without justifiable cause or previous leave from the president of their respective chamber, of which the chamber shall be advised, renounce their attendance until the next period, and their alternates shall be called at once.

If there shall be no quorum to install either chamber or to exercise their functions when once intalled, the alternates shall be called immediately to present themselves within the shortest possible time, to discharge their office until the expiration of the thirty days above mentioned.

Anyone elected deputy or senator who does not present himself and assume the office, without justifiable cause as determined by the respective Chamber, within the time limit indicated in the first paragraph of this article, shall be held responsible and subject to the sanctions prescribed by law. National political parties that have entered candidates in an election for deputies or senators but which agree that those elected shall not present themselves to assume office will likewise be held responsible and punishable by the same law.^{1/}

Article 64. Deputies and senators who, without justifiable cause or without permission of the president of the respective chamber, do not attend a meeting shall have no right to remuneration for the day on which they were absent.

^{1/} Paragraph added by decree published in the Diario Oficial of June 22, 1963.

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Article 65.1/ The Congress shall meet on the first day of September of each year in regular session, when it shall address itself to the study, discussion and voting on the bills presented to it and the solution of other matters within its province according to the Constitution.

Article 66. The regular session shall continue for the time necessary to dispose of all matters mentioned in the preceding article, but it cannot be prolonged beyond December 31 of the same year.

If the two chambers are not in accord as to the termination of the session before the date indicated, the President of the Republic shall decide.

Article 67.2/ The Congress or only one of its chambers, when a matter exclusive to it is concerned, shall meet in extraordinary sessions whenever the Permanent Committee shall convoke them for that purpose; but in both cases they shall occupy themselves only with the matter or matters which the said Committee submits to their attention, which shall be stated in the respective call.

Article 68. The two chambers shall reside at the same place and cannot remove to another unless they previously agree to the removal and on the time and manner of so doing, designating the same place for the meeting of both. But if the two, in agreeing on removal, differ in regard to the time, manner, and place, the Executive shall settle the difference by choosing one of the two extremes in question. Neither chamber may suspend its sessions for more than three days without the consent of the other.

Article 69.2/ The President of the Republic shall attend the opening of the regular sessions of the Congress and shall submit a report in writing in which he shall indicate the general state of the administration of the country. At the opening of extraordinary sessions of

1/ As amended by decree published in the Diario Oficial of December 6, 1977 and entered in force on the following day.

2/ As amended by decree published on November 24, 1923.

Congress, or of only one of the chambers, the Chairman of the Permanent Committee shall report as to the motives or reasons that led to the call.

Article 70. Every resolution of the Congress shall have the character of a law or of a decree. The laws or decrees shall be communicated to the Executive signed by the Presidents of both chambers and by a secretary of each, and shall be promulgated in this form: "The Congress of the United Mexican States decrees: (Text of the law or decree)."

The Congress shall enact the law regulating its internal structure and operation.^{1/}

The law shall determine the formalities and procedures for the grouping of deputies, according to their party affiliation, so as to guarantee free expression of the ideological trends represented in the Chamber of Deputies.^{1/}

This law cannot be vetoed nor shall it require promulgation by the Federal Executive to enter into force.^{1/}

Section II

Introduction and Enactment of Laws

Article 71. The right to introduce laws or decrees belongs:

- I. To the President of the Republic;
- II. To the deputies and senators of the Congress;
- III. To the legislatures of the States.

The bills submitted by the President of the Republic, by the legislatures of the States or by deputations thereof shall be referred at once to committee. Those which are introduced by deputies or senators shall be subject to the procedure prescribed in the regulations on debate.

^{1/} Added by decree published in the Diario Oficial of December 6, 1977 and entered into force the following day.

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Article 72. Every bill or proposed decree, the resolution of which does not pertain exclusively to one of the chambers, shall be discussed successively in both, the regulations on debate being observed as to form, intervals of time, and mode of procedure in discussions and voting.

- a. A bill approved in the chamber of its origin shall be referred to the other for discussion. If the latter approves it, it shall be sent to the Executive who, if he has no objections to make, shall immediately publish it.
- b. Every bill shall be regarded as approved by the executive branch if it is not returned, with his objections, to the chamber of its origin within ten business days unless, during this time, the Congress shall have adjourned or suspended its meetings, in which case the return must be made on the first business day in which the Congress next meets.
- c. A bill or proposed decree rejected in whole or in part by the Executive shall be returned, with his objections, to the chamber of origin. It must be discussed anew by the latter, and if it is confirmed by a vote of two thirds of the total membership, it shall again be sent to the revising chamber. If it is sanctioned by the latter by the same majority, the bill shall become a law or decree and shall be returned to the Executive for promulgation.

The voting on a law or decree shall be by roll call.

- d. If any bill or proposed decree is rejected in its entirety by the chamber of revision, it shall be returned to that of its origin with the objections made by the former. If upon its return it is approved by an absolute majority of the members present, it shall be returned to the Executive for promulgation; if rejected, which shall be the case if it approves it by the same majority, it shall be sent to the Executive for promulgation (a) above; but if disapproved, it shall be introduced in the same manner as a bill.

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- e. If a bill is rejected in part, or amended or added to by the revisory chamber, the new discussion in the chamber of origin shall be confined to the part rejected or to the amendments or additions, without alteration in any way of the articles approved. If the additions or amendments made by the revisory chamber are approved by an absolute majority of votes present in the chamber of origin, the entire bill is sent to the Executive for the purposes indicated in section (a). If the additions or amendments made by the revisory chamber are disapproved by a majority of the votes in the chamber of origin, they shall be returned to the former for consideration of the reasons of the latter, and if the amendments or additions are rejected in this second revision by an absolute majority of votes present, the bill, insofar as it has been approved by both chambers, shall be sent to the Executive for the purposes indicated in section (a). If the revisory chamber insists, by an absolute majority of votes present, upon such amendments or additions, the entire bill shall not be again presented until the following session unless both chambers agree, by an absolute majority of their members present, that the law or decree be issued only with the approved articles, and those added or amended shall be reserved for examination and vote at the following meetings.
- f. In the interpretation, amendment, or repeal of laws or decrees, the same procedure shall be followed as that established for their enactment.
- g. Every bill or proposed decree which is rejected in the chamber of its origin cannot be again introduced in the meetings of that year.
- h. The enactment of laws or decrees may commence in either of the two chambers, without distinction, with the exception of bills dealing with loans, taxes, or imposts, or with the recruiting of troops, all of which must be discussed first in the Chamber of Deputies.
- i. Bills or proposed decrees shall preferentially be discussed in the chamber in which they are

introduced, unless one month elapses since they were sent to the reporting committee without a report being made, in which case the bill may be discussed in the other chamber.

- j.1/ The Federal Executive cannot offer objections to the resolutions of the Congress or of either chamber when they exercise functions of an electoral body or of a jury, nor when the Chamber of Deputies declares that a high functionary of the Federation should be impeached for official crimes.

Neither may he do so in regard to a decree of convocation to extraordinary sessions issued by the Permanent Committee.

Section III

Power of Congress

Article 73. The Congress has the power:

I.2/ To admit new States into the Federal Union;

II.3/ [Deleted];

III. To form new States within the boundaries of existing ones, for which purpose it shall be necessary:

1. That the section or sections seeking to be made a State shall have a population of at least one hundred and twenty thousand inhabitants;
2. That it be proven before Congress that they possess the resources necessary to provide for their political existence;

1/ As amended by decree published in the Diario Oficial of November 24, 1923.

2/ As amended by decree published on October 8, 1974.

3/ Deleted by decree published on October 8, 1974.

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- 3. That the legislatures of the States involved be heard as to whether or not a new State should be formed and they shall be required to render their report within six months from the date that the respective communication was submitted to them;
- 4. That the Executive of the Federation likewise be heard, who shall transmit his report within seven days from the date on which it was requested of him;
- 5. That the creation of the new State be adopted by a vote of two thirds of the deputies and senators present in their respective chambers;
- 6. That the resolution of the Congress be ratified by a majority of the legislatures of the States, with a copy of the record before them, provided that the legislatures of the States whose territory is involved have given their consent;
- 7. If the legislatures of the States whose territory is involved have not given their consent, that the ratification mentioned in the foregoing section be given by two thirds of the legislatures of the other States;

IV. To arrange permanently the boundaries of the States, settling any differences that may arise between them in regard to the demarcation of their respective territories, except when these differences may be of a contentious character;

V. To change the seat of the supreme powers of the Federation;

VI.1/ To legislate on all matters concerning the Federal District, subject to the following bases:

1/ As amended by law published in the Diario Oficial of August 20, 1928, and by decree published on October 8, 1974.

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1. The Government of the Federal District shall be entrusted to the President of the Republic, who shall exercise it through the organ or organs that are prescribed by law.
2. Legal ordinances and regulations which are determined by the law on the matter concerned shall be submitted to referendum and may be subject to popular initiative, according to the procedure indicated by such initiative.

3.1/ [Deleted].

- 4.2/ Appointments of the justices of the superior court of justice of the Federal District shall be made by the President of the Republic and submitted for the approval of the Chamber of Deputies, which shall grant or refuse such approval within a period of ten days, without extension. If the Chamber does not act within such time, the appointments shall be considered approved. Without the approval of the Chamber, the magistrates appointed by the President of the Republic cannot take possession. In the event that the Chamber of Deputies does not approve two successive appointments with respect to the same vacancy, the President of the Republic shall make a third appointment, which shall be effective at once, as provisional, and which shall be submitted to the approval of the Chamber at the following regular session. At this session, within the first ten days, the Chamber must approve or disapprove the appointment, and if it approved it, or makes no decision, the justice appointed provisionally shall continue to serve permanently. If the Chamber rejects the appointment, the provisional justice shall cease to function at once, and the President of the Republic shall

1/ Deleted by decree of October 8, 1974.

2/ As amended by law published on August 20, 1928, then by decrees published on December 15, 1934, September 21, 1944 and February 19, 1951.

submit a new appointment for the approval of the Chamber, under the terms indicated.1/

In cases of temporary inability of justices to act for more than three months, they shall be replaced by appointments which the President of the Republic shall submit to the approval of the Chamber of Deputies, and during its adjournment, to that of the Permanent Committee, in either instance by observing the provisions of the preceding clauses.

In cases of temporary inability which do not exceed three months, the Organic Law shall determine the manner of making the substitution. If a justice should cease to act because of death, resignation, or incapacity, the President of the Republic shall submit a new appointment for the approval of the Chamber of Deputies. If the Chamber is not in session, the Permanent Committee shall give provisional approval, until the Chamber meets and gives final approval.

The judges of first instance, and the minor and correctional judges and those under any denomination created in the Federal District, shall be appointed by the supreme court of justice of the Federal District; they must have the qualifications which the law prescribes and shall be replaced during their temporary inability to act, in the manner provided by law.2/

The remuneration which justices and judges receive for their services cannot be decreased during their terms of office.

The justices and judges to whom this basis refers shall continue in office for six years and they may be reelected; but they may be removed from their positions when guilty of misconduct, in

1/ As amended by decree published in the Diario Oficial of October 8, 1974.

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accordance with the final part of Article 111 or after corresponding action for responsibility.^{1/}

5.2/ The public ministry in the Federal District shall be headed by an attorney general (Procurador General), who shall reside in Mexico City, and such number of agents as shall be determined by law; and he shall depend directly on the President of the Republic, who may freely appoint and remove him.

VII. To levy the necessary taxes to cover the Budget;

VIII.3/ To fix the bases upon which the Executive may borrow on the credit of the Nation; to approve such loans and to acknowledge and order payment of the national debt. No loan may be effected except for the execution of works which directly produce an increase in the public revenues unless for purposes of currency regulation, conversion operations or loans contracted during some emergency declared by the President of the Republic within the terms of Article 29;

IX.4/ To prevent the establishment of restrictions on interstate commerce;

X.5/ To legislate throughout the Republic on hydrocarbons, mining, the motion picture industry, commerce, games of chance and lotteries, credit institutions, and electric and nuclear power, to establish a single bank of issue under the provisions of Article 28 of the Constitution and to enact labor laws regulating Article 123 of this Constitution;

XI. To create and abolish public offices of the Federation and to fix, increase, or decrease their salaries;

^{1/} As amended by decree published in the Diario Oficial of September 21, 1944.

^{2/} As amended by decree published on October 8, 1974.

^{3/} As amended by decree published on December 30, 1946.

^{4/} As amended by decree published on October 24, 1942.

^{5/} As amended by decrees published on November 18, 1942, December 29, 1947, and February 6, 1975.

XII. To declare war, in the light of information submitted by the Executive;

XIII.1/ To enact laws pursuant to which captures on sea and land must be declared good or bad; and to enact maritime laws applicable in peace and war;

XIV.2/ To raise and maintain the armed forces of the Union, to wit: army, navy and air force, and to regulate their organization and service;

XV. To prescribe regulations for the purpose of organizing, arming, and disciplining the national guard, reserving to the citizens who compose it the appointment of their respective commanders and officers, and to the States the power of training it in accordance with the discipline prescribed by such regulations;

XVI.3/ To enact laws in regard to nationality, the legal status of foreigners, citizenship, naturalization, settlement, emigration and immigration, and the general health of the country:

1. The General Health Council shall be directly subordinate to the President of the Republic, without the intervention of any Secretariat of State, and its general provisions shall be compulsory throughout the country.
2. In case of serious epidemics or danger of invasion of the country by exotic diseases, the Department of Health shall be required to dictate immediately the necessary preventive measures, subject to subsequent approval by the President of the Republic.
3. The health authority shall be executive and its provisions shall be obeyed by the administrative authorities of the country.

1/ As amended by decree published on October 21, 1966.
2/ As amended by decree published on February 10, 1944.
3/ As amended by decree published on January 18, 1934.

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4. The measures which the Council shall have put into effect in the campaign against alcoholism and the sale of substances which poison the individual and degenerate humankind, as well as those adopted to prevent and combat environmental pollution,^{1/} shall afterwards be examined by the Congress of the Union, in cases within its competency.

XVII. To enact laws concerning general means of transportation, and in regard to mail and post offices; to enact laws on the use and utilization of waters under federal jurisdiction;

XVIII. To establish mints, fix the standards of coins and coinage, to determine the value of foreign currencies, and to adopt a general system of weights and measures;

XIX. To establish rules for the occupation and alienation of vacant lands and fix their price;

XX. To enact laws for the organization of the Mexican Diplomatic Corps and Consular Corps;

XXI. To define crimes and offenses against the Federation and to prescribe the punishments to be imposed for them;

XXII. To grant amnesties for crimes within the jurisdiction of the federal courts;

XXIII.^{2/} [Deleted].

XXIV. To enact the organic law governing the Auditor General's Office (Contaduría Mayor);

XXV.^{3/} To establish, organize, and maintain throughout the Republic rural, elementary, superior, secondary, and professional schools, and schools for scientific research, of fine arts, and of technical training; practical schools of agriculture and mining, of arts and crafts,

^{1/} Added by decree published in the Diario Oficial of July 6, 1971.

^{2/} Deleted by decree published on December 6, 1977.

^{3/} As amended by decree published on January 13, 1966.

museums, libraries, observatories, and other institutions concerning the general culture of the inhabitants of the Nation, and to legislate on all matters relating to such institutions; to legislate on matters concerning archeological, artistic, and historic monuments, the conservation of which is of national interest; and also to enact laws designed to distribute feasibly between the Federation, the States, and Municipalities the exercise of the educative function and the appropriations corresponding to this public service, seeking to unify and coordinate education throughout the Republic. The diplomas issued by the aforementioned establishments shall be valid throughout the Republic;

XXVI.1/ To grant leave of absence to the President of the Republic, and to constitute itself as an electoral college and designate the citizen who is to replace the President of the Republic, as either an interim or provisional substitute, under the terms of Articles 84 and 85 of this Constitution;

XXVII. To accept the resignation from office of the President of the Republic;

XXVIII.2/ [Deleted].

XXIX.3/ To levy taxes:

1. On foreign commerce;
2. On the utilization and exploitation of natural resources included in paragraphs 4 and 5 of Article 27;
3. On institutions of credit and insurance companies;
4. On public services under concession or operated directly by the Federation;

1/ As amended by decree published in the Diario Oficial on April 29, 1933.

2/ Deleted by decree published on December 6, 1977.

3/ Added by decree published on October 24, 1942, the former section XXIX being renumbered XXX.

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5. On the following, as special taxes:

- a. Electric power
- b. Production and consumption of processed tobacco
- c. Gasoline and other products derived from petroleum
- d. Matches and cerillos
- e. Maguey and its fermented products
- f. Forestry exploitation
- g. Production and consumption of beer 1/

Federal entities shall share in the revenues from these special taxes in the proportion fixed by secondary federal law. The local legislatures shall fix the percentage corresponding to the Municipalities from revenues obtained from the tax on electric power;

XXIX-B.2/ To legislate on the characteristics and use of the national flag, coat of arms and anthem;

XXIX-C.3/ To enact laws setting forth the concurrence of the Federal, State and Municipal Governments, within the sphere of their respective competence, in matters of property settlement, in order to comply with the objectives sought in the third paragraph of Article 27 of this Constitution;

XXX.4/ To enact all laws that may be necessary to enforce the foregoing powers, and all others granted by this constitution to the branches of the Union.

Article 74. The exclusive powers of the Chamber of Deputies are:

1/ Added by decree published in the Diario Oficial of February 10, 1949.

2/ Added by decree published on October 24, 1967 and entered into force on the following day.

3/ Added by decree published on February 6, 1976 and entered into force on the following day.

4/ Added by decree published on October 24, 1942 and entered into force on November 1.

I. To constitute itself as an electoral college in order to exercise the power assigned to it by law with respect to the election of the President of the Republic;^{1/}

II. To supervise, through a committee drawn from its body, the correct performance of the functions of the Auditor General's Office;

III. To appoint the chiefs and other employees of that office;

IV.^{2/} To examine, discuss and approve the annual budget of expenditures of the Federation and of the Department of the Federal District, after first discussing the taxes which, in its judgment, must be levied to cover it, as well as to review the Public Account of the previous year.

The Federal Executive shall present to the Chamber pertinent revenue bills and proposed budgets by not later than the last day of November, and the pertinent cabinet secretary shall appear to report on them.

There may not be other secret items, apart from those considered necessary as such, in the same budget, which shall be used by secretaries by written order of the President of the Republic.

The Public Account shall be reviewed for the purpose of knowing the financial situation, to check whether it has been maintained according to the standards indicated by the budget and the fulfillment of the objectives contained in the programs.

If upon examination by the Auditor General's Office discrepancies should appear between the amounts expended and the related budget items or should the expenditures made not be correct or justified, the responsibility therefor shall be determined in accordance with the law.

^{1/} As amended by decrees published in the Diario Oficial of July 6, 1971 and October 8, 1974.

^{2/} As amended by decree published on December 6, 1977 and entered into force the following day.

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The Public Account of the previous year must be presented to the Permanent Committee of the Congress within the first ten days of June.

The deadline for presentation of revenue bills and proposed budgets of expenditures, as well as of the Public Account, may be extended only by request of the Executive for a justified reason in the opinion of the Chamber or of the Permanent Committee, with the presence in any case of the pertinent cabinet secretary to report on the reasons therefor.

V. To take cognizance of accusations against public officials mentioned in this Constitution, for official crimes, and when pertinent to present impeachments before the Chamber of Senators; and to constitute itself as a grand jury in order to decide whether or not to proceed against any of the public officials who enjoy constitutional privilege, when they are accused of common crimes;

VI.1/ To grant or refuse its approval of appointments of magistrates of the superior court of justice of the Federal District submitted to it by the President of the Republic;

VII.2/ To declare justified or unjustified the petitions for removal of judicial authorities made by the President of the Republic, under the terms of the final part of Article 111; and

VIII. Any others which this Constitution expressly confers upon it.

Article 75. The Chamber of Deputies, upon approving the budget of expenditures, may not fail to fix the remuneration which corresponds to an office which is established by law; and in the event that for any reason it fails to fix such remuneration, the amount fixed in the previous budget or in the law which established the office shall be understood to be designated.

1/ As amended by decree published in the Diario Oficial of October 8, 1974.

2/ Added by decree published on December 20, 1928.

Article 76. The exclusive powers of the Senate are:

I.1/ To analyze the foreign policy developed by the Federal Executive on the basis of the annual reports which the President of the Republic and the pertinent cabinet secretary submit to Congress; furthermore, to approve the treaties and diplomatic conventions made by the Executive of the Union;

II.2/ To ratify the appointments which said official makes of ministers, diplomatic agents, consuls general, high-level employees of the Treasury, colonels and other high-ranking chiefs of the national army, navy and air force, in accordance with provisions of law;

III. To authorize him also to permit the departure of national troops beyond the borders of the country, the passage of foreign troops through the national territory, and the sojourn of squadrons of other powers for more than one month in Mexican waters;

IV.3/ To give its consent for the President of the Republic to order the national guard outside of its respective States, fixing the necessary force;

V. To declare, whenever all the constitutional powers of a State have disappeared, that the instance has arisen for appointing a provisional governor, who shall call elections in accordance with the constitutional laws of the said State. The appointment of a governor shall be made by the Senate from a list of three proposed by the President of the Republic, with the approval of two thirds of the members present, and during adjournments, by the Permanent Committee, according to the same rules. The official thus appointed cannot be elected constitutional governor in the elections held pursuant to the call which he issues. This provision shall govern whenever the constitution of a State does not make provision for such cases;

1/ As amended by decree published in the Diario Oficial of December 6, 1977 and entered into force on the following day.

2/ As amended by decree published on February 10, 1944.

3/ As amended by decree published on October 8, 1974.

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VI. To settle political questions which may arise between the powers of a State, whenever any of them shall apply to the Senate for the purpose, or whenever, by reason of such questions, the constitutional order shall be interrupted by an armed conflict. In this event the Senate shall declare its decision, subjecting itself to the General Constitution of the Republic and to that of the State.

The law shall regulate the exercise of this and of the foregoing powers.

VII. To constitute itself as a grand jury to take cognizance of official crimes of the officials which this Constitution expressly designates;

VIII.1/ To grant or deny its approval of the appointments of ministers of the Supreme Court of Justice of the Nation, and of requests for leaves of absence and of the resignations of these officials, which the President of the Republic may submit to it;

IX.1/ To declare justified or not justified petitions for removal of judicial authorities made by the President of the Republic, under the provisions of the final part of Article 111; and

X. Any others which this Constitution may assign to it.

Article 77. Each of the chambers, without the intervention of the other, may:

I. Dictate economic resolutions relating to its internal organization;

II. Communicate with the co-legislative chamber and with the Executive of the Union, through committees of its own body;

III. Appoint the employees of its secretariat and prescribe the internal regulations thereof, and

IV. Issue a call for extraordinary elections for the purpose of filling vacancies of its respective members.

1/ Added by decree published in the Diario Oficial of August 20, 1928.

Section IV

The Permanent Committee

Article 78. During the adjournment of Congress there shall be a Permanent Committee composed of twenty-nine members, of whom fifteen shall be deputies and fourteen senators, appointed by their respective chambers on the eve of the close of the sessions. For each member the chambers shall choose an alternate from among their members present.

Article 79. The Permanent Committee, in addition to those which this Constitution expressly confers upon it, shall have the following powers:

I. To give its consent for the use of the national guard, in the cases mentioned in Article 76, section IV;

II.1/ To administer the affirmation or oath of office (protesta) of the President of the Republic, the members of the Supreme Court of Justice of the Nation, and the magistrates of the Federal District;

III.2/ To decide on matters within its competence; during the adjournment of the Congress of the Union, to receive the bills introduced and proposals addressed to the chambers and schedule them for action in the committees of the chamber to which they are addressed, so that they may be acted upon at the next session;

IV.3/ To issue on its own motion or on the proposal of the Executive, the convocation of the Congress or of a single chamber to extraordinary sessions, in both cases the vote of two thirds of the individuals present being necessary. The call shall set forth the purpose or purposes of the extraordinary sessions;

1/ As amended by decree published in the Diario Oficial of October 8, 1974.

2/ As amended by decree published on October 21, 1966 and entered into force three days later.

3/ As amended by decree published on November 24, 1923.

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V.1/ To grant or deny its approval of appointments of ministers of the Supreme Court and magistrates of the superior court of justice of the Federal District, and also of requests for leaves of absence of the ministers of the court which the President of the Republic may submit to it;

VI.2/ To grant a leave of absence for thirty days to the President of the Republic and to appoint a President ad interim during such absence;

VII.3/ To ratify the appointments made by the President of the Republic as ministers, diplomatic agents, consuls general, high-level employees of the Treasury, colonels and other high-ranking officers of the national army, navy, and air force, in accordance with provisions of law;

VIII.4/ [Deleted].

IX.4/ [Deleted].

Chapter III

The Executive Branch

Article 80. The exercise of the supreme executive power of the Union is vested in a single individual who is designated "President of the United Mexican States."

Article 81. The election of the President shall be direct and under the terms prescribed by the Electoral Law.

Article 82.5/ In order to be President it is required:

I. To be a Mexican citizen by birth, in the full enjoyment of his rights, and the son of Mexican parents by birth.

1/ Added by decree published in the Diario Oficial of October 8, 1974.

2/ Added by decree published on April 29, 1933.

3/ Added by decree published on October 21, 1966.

4/ Deleted by decree published on October 8, 1974.

5/ As amended by decree published on January 22, 1927.

II. To have attained 35 years of age at the time of the election;

III. To have resided in the country during the entire year prior to the day of the election;

IV. Not to possess ecclesiastic status nor be a minister of any cult;

V.1/ Not to be in active service, in case of belonging to the army, within six months prior to the day of the election;

VI.2/ Not to be a Secretary or Undersecretary of State, chief or secretary general of an administrative agency, Attorney General of the Republic, nor the governor of any State, unless he shall have resigned such position six months prior to the day of the election;

VII. Not to be included within any of the grounds for incapacity indicated in Article 83;

Article 83.3/ The President shall assume the duties of office on the first of December for a term of six years. A citizen who has held the office of President of the Republic, by popular election or by appointment as ad interim, provisional, or substitute President, can in no case and for no reason again hold that office.

Article 84.3/ In the event of the absolute disability of the President of the Republic, occurring during the first two years of his term, if the Congress is in session, it shall immediately constitute itself as an electoral college, and if there is at least two thirds of the total membership present, it shall designate by secret ballot, and by an absolute majority of votes, an interim President; the same Congress shall issue, within ten days following the designation of the interim President, a call for the election of a President to complete the respective term; between the date of the call and that designated for

1/ As amended by decree published in the Diario Oficial of January 8, 1943.

2/ As amended by decrees published on January 8, 1943 and October 8, 1974.

3/ As amended by decree published on April 29, 1933.

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holding the election, there must be an interval of not less than fourteen months nor more than eighteen.

If the Congress is not in session, the Permanent Committee shall immediately designate a provisional President and shall call Congress in extraordinary session in order that it, in turn, may designate an interim President and issue the call for presidential elections as indicated in the preceding paragraph.

When the disability of the President occurs within the last four years of his term, if the Congress is in session, it shall designate a substitute President to complete the term; if the Congress is not in session, the Permanent Committee shall designate a provisional President and shall convoke the Congress in extraordinary session in order that it may constitute itself as an electoral college and elect the substitute President.

Article 85.1/ If at the commencement of a constitutional period the President-elect does not present himself, or if the elections have not been held and the results declared on December first, the President whose term has ended shall nevertheless cease to function, and at once the executive power shall be entrusted to an individual whom the Congress shall designate as interim President, or if Congress is not in session, to an individual whom the Permanent Committee shall designate as provisional President, proceeding according to the provisions of the preceding article.

When the disability of the President is temporary, the Congress, if in session, or if not, the Permanent Committee, shall designate an interim President to function during the period of the disability.

When the disability is for more than thirty days and the Congress is not in session, the Permanent Committee shall convoke an extraordinary session of the Congress in order that it may decide upon the leave of absence, or as the case may be, designate an interim President.

If the temporary disability becomes absolute, the procedure described in the preceding article shall be observed.

1/ As amended by decree published in the Diario Oficial of April 29, 1933.

Article 86. The office of President of the Republic can be resigned only for grave cause, which shall be passed upon by the Congress of the Union, to which the resignation must be presented.

Article 87. Upon taking office, the President shall make before the Congress of the Union, or if in adjournment, before the Permanent Committee, the following affirmation: "I solemnly promise that I will observe and enforce the Political Constitution of the United Mexican States and the laws enacted in pursuance thereof, and that I will faithfully and patriotically discharge the office of President of the Republic which the people have conferred upon me, in all ways looking to the welfare and prosperity of the Union; and if I should not do so may the Nation demand it of me."

Article 88.1/ The president of the Republic may not absent himself from the national territory without the permission of the Congress of the Union or of the Permanent Committee, as the case may be.

Article 89. The powers and duties of the President are the following:

I. To promulgate and execute the laws enacted by the Congress of the Union, providing for their exact enforcement in the administrative sphere.

II.2/ To appoint and remove freely the secretaries of the Cabinet, the Attorney General of the Republic, the governor of the Federal District, the attorney general of the Federal District, to remove diplomatic agents and high-level employees of the Treasury, and to appoint and remove freely all other employees of the Union whose appointment or removal is not otherwise provided for in the Constitution or by law;

III. To appoint ministers, diplomatic agents, and consuls general, with the approval of the Senate;

1/ As amended by decree published in the Diario Oficial of October 21, 1966.

2/ As amended by decree published on October 8, 1974.

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IV.1/ To appoint, with the approval of the Senate, the colonels and other high-ranking officers of the army, navy, and air force, and the high-level employees of the Treasury;

V.1/ To appoint the other officers of the army, navy, and air force, as provided by law;

VI.1/ To dispose of the entire permanent armed forces, including the land forces, the sea force and the air force for internal security and exterior defense of the Federation;

VII. To dispose of the national guard for the same purposes, under the terms indicated in section IV of Article 76;

VIII. To declare war in the name of the United Mexican States, pursuant to a previous law of the Congress of the Union;

IX.2/ [Deleted];

X. To direct diplomatic negotiations and make treaties with foreign powers, submitting them to the ratification of the federal Congress;

XI.3/ To convoke the Congress in extraordinary session when the Permanent Committee so resolves;

XII. To give to the judicial branch whatever assistance it may need for the expeditious exercise of its functions;

XIII. To open all classes of ports, establish maritime and frontier custom houses, and designate their location;

XIV.4/ To grant, according to law, pardons to criminals convicted of crimes within the jurisdiction of the federal courts, and to those convicted of common crimes in the Federal District;

1/ As amended by decree published in the Diario Oficial of February 10, 1944.

2/ Deleted by decree published on October 21, 1966.

3/ As amended by decree published on November 24, 1923.

4/ As amended by decree published on October 8, 1974.

XV. To grant exclusive privileges, for a limited time, in accordance with the respective law, to discoverers, inventors, or improvers in any branch of industry;

XVI.1/ When the Chamber of Senators is not in session, the President of the Republic may make the appointments mentioned in sections III and IV, with the approval of the Permanent Committee;

XVII.2/ To appoint justices of the Superior Court of Justice of the Federal District and submit the appointments to the approval of the Chamber of Deputies, or to the Permanent Committee, as the case may be;

XVIII.3/ To appoint the ministers of the Supreme Court of Justice and submit such appointments, leaves of absence, and resignations to the approval of the Chamber of Senators, or to the Permanent Committee, as the case may be;

XIX.3/ To request the removal, for bad conduct, of the judicial authorities referred to in the final part of Article 111;

XX. And all others expressly conferred on him by this Constitution.

Article 90. For the dispatch of the administrative business of the Federation, there shall be the number of secretaries that the Congress shall establish by law, which shall distribute the business to be entrusted to each Secretariat.

Article 91. To be a secretary of the Cabinet (Secretario del Despacho), the requirements are: to be a Mexican citizen by birth, to be in exercise of one's rights, and be at least thirty years of age.

Article 92. All regulations, decrees, and orders of the President must be signed by the Secretary of the

1/ As amended by decree published in the Diario Oficial of October 21, 1966.

2/ Added by decree published on August 20, 1928, and amended by decree published on October 8, 1974.

3/ Added by decree published on August 20, 1928 and entered into force on December 20, 1928.

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Cabinet in charge of the branch (of administration) to which the matter pertains, and without this requisite they shall not be obeyed. The regulations, decrees, and orders of the President relating to the government of the Federal District and to the administrative agencies shall be sent directly by the President to the governor of the District and to the chief of the respective agency.

Article 93.1/ As soon as the regular session is opened, the secretaries of the Cabinet and the chiefs of the administrative agencies shall give a report to the Congress on the state of their respective branches. Either of the Chambers may summon the secretaries of state and the chiefs of the administrative agencies, as well as the directors and administrators of the decentralized federal agencies or of the enterprises in which the State has majority participation, for information, whenever a law is under discussion or a matter is being studied relating to their respective fields or activities.

The chambers, at the request of one fourth of their members in the case of deputies, and one half in the case of senators, have the power to form committees to investigate the operations of the above agencies and enterprises. The results of the investigations shall be made known to the Federal Executive.2/

Chapter IV

The Judicial Branch

Article 94.3/ The judicial power of the Federation is vested in a Supreme Court of Justice, in circuit courts, as a body in matters of amparo and as single judges in matters of appeal, and in district courts.

The Supreme Court of Justice of the Nation shall consist of twenty-one ministers and five supernumerary ministers, and shall function as a full court (en tribunal pleno)

1/ As amended by decree published in the Diario Oficial of January 31, 1974.

2/ Added by decree published on December 6, 1977, which entered into force on the following day.

3/ As amended by decrees published on September 21, 1944, February 19, 1951 and October 25, 1967 which entered into force on October 28, 1967.

or divided into sections (salas). The supernumerary ministers shall form part of the full court whenever they substitute for the regular ministers. Within the terms of the provisions of the law, hearings of the full court or of the sections shall be public, with the exception of cases in which morals or the public interest require secrecy.

The jurisdiction of the Supreme Court, the terms of its sessions, the administration of the Supreme Court in full court or in sections, the powers and duties of the ministers, the number and jurisdiction of the circuit and district courts, and the liabilities of the officials and employees of the judicial power of the Federation shall be governed by this Constitution and provisions of law.

The law shall establish the terms or conditions on which the jurisprudence established by the courts of the judicial power of the Federation over the interpretation of the Constitution, federal and local laws and regulations, and international treaties signed by the Mexican State, as well as the requirements for its interruption and amendment, will be mandatory.

The remuneration received by the ministers of the Supreme Court, the circuit magistrates and the district judges for their services may not be reduced during their term of office.

The ministers of the Supreme Court of Justice may be removed from office only when they are guilty of misconduct, in accordance with the procedure indicated in the final part of Article 111 of this Constitution or following impeachment proceedings.

Article 95. To be elected minister of the Supreme Court of Justice, it is necessary:

I. To be a Mexican citizen by birth, in full exercise of political and civil rights;

II. Not to be over sixty-five nor less than thirty-five years of age on the day of the election;

III. 1/ To have held on the day of the election the professional degree of lawyer for a minimum of five years,

1/ As amended by decree published in the Diario Oficial of December 15, 1934.

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issued by an authority or corporation legally empowered to do so;

IV. To enjoy a good reputation and not to have been convicted of a crime punishable by imprisonment of more than one year; but if it concerned robbery, fraud, forgery, abuse of confidence or other crime which seriously injures his good name as conceived by the public, he shall be disqualified for the office whatever the penalty may have been;

V. To have resided in the country during the last five years, except in case of absence in the service of the Republic for a period of less than six months.

Article 96.1/ Appointments of the ministers of the Supreme Court shall be made by the President of the Republic and submitted to the approval of the Chamber of Senators, which shall grant or deny approval within the unalterable period of ten days. If the Chamber fails to decide within that time, the appointments shall be considered as approved. Without the approval of the Senate, the justices of the Supreme Court appointed by the President of the Republic cannot take office. In the event that the Chamber of Senators does not approve two successive appointments for the same vacancy, the President of the Republic shall make a third appointment, which shall become effective at once as provisional, and which shall be submitted to the said Chamber at the following regular session. At such sessions, within the first ten days, the Senate must approve the appointment, and if it approves it, or takes no decision, the justice appointed provisionally shall continue in office permanently. If the Senate rejects the appointment, the provisional minister shall cease to act and the President of the Republic shall submit a new appointment to the approval of the Senate, in the manner indicated.

Article 97.2/ The circuit magistrates and district judges shall be appointed by the Supreme Court of Justice of the Nation, shall have the qualifications which the law requires, and shall hold office for four years, at the

1/ As amended by decree published in the Diario Oficial of December 20, 1928.

2/ As amended by decrees published on August 20, 1928, February 15, 1951, and December 2, 1977, which entered into force on the following day.

expiration of which, if they are reelected or elevated to a higher position, they may be removed from office only if guilty of bad conduct, in accordance with the final part of Article 111 or after judgment of their corresponding liability.

The Supreme Court of Justice may also change the seat of the district judges, transferring them from one district to another, or fixing their residence in another town, as it may deem convenient for better public service. The same may be done with respect to circuit magistrates.

The Supreme Court of Justice of the Nation may also appoint supernumerary circuit magistrates and district judges to assist in the work of the courts and tribunals where there is an excess of business, in order to provide for prompt and expeditious administration of justice; and it shall appoint one or more of its members, or some district judge or circuit magistrate, or designate one or more special commissioners, when deemed advisable, or if the federal Executive or one of the chambers of Congress, or the governor of a State so requests, solely to investigate the conduct of any federal judge or magistrate, or any act or acts which may constitute a violation of any individual guarantee.

The Supreme Court of Justice is empowered to inquire on its own initiative into the facts relating to violations committed in public elections, but only in cases which in its opinion could put in doubt the legality of the entire process of election of one of the Powers of the Union. The result of the investigation shall be made known in due time to the competent organs.

The circuit courts and district courts shall be distributed among the ministers of the Supreme Court, who shall visit them periodically, observe the conduct of the magistrates and judges presiding over them, hear complaints presented against such officials, and perform any other duties prescribed by law. The Supreme Court of Justice may freely appoint and remove its clerk and any other employees serving it, with strict observance of the appropriate law. In the same way, the circuit magistrates and district judges shall appoint and remove their respective clerks and employees.^{1/}

^{1/} As amended by decree published in the Diario Oficial of September 11, 1940.

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The Supreme Court of Justice shall designate each year one of its members as president, with the right of reelection.

Each minister of the Supreme Court of Justice, on assuming office, shall affirm before the Senate, or before the Permanent Committee if the former is in adjournment, in the following form:

President: "Do you solemnly promise that you will faithfully and patriotically discharge the office of Minister of the Supreme Court of Justice of the Nation which has been conferred upon you, and that you will observe and enforce the Political Constitution of the United Mexican States and the laws enacted in pursuance thereof, in all ways looking to the welfare and prosperity of the Union?"

Minister: "Yes, I promise.

President: "If you fail to do so, may the Nation call you to account."

The circuit magistrates and district judges shall make their affirmation before the Supreme Court or before an authority designated by law.

Article 98.1/ Ministers of the Supreme Court of Justice of the Nation who are temporarily absent from office shall be replaced by the supernumeraries. If the absence exceeds one month, the President of the Republic shall submit the appointment of a provisional minister to the approval of the Senate, or if adjourned, to the Permanent Committee, observing, in that case, the provisions of the final part of Article 96 of this Constitution.

In the event of the death or resignation for any reason, of a minister, the President of the Republic shall submit a new appointment to the approval of the Senate. If the Senate is not in session, the Permanent Committee shall give its approval, until the former meets to give definitive approval.

The supernumeraries replacing the regular minister shall remain at their posts until the minister appointed

1/ As amended by decrees published in the Diario Oficial of August 20, 1928, February 19, 1951 and October 25, 1967, which entered into force on October 28, 1967.

by the President of the Republic takes office either on a provisional or definitive basis.

Article 99.1/ Resignation of ministers of the Supreme Court of Justice may be submitted only for serious reasons; they shall be submitted to the Executive, and if he accepts them they shall be sent to the Senate for approval, or if adjourned to the Permanent Committee.

Article 100.2/ Leaves of absence of ministers, when they do not exceed one month, shall be granted by the Supreme Court of Justice of the Nation; those that exceed that time shall be granted by the President of the Republic, with the approval of the Senate, or during its adjournment, or the Permanent Committee. No leave of absence shall exceed the term of two years.

Article 101. The ministers of the Supreme Court of Justice, the circuit magistrates, the district judges, and their respective clerks may not in any case accept and hold employment or office of the Federation, the States, or of a private nature, except honorary positions in scientific, literary, or charitable associations. Violation of this provision shall be punishable by loss of office.

Article 102.3/ The law shall organize a public ministry of the Federation, the officials of which shall be appointed and removed by the Executive, in accordance with the respective law, and which shall be presided over by an attorney general (procurador general), who shall have the same qualifications as those required to be minister of the Supreme Court of Justice.

The prosecution before the courts of all federal offenses shall be the duty of the public ministry of the Federation; and, therefore, it shall request orders of arrest for offenders; procure and present evidence as to their liability; see that trials are conducted with due regularity in order that the administration of justice may be prompt and efficient; request the imposition of sentence; and intervene in all matters that the law may determine.

1/ As amended by decree published on August 20, 1928, which entered into force on December 20, 1928.

2/ As amended by decrees published on August 20, 1928 and October 25, 1967.

3/ As amended by decrees published in the Diario Oficial of September 11, 1940 and October 25, 1967.

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The Attorney General of the Republic shall personally intervene in all controversies between two or more States of the Union, between a State and the Federation, or between the powers of one State. The Attorney General may intervene in person or through one of his agents in all matters in which the Federation is a party, in cases affecting diplomats and consuls general, and in all other cases where the intervention of the public ministry of the Federation is necessary.

The Attorney General shall be the legal counselor of the Government. Both he and his agents shall be responsible for every offense, omission, or violation that they may incur in the discharge of their duties.

Article 103. The federal courts shall decide all controversies that arise:

I. Out of law or acts of the authorities that violate individual guarantees;

II. Because of laws or acts of the federal authority restricting or encroaching on the sovereignty of the States;

III. Because of laws or acts of State authorities that invade the sphere of federal authority.

Article 104.1/ The federal courts shall have jurisdiction over:

I. All controversies of a civil or criminal nature that arise from the enforcement and application of federal laws or from treaties signed by the Mexican State. Whenever such controversies affect only the interests of private parties, the regular local judges and courts of the States or the Federal District may also assume jurisdiction, at the election of the plaintiff. Judgments of the courts of first instance may be appealed to the next higher court above that in which the case was first heard.

1/ As amended by decrees published in the Diario Oficial of January 18, 1934, December 30, 1946 (by which the second paragraph was added), October 25, 1967 and October 8, 1974.

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Federal laws may institute contentious-administrative courts with full autonomy to render their decisions and charged with the responsibility for settling controversies arising between the federal public administration or the Federal District and private parties, and establishing rules for their organization, administration, proceedings and recourse.

Recourse to the Supreme Court of Justice of final decisions of administrative courts is permissible only in those cases indicated in the federal laws and provided that such decisions were taken as a result of recourse to the contentious-administrative jurisdiction.

Recourse shall be subject to the procedure established in the regulatory law of Articles 103 and 107 of this Constitution for the review of decisions in indirect amparo, and the decision rendered by the Supreme Court of Justice in the course of review will be subject to the rules governing the finality and enforcement of the judgments of amparo.

II. All controversies that involve admiralty law;

III. Those in which the Federation is a party;

IV. Those that arise between two or more States, or one State and the Federation, and those that arise between courts of the Federal District and those of the Federation or a State;

V. Those that arise between a State and one or more residents in another State;

VI. All cases that involve members of the diplomatic and consular corps.

Article 105.1/ The Supreme Court of Justice of the Nation has exclusive jurisdiction in all controversies that arise between two or more States, between the powers of one State concerning the constitutionality of their acts, and in disputes between the Federation and one or more States, as well as those in which the Federation is a party according to the law.

1/ As amended by decree published in the Diario Oficial of October 25, 1967.

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Article 106. The Supreme Court of Justice shall likewise have the power to settle questions of jurisdiction that arise between courts of the Federation, between the latter and State courts, or between the courts of one State and those of another.

Article 107.1/ All controversies mentioned in Article 103 shall be subject to the legal formalities and procedure prescribed by law, on the following bases:

I. A trial in amparo shall always be held at the instance of the injured party.

II. The judgment shall always be such that it affects only private individuals, being limited to affording them redress and protection in the special case to which the complaint refers, without making any general declaration as to the law or act on which the complaint is based.

A defect in the complaint may be corrected whenever the act complained of is based on laws declared unconstitutional by previous decisions of the Supreme Court of Justice.

A defect in the complaint may also be corrected in criminal matters and in behalf of workers in labor disputes, when it is found that there has been a manifest violation of the law against the injured party who is left without defense, and in criminal matters, likewise, when the trial has been based on a law not precisely applicable to the case.

A defect in the complaint may also be corrected in amparo trials against acts affecting the rights of minors or legal incompetents, in accordance with the provisions of the Law regulating Articles 103 and 107 of this Constitution.^{2/}

In trials in amparo which contest acts that resulted or could result in depriving ejidos or population groups,

^{1/} As amended by decree published in the Diario Oficial of February 19, 1951 which entered into force on May 20, 1951.

^{2/} Paragraph added by decree published on March 20, 1974, which entered into force 30 days later.

or members of an ejido or communal holders having a de facto or de jure communal status, from ownership or possession and enjoyment of their lands, waters, pastures, and woodlands, defects in the complaint must be corrected as provided in the regulatory law provided in Articles 103 and 107 of this Constitution; and there shall be no dismissal due to inactivity or lapse of the legal action; nor shall there be any voluntary dismissal when the rights of ejidos or communal population groups are affected.^{1/}

III.2/ In judicial, administrative or labor matters a writ of amparo shall be granted only:

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- a. Against final judgments or awards against which no ordinary recourse is available by virtue of which these judgments can be modified or amended, whether the violation of the law is committed in the judgments or awards, or whether, if committed during the course of the trial, the violation prejudices the petitioner's defense to the extent of affecting the judgment; provided that in civil matters timely objection in the course of the proceedings was made against it by regular means established by law and claimed as a grievance in the second instance if it was committed in the first. These requisites do not apply when amparo is sought against judgments decreed in controversies involving acts of the civil status or which affect the order and stability of the family;
- b. Against acts at the trial, the execution of which would be irreparable out of court, or at the conclusion of the trial once all available recourses have been exhausted;
- c. Against acts that affect persons who are not parties to the trial.

^{1/} Paragraph added by decree published on November 2, 1962, and later amended by decree published on October 25, 1967, which entered into force on October 28, 1968.

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IV.1/ In administrative matters, amparo may be invoked against decisions which cause a grievance that cannot be remedied through any legal recourse, trial, or defense. It shall not be necessary to exhaust these remedies when the law that established them, in authorizing the suspension of the contested act, demands greater requirements than the regulatory law for trials in amparo requires as a condition for ordering such suspension.

V.1/ A writ of amparo against final decisions or awards, for violations committed during the course of the trial or contained in the decision itself, shall be applied for directly to the Supreme Court of Justice or to the appropriate Full Circuit Court (Tribunal Colegiado de Circuito), according to the allotment of jurisdiction established by the Organic Law of the Judicial Branch of the Federation or by the law regulating Articles 103 and 107 of this Constitution, in the following cases:

- a. In criminal matters, against final decisions decreed by federal judicial courts (Tribunales Judiciales del Fuero Federal), including military courts;
- b. In administrative matters, when final decisions decreed by federal, administrative or judicial courts are contested, which decisions cannot be altered by any available recourse;
- c. In civil matters, when final decisions are contested which were decreed in federal or commercial trials, whether the authority which decreed the decision be federal or local, or in trials involving common law questions;

In civil trials involving federal questions, the decisions may be contested in amparo by any of the parties, including the Federation in defense of its patrimonial interest; and

^{1/} As amended by decree published in the Diario Oficial of October 25, 1976, which entered into force on October 28, 1962, and of August 6, 1968, which entered into force on the following day.

- d. In labor matters, when awards are contested which were decreed by local conciliation and arbitration boards or by federal conciliation and arbitration boards, or by the federal conciliation and arbitration court for the civil service.

VI.1/ In the cases referred to in the preceding section, the Law regulating Articles 103 and 107 of this Constitution shall indicate the procedure and the terms to which both the Supreme Court of Justice and the Full Circuit Court shall submit themselves to decree their respective decisions.

VII. When a writ of amparo is sought against acts at the trial, outside the trial or after its conclusion, or if persons foreign to the case are affected, against laws or against acts of administrative authorities, application shall be made to the district judge in whose jurisdiction is located the place in which the act in question was performed or was to be performed, and the procedure shall be limited to the report from the authority in question, to a hearing to which a single summons will include the order for submission of the report and for evidence to be presented by the interested parties and their allegations, the judgment to be rendered at this same hearing.

VIII.1/ Judgments in amparo rendered by district judges are subject to review. The Supreme Court of Justice will review such judgments in the following cases:

- a. When a law is impugned as unconstitutional;
- b. When any of the cases included in sections II and III of Article 103 of the Constitution are concerned;

When regulations on federal matters issued by the President of the Republic in accordance with Article 89, section I, of this Constitution are contested as unconstitutional;

1/ As amended by decree published in the Diario Oficial of October 25, 1967, which entered into force on October 28, 1968, and of August 6, 1968 which entered into force on the following day.

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- d. When agrarian acts by any authority which affect the collective rights or small holdings of ejidos or communal groups are contested;
- e. When the responsible authority against whom administrative amparo is granted is a federal authority, with the jurisdictional limitations established by law;
- f. Whenever, in criminal cases, merely the violation of Article 22 of this Constitution is alleged.

In all other cases, as well as in amparo cases against acts of administrative authorities constituted in accordance with section VI, paragraphs one and two of Article 73 of this Constitution, the review will be made by a full circuit court and their decisions are not subject to recourse.^{1/}

IX. Decisions in direct amparo rendered by a full circuit court are not reviewable unless the decision involves the unconstitutionality of a law or establishes a direct interpretation of a provision of the Constitution, in which case it may be taken to the Supreme Court of Justice, limited exclusively to the decision of actual constitutional questions.

A decision of a full circuit court is not reviewable if it is based on a precedent established by the Supreme Court of Justice as to the constitutionality of a law or the direct interpretation of a provision of the Constitution.

X. Contested acts may be subject to suspension in those cases and under conditions and guarantees specified by law, with respect to which account shall be taken of the nature of the alleged violation, the difficulty or remedying the damages that might be incurred by the aggrieved party by its performance, and damages that the suspension might cause to third parties and the public interest.

A suspension must be granted with respect to final judgments in criminal matters at the time notice is given of the application for a writ of amparo, and in civil

^{1/} As amended by decree published in the Diario Oficial of October 8, 1974.

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matters when bond is posted by the complainant to cover liability for damages occasioned by the suspension, but this is waived if the other party gives countersecurity to ensure restoration of things as they were if amparo is granted and to pay resulting damages.

XI. The suspension shall be requested from the responsible authority, in the case of direct amparo before the Supreme Court of Justice or the full circuit court, in which case the aggrieved party shall notify the responsible authority, within the period fixed by law under affirmation to tell the truth, of the claim for amparo, accompanied by two copies, one for use in the record and the other to be delivered to the opposing party. In other cases, decisions as to suspension shall be made by the district courts.

XII. Violation of the guarantees set forth in Article 16, in criminal matters, and Articles 19 and 20 may be taken before the court above the one where it was committed, or before the appropriate district judge, and in either case the decision is reviewable in accordance with the terms prescribed in section VIII.

If the district judge does not reside in the same place as the responsible authority, the law shall specify the judge before whom the writ of amparo is to be presented, and that judge may provisionally suspend the act in question, in those cases and under the terms established in the same law.

XIII.1/ If the full circuit courts sustain contradictory opinions in amparo cases within their jurisdiction, the ministers of the Supreme Court of Justice, the Attorney General of the Republic, those courts, or the parties to the suits in which those opinions were sustained, may denounce the contradiction before the appropriate section, to decide which opinion shall prevail.

When the sections of the Supreme Court of Justice sustain contradictory opinions in cases of amparo within their jurisdiction, any one section, the Attorney General of the Republic, or the parties to the suits in which

1/ As amended by decree published in the Diario Oficial of October 25, 1967, which entered into force on October 28, 1968.

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those opinions were sustained, may denounce the contradiction before the Supreme Court of Justice, which, sitting en banc, shall decide which opinion shall prevail. Both in this instance and in the case provided for in the preceding paragraph, the decision rendered shall be solely for the effect of fixing the precedent and shall not affect the concrete legal situation deriving from contradictory judgments in the case in which they were rendered.

XIV.1/ Except as provided in the final paragraph of section II of this Article, when the contested act originated with civil or administrative authorities, proceedings will be discontinued by inactivity of the aggrieved party in those cases and according to terms indicated in the regulatory law. The dismissal of the action shall not change the appealed judgment.

XV. The Attorney General of the Republic, or an agent of the federal public ministry appointed for the purpose, shall be a party in all suits in amparo, but they may abstain from intervening in such cases, if the matter in question lacks public interest, in their opinion.

XVI. If after amparo is granted, the responsible official persists in repetition of the contested act or attempts to evade the decision of the federal authority, he shall be immediately removed from office and taken before the appropriate District Judge.

XVII. The responsible authority will be taken before the appropriate authority whenever he fails to suspend the act when bound to do so, and when he posts bond that is illusory or insufficient, and in such cases the responsible authority and bondsman are jointly and severally liable.

XVIII. Bailiffs and jailers who do not receive an authorized copy of the order of imprisonment of an arrested person within the seventy-two hours prescribed by Article 19, counted from the day the party was at the disposal of the judge, must notify the judge of this fact at the end of such period, and if the order is not received within three hours, the prisoner shall be released.

1/ As amended by decrees published in the Diario Oficial of October 25, 1967 and February 17, 1975, which in the latter instance entered into force 30 days later.

Anyone violating the article cited in this provision will be immediately turned over to a competent authority.

Likewise, anyone who, after an arrest, does not take the arrested person before a judge within twenty-four hours, shall himself be turned over to such authority or his agent.

If the detention takes place outside the locality in which the judge resides, sufficient time is to be added to the above period to cover the distance involved.

TITLE IV

Responsibilities of Public Officials

Article 108. Senators and deputies of the Congress of the Union, justices of the Supreme Court of Justice of the Nation, secretaries of the Cabinet, and the Attorney General of the Republic are liable for common crimes that they may commit during their term of office, and also for crimes, offenses, or omissions that they incur in the exercise of their office.

Governors of the States and deputies of the local legislatures are liable for violations of the federal Constitution and laws.

During his term of office the President of the Republic may be impeached only for high treason and serious common crimes.

Article 109. If the offense is of a common nature, the Chamber of Deputies acting as a grand jury shall determine, by an absolute majority of votes of its total membership, whether or not there are grounds for proceeding against the accused.

If the finding is negative, there shall be no grounds for any further proceedings; but such decision shall not be an obstacle to continuing the prosecution of the charge whenever the accused has relinquished his immunity, since the decision of the Chamber in no way prejudices the merits of the charge.

If the finding is affirmative, the accused shall thereby be suspended from office and is immediately subject to action by the ordinary courts, excepting the

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case of the President of the Republic, who may be impeached only before the Chamber of Senators, as in the case of an official offense.

Article 110. Constitutional immunity shall not be enjoyed by high officials of the Federation with respect to official crimes, offenses or omissions incurred in the discharge of any office, employment or public commissions which they have accepted during the period in which, according to law, they enjoy constitutional immunity. The same shall apply with respect to common crimes which they may commit during the performance of such office, employment, or commission. The procedure to be followed to institute proceedings against a high official who has resumed the exercise of his own functions is that prescribed in the preceding article.

Article 111.1/ The Senate, constituted as a grand jury, shall take cognizance of all official offenses; but it may not open the pertinent investigation without a previous bill of impeachment by the Chamber of Deputies. If after conducting such proceedings as it deems advisable and hearing the accused, the Chamber of Senators shall decide by a two-thirds majority of all its members that he is guilty, the latter shall be removed from office by virtue of such decision and disqualified from holding any other office for a period determined by law.

Whenever the law provides another penalty for the same act, the accused shall be placed at the disposal of the regular authorities, who shall judge and punish him according to such law.

In the cases governed by this article and those referred to in Article 109, the decisions of the grand jury and the findings of the Chamber of Deputies shall be final.

Any person has the right to denounce before the Chamber of Deputies the common or official offenses of high officials of the Federation. Whenever the aforesaid Chamber finds that there are grounds for impeachment, it shall appoint a committee from among its members to sustain before the Senate the charges brought.

1/ As amended by decree published in the Diario Oficial of September 21, 1944.

As soon as possible, the Congress of the Union shall enact a law covering the responsibilities of all officials and employees of the Federation and of the Federal District, defining as official offenses or misdemeanors all acts or omissions that may result in injury to public interests or to the proper conduct of business, even though they have not been considered previously as wrongful acts. These offenses or misdemeanors shall always be tried before a jury of the people, in the manner established by Article 20 for offenses of the press.1/

The President of the Republic may request from the Chamber of Deputies the removal, for misconduct, of any ministers of the Supreme Court of Justice, of circuit magistrates, of district judges, of the magistrates of the superior court of justice of the Federal District, and of the regular judges in the Federal District. In these cases, if the Chamber of Deputies first and the Senators thereafter decide by an absolute majority of votes that the request is justified, the accused official shall be removed from office immediately, independently of the legal liability that may have been incurred, and a new appointment shall be made.1/

The President of the Republic, before asking the chambers for the removal of any judicial official, shall grant a hearing to the latter privately in order to conscientiously appraise the justification of such request.2/

Article 112. The offender cannot be pardoned after he has been found guilty of official offenses.

Article 113. Responsibility for official offenses or misdemeanors may be exacted only during the term of office of the official in question, and within one year thereafter.

Article 114. There are no privileges or immunities for any public official with respect to claims of a civil character.

1/ As amended by decree published in the Diario Oficial of October 8, 1974.

2/ Paragraph added by decree published on September 21, 1944.

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TITLE V

The States of the Federation

Article 115.1/ For their internal government, the States shall adopt the popular, representative, republican form of government, with the free Municipality as the basis of their territorial division and political and administrative organization, in accordance with the following principles:

I.2/ Each Municipality shall be administered by a council (Ayuntamiento), elected by direct popular vote, and there shall be no intermediate authority between this body and the government of the State.

Municipal presidents, aldermen (regidores), and counsel (síndicos), chosen by direct popular election, may not be reelected for the term immediately following. Persons who discharge the functions of those offices either by indirect election, appointment or designation by any authority, no matter what title they may be given, likewise may not be reelected for the term immediately following. None of the above-mentioned officials, when holding office as incumbents, may be elected for the term immediately following as alternates, but persons designated as alternates may be elected for the term immediately following as incumbents, unless they have performed such duties during the preceding term.

II. Municipalities shall freely administer their finances, which shall be composed of the taxes imposed by the legislatures of the States, and which, in all cases, shall be sufficient to meet the municipal needs.

III. Municipalities shall be invested with juridical personality for all legal purposes.

The federal Executive and the governors of the States shall command the public forces in the municipalities where they customarily or temporarily reside.

Governors of the States may not hold office for more than six years.3/

1/ As amended by decree published in the Diario Oficial of April 29, 1933.

2/ As amended by decree published on October 17, 1953.

3/ As amended by decree published on January 8, 1943.

The election of governors of the States and the local legislatures shall be direct and in the manner prescribed by their respective electoral laws.

Governors of the States who hold office by regular or special election may not, in any case or for any reason, again occupy that office in an interim, provisional or substitute character, or be in charge of that office in any capacity.

The following may never be reelected for the immediately following term:

- a. A substitute constitutional governor or a governor designated to complete a term in case of the permanent absence of the constitutional governor, even when he has a different official title;
- b. An interim or provisional governor or a citizen who, under any title, replaces the governor during temporary absences, provided he held the office during the law two years of the term.

The constitutional governor of a State must be a Mexican citizen by birth and a native of the State or with actual residence therein for not less than five years immediately preceding the day of the election.

The number of representatives in the state legislature shall be proportional to the inhabitants of each State; but in no case shall there be fewer than seven deputies in States having a population of less than 400,000 inhabitants; or nine in those in which the population exceeds that number but does not reach 800,000; and eleven in States having a population greater than the latter figure.

Deputies to the legislatures of the States may not be reelected for the term immediately following. Alternate deputies may be elected for the term immediately following in the capacity of incumbents, provided they have not performed the duties of an incumbent deputy, but incumbent deputies may not be elected as alternate in the term immediately following.

In accordance with the legislation enacted in each of the federal entities, there shall be introduced the system of minority deputies in the election of local legislatures and the principle of proportional representation in the

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election of council members of municipalities with a population of 300,000 or more inhabitants.^{1/}

IV.2/ Within their jurisdictions the States and municipalities shall issue the laws, regulations and administrative ordinances which are necessary to comply with the objectives indicated in the third paragraph of Article 27 of this Constitution with respect to urban centers in accordance with the federal law on the subject.

V.2/ When two or more urban centers situated within the municipal territories of two or more federal entities form or tend to form a geographic unit, the Federation, federal entities and municipalities concerned shall, within their jurisdiction, plan and regulate in a joint and coordinate manner the development of those centers pursuant to the federal law on the subject.

Article 116. The States have the power to fix their respective boundaries among themselves, by amicable agreements; but such agreements will not be put into effect without the approval of the Congress of the Union.

Article 117. The states may not in any case:

I. Make any alliance, treaty or coalition with another State, or with foreign powers;

II.3/ [Deleted].

III. Coin money, issue paper money, stamps, or stamped paper;

IV. Levy duty on persons or goods passing through their territory;

^{1/} Added by decree published in the Diario Oficial of December 6, 1977, which entered into force on the following day.

^{2/} As amended by decree published in the Diario Oficial of February 6, 1976.

^{3/} Deleted by amendment published on October 21, 1966.

V. Prohibit or levy duty directly or indirectly, upon the entrance into or exit from their territory of any domestic or foreign goods;

VI. Tax the circulation of domestic or foreign goods by imposts or duties, the exaction of which is made by local customhouses, requiring inspection or registration of packages or documentation to accompany the goods;

VII. Enact or maintain in force fiscal laws or provisions that relate to differences in duties or requirements by reason of the origin of domestic or foreign goods, whether this difference is established because of similar production in the locality or because among such similar production there is a different place or origin;

VIII.1/ Issue bonds of public debt payable in foreign currency or outside the national territory; contract loans directly or indirectly with the governments of other nations, or contract obligations in favor of foreign companies or individuals, when the bonds or securities are payable to bearer or are transferable by endorsement;

States and municipalities may not negotiate loans except for the execution of works intended to produce directly an increase in their revenues.2/

IX.3/ Levy duties on the production, storage, or sale of leaf tobacco in a manner distinct from or with quotas greater than those authorized by the Congress of the Union.

The Congress of the Union and the state legislatures shall enact laws designed to combat alcoholism.

Article 118. Nor shall the States, without the consent of the Congress of the Union:

1/ As amended by decree published in the Diario Oficial of October 24, 1942, which entered into force on November 1.

2/ Paragraph added by decree published on December 30, 1946, which entered into force three days later.

3/ This paragraph added by decree published on October 24, 1942.

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I. Establish ship tonnage dues or any other port charges, or levy imposts or taxes on imports or exports;

II. Have at any time permanent troops or ships of war;

III. Make war themselves on any foreign power, except in cases of invasion and of danger so imminent that it does not admit of delay. In such cases, a report shall be made immediately to the President of the Republic.

Article 119. Each State has the obligation to deliver without delay the criminals of another State or of a foreign State to the authorities who claim them.

In such cases, the writ of the judge who orders the certificate of extradition shall be sufficient to cause detention of the accused for one month in the case of extradition between States and for two months if it is international.

Article 120. The governors of the States are required to publish and enforce federal laws.

Article 121. Full faith and credit shall be given in each State of the Federation to the public acts, registries, and judicial proceedings of all the others. The Congress of the Union, through general laws, shall prescribe the manner of proving such acts, registries, and proceedings, and their effect, by subjecting them to the following principles:

I. The laws of a State shall have effect only within its own territory and consequently are not binding outside of that State;

II. Real and personal property shall be subject to the laws of the place in which they are located;

III. Judgments pronounced by the courts of one State on real rights or real property located in another State shall have executory effect in the latter only if its own laws so provide;

Judgments on personal rights shall be executed in another State only when the defendant has expressly or by reason of domicile submitted to the court that pronounced it, and provided he has been personally cited to appear at the judicial hearing;

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IV. Acts of civil status done in accordance with the laws of one State shall have validity in the others;

V. Professional degrees issued by the authorities of one State, subject to its laws, shall be respected in the others.

Article 122. The powers of the Union have the duty of protecting the States against all foreign invasion or violence. In any case of internal uprising or disturbance, they shall give equal protection, provided it is requested by the legislature of the State or by its Executive if the former is not assembled.

TITLE VI

Labor and Social Security

Article 123.1/ Every person is entitled to suitable work that is socially useful. Toward this end, the creation of jobs and social organization for labor shall be promoted in conformance with the law. The Congress of the Union, without contravening the following basic principles, shall enact labor laws which shall apply to:

A. Workers, day laborers, domestic servants, artisans (obreros, jornaleros, empleados domésticos, artesanos) and in a general way to all labor contracts;

I. The maximum duration of work for one day shall be eight hours.

II.2/ The maximum duration of nightwork shall be seven hours. The following are prohibited for minors under sixteen years of age: unhealthful or hazardous work, industrial nightwork, and work (of any kind) after ten o'clock at night.

1/ Amended by decrees published in the Diario Oficial of September 6, 1929 and December 5, 1960, which entered into force on the following day.

2/ As amended by decrees published on November 21, 1962 and December 31, 1974, which entered into force on the following day.

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III.1/ The use of labor of minors under fourteen years of age is prohibited. Persons above that age and less than sixteen shall have a maximum work day of six hours.

IV. For every six days of work a worker must have at least one day of rest.

V.2/ Women in a state of pregnancy shall not perform physical labor which requires considerable effort and which could be hazardous to their health. They shall necessarily be entitled to six weeks' leave prior to the approximate date of childbirth and to six weeks' leave thereafter, and shall receive their full wages and retain their employment and the rights acquired under their labor contract. During the nursing period they shall have two extra rest periods each day, of a half hour each, for nursing their children.

VI.1/ The minimum wage to be received by a worker shall be general or according to occupation. The former shall govern in one or more economic zones; the latter shall be applicable to specified branches of industry or commerce or to special occupations, trades, or labor.

The general minimum wage must be sufficient to satisfy the normal material, social, and cultural needs of the head of a family and to provide for the mandatory education of his children. The minimum occupational wage shall be fixed by also taking into consideration the conditions of different industrial and commercial activities.

Farm workers shall be entitled to a minimum wage adequate to their needs.

The minimum wage is to be fixed by regional committees, composed of representatives of workers, employers, and the Government, and will be subject to approval by a national committee, organized in the same manner as the regional committees.

VII. Equal wages shall be paid for equal work, regardless of sex or nationality.

1/ As amended by decree published in the Diario Oficial of November 21, 1962, which entered into force on the following day.

2/ As amended by decree published on December 31, 1974, which entered into force on the following day.

VIII. The minimum wage shall be exempt from attachment, compensation, or deduction.

IX.1/ Workers shall be entitled to a participation in the profits of enterprises, regulated in conformity with the following rules:

- a. A national committee, composed of representatives of workers, employers, and the Government, shall fix the percentage of profits to be distributed among workers;
- b. The national committee shall undertake research and make necessary and appropriate studies in order to become acquainted with the general conditions of the national economy. It shall also take into consideration the need to promote the industrial development of the country, the reasonable return that should be obtained by capital, and the necessary reinvestment of capital;
- c. The committee may revise the fixed percentage whenever new studies and research so justify;
- d. The law may exempt newly established enterprises from the obligation of sharing profits for a specified and limited number of years, as well as exploration work and other activities when justified by their nature or peculiar conditions;
- e. To determine the amount of the profits of each enterprise the basis to be taken is the taxable income according to the provisions of the income tax law. Workers may submit to the appropriate office of the Secretariat of Finance and Public Credit any objections they may deem pertinent, in accordance with procedure indicated in the law;
- f. The right of workers to participate in profits does not imply the power to intervene in the direction or administration of an enterprise.

1/ As amended by decrees published on November 4, 1933 and November 21, 1962, which entered into force on the following day.

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X. Wages must necessarily be paid in money of legal tender and cannot be paid in goods, promissory notes, or any other token intended as a substitute for money.

XI.1/ Whenever, due to extraordinary circumstances, the regular working hours of a day must be increased, one hundred percent shall be added to the amount for regular hours of work as remuneration for the overtime. Overtime work may never exceed three hours a day nor three times consecutively. Persons under sixteen years of age may not be permitted to work overtime.

XII.2/ In any agricultural, industrial, or mining enterprise or in any other kind of work, employers shall be obliged, as determined by law, to furnish workmen comfortable and hygienic living quarters. This obligation shall be met with contributions to be made by the enterprises to a national housing fund to serve as deposits in behalf of their workers and to establish a financing arrangement that will permit them to receive sufficient low-cost credit to enable them to acquire their housing in ownership.

It is considered that it would be of social utility to enact legislation for the creation of an agency composed of representatives of the Federal Government, the workers, and the employers for the purpose of administering the resources of this national housing fund. Such legislation would regulate the methods and procedures by which workers could acquire housing in ownership.

The enterprises referred to above that are not located in urban areas are obliged to establish schools, clinics, and any other services necessary to the community.

In addition, in these same work centers, when the population exceeds 200 inhabitants, a tract of land of not less than five thousand square meters must be reserved for the establishment of public markets, the erection of buildings destined for municipal services, and recreation centers.

1/ As amended by decree published in the Diario Oficial of December 31, 1974, which entered into force the following day.

2/ As amended by decree published on February 14, 1972, which entered into force 15 days later.

Establishments for the sale of intoxicating liquors and houses for games of chance are prohibited in all work centers.^{1/}

XIII.1/ Regardless of their activity, enterprises shall be obligated to provide their workers training or instruction for the work. The regulatory law shall determine the systems, methods and procedures according to which employers must comply with this obligation.

XIV. Employers shall be responsible for work injuries and for occupational diseases of workers, contracted because of or in the performance of their work or occupation; therefore, employers shall pay the corresponding indemnification whether death or only temporary or permanent disability has resulted, in accordance with what the law prescribes. This responsibility shall exist even if the employer contracts for the work through an intermediary.

XV.2/ An employer shall be required to observe, in the installation of his establishments, the legal regulations on hygiene and safety, and to adopt adequate measures for the prevention of accidents in the use of machines, instruments, and materials of labor, as well as to organize the same in such a way as to ensure the greatest possible guarantee for the health and safety of workers and of unborn children in the case of pregnant women, under the penalties established by law in each case.

XVI. Both employers and workers shall have the right to organize for the defense of their respective interests, by forming unions, professional associations, etc.

XVII. The laws shall recognize strikes and lockouts as rights of workmen and employers.

1/ Paragraph added by decree published in the Diario Oficial of January 9, 1978, which entered into force on the following day.

2/ As amended by decree published on December 31, 1974, which entered into force on the following day.

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XVIII.1/ Strikes shall be lawful when they have as their purpose the attaining of an equilibrium among the various factors of production, by harmonizing the rights of labor with those of capital. In public services it shall be mandatory for workers to give notice ten days in advance to the Conciliation and Arbitration Board as to the date agreed upon for the suspension of work. Strikes shall be considered unlawful only when the majority of strikers engage in acts of violence against persons or property, or in the event of war, when the workers belong to establishments or services of the Government.

XIX. Lockout shall be lawful only when a production surplus makes it necessary to suspend work to maintain prices at a level with costs, and with prior approval of the Conciliation and Arbitration Board.

XX. Differences or disputes between capital and labor shall be subject to the decisions of a Conciliation and Arbitration Board, consisting of an equal number of representatives of workmen and employers, with one from the Government.

XXI.2/ If an employer refuses to submit his differences to arbitration or to accept the decision rendered by the Board, the labor contract shall be considered terminated and he shall be obliged to indemnify the worker to the amount of three months' wages and shall incur any liability resulting from the dispute. This provision shall not be applicable in the case of actions covered in the following section. If the refusal is made by workers, the labor contract shall be considered terminated.

XXII.2/ An employer who dismisses a worker without justifiable cause or because he has entered an association or union, or for having taken part in a lawful strike, shall be required, at the election of the worker, either to fulfill the contract or to indemnify him to the amount of three months' wages. The law shall specify those cases in which the employer may be exempted from the obligation

1/ As amended by decree published in the Diario Oficial on December 31, 1938.

2/ As amended by decree published on November 21, 1962, which entered into force on the following day.

of fulfilling the contract by payment of an indemnity. He shall also have the obligation to indemnify a worker to the amount of three months' wages, if the worker leaves his employment due to lack of honesty on the part of the employer or because of ill treatment from him, either to himself or to his wife, parents, children, or brothers and sisters. An employer may not relieve himself of this responsibility when the ill treatment is attributable to his subordinates or members of his family acting with his consent or tolerance.

XXIII. Credits in favor of workers for wages or salary earned within the last year, and for indemnity compensation, shall have priority over all other obligations in the event of receivership or bankruptcy.

XXIV. A worker alone shall be responsible for debts contracted by himself and payable to his employer, his associates, members of his family, or dependents, and in no case and for no purpose may payment be exacted from members of the worker's family, nor are these debts demandable for an amount exceeding the wages of the worker for one month.

XXV.1/ Services of employment placement for workers shall be gratuitous, whether such service is performed by a municipal office, labor exchange, or any other official or private institution.

In offering this service, the labor demand will be taken into account and under equal conditions priority will be given to persons providing the only source of income in the family.

XXVI. Every labor contract made between a Mexican and a foreign employer must be notarized by a competent municipal authority and countersigned by the consul of the nation to which the worker intends to go, because, in addition to the ordinary stipulations, it shall be clearly specified that the expenses of repatriation shall be borne by the contracting employer.

1/ As amended by decree published on December 31, 1974, which entered into force on the following day.

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XXVII. The following conditions shall be considered null and void and not binding on the contracting parties, even if expressed in the contract:

- a. Those stipulating a day's work that is inhuman because it is obviously excessive, considering the kind of work;
- b. Those fixing wages that are not remunerative, in the judgment of Conciliation and Arbitration Boards;
- c. Those stipulating a period of more than one week before payment of a day's wages;
- d. Those indicating as the place of payment of wages a place of recreation, an inn, café, tavern, bar, or store, except for the payment of employees of such establishments;
- e. Those including the direct or indirect obligation of acquiring consumer goods in specified stores or places;
- f. Those permitting the retention of wages as a fine;
- g. Those constituting a waiver by the worker of indemnification to which he is entitled due to work injuries or occupational diseases; damages occasioned by the nonfulfillment of the contract, or by being discharged;
- h. All other stipulations implying the waiving of any right designed to favor the worker in the laws of protection and assistance for workmen.

XXVIII. The laws shall determine what property constitutes the homestead, property that shall be inalienable, not subject to encumbrances or attachment, and that shall be transferable by inheritance with simplification of the formalities procedural of succession.

XXIX.1/ Enactment of a social security law shall be considered of public interest and it shall include

1/ As amended by decrees published in the Diario Oficial of September 6, 1929 and December 31, 1974, which entered into force on the following day.

insurance against disability, old age, on life, against involuntary unemployment, against sickness and accidents, infant care services, and other forms of insurance for the protection and well-being of factory workers, rural workers and non-salaried workers and other workers in other social sectors and their families.

XXX. Likewise, cooperative societies established for the construction of low-cost and hygienic houses to be purchased on instalments by workers shall be considered of social utility.

XXXI.1/ Enforcement of the labor laws belongs to the authorities of the States, in their respective jurisdictions, but it is the exclusive jurisdiction of the federal authorities in matters relating to the textile, electrical, motion picture, rubber, sugar, mining, petrochemical, metallurgical, and steel industries, including the exploitation of basic minerals, their processing and smelting, as well as the production of iron and steel in all their forms and alloys and rolled products, hydrocarbons, cement, automobiles, including mechanical and electrical parts, pharmaceuticals and medicines, wood pulp and paper, vegetable oils and fats, food packaging and canning, bottled beverages, railroads, basic lumber, including the manufacture of plywood; glass and bottles and other glass containers; tobacco and tobacco products; and enterprises that are administered directly or in decentralized form by the Federal Government; enterprises that operate by virtue of a federal contract or concession, and connected industries; enterprises that carry on work in federal zones and territorial waters or within the exclusive economic zone of the country; disputes that affect two or more federal entities; collective contracts that have been declared obligatory in more than one federal entity; obligations in educational matters that belong to employers in the manner and form fixed by the respective law, as well as those relating to the training and instruction of their workers, for which federal authorities shall have the assistance

1/ This section added by decree published on November 18, 1942, and amended by decree published on November 21, 1962 and by declaration of February 6, 1975, and finally amended by decree published on January 9, 1978, which entered into force on the following day.

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of state authorities in matters where the local jurisdiction is involved, as the applicable regulatory law may require.

B.1/ The branches of the Union, the government of the Federal District and their workers:

I. The maximum working day for day and nightwork shall be eight and seven hours, respectively. Those in excess will be overtime and will be paid by a one hundred percent addition to the remuneration fixed for regular service. In no case may overtime exceed three hours a day or three consecutive times.

II. For every six days of work a worker shall be entitled to one day of rest, at least, with full wages.

III. Workers shall be entitled to vacations of not less than twenty days a year.

IV. Wages shall be fixed in the respective budgets, and their amount may not be decreased while a given budget is in effect.

In no case may wages be lower than the minimum for workers in general in the Federal District and in agencies of the Republic.^{2/}

V. Equal wages shall be paid for equal work, without regard to sex.

VI. Withholdings, discounts, deductions, or attachments from wages may be made only in those cases provided by law.

VII. The appointment of personnel shall be made by systems which permit a determination of the skills and aptitudes of applicants. The State shall organize schools of public administration.

^{1/} Added by decree published in the Diario Oficial of October 21, 1960, published on December 5, 1960 and amended by decree published on October 8, 1974.

^{2/} As amended by decree published on November 27, 1961.

VIII.1/ Workers shall be entitled to the rights of a classification scale so that promotions may be made on the basis of skills, aptitudes, and seniority. Under equal conditions priority will be given to persons providing the only source of income in the family.

IX. Workers may be suspended or discharged only on justifiable grounds, for reasons prescribed by law.

In the event of unjustifiable discharge, a worker has the right to choose between reinstatement in his work or to appropriate indemnity, determined by legal proceedings. In case of abolishment of positions, the affected workers shall have the right to another position equivalent to the one abolished or to an indemnity.

X. Workers shall have the right to associate together for the protection of their common interests. They may also make use of the right to strike after first complying with requirements prescribed by law, with respect to one or more offices of the public powers, whenever the rights affirmed by this article are generally and systematically violated.

XI. Social security shall be organized on the following minimum bases:

- a. It shall cover work injuries and occupational diseases, non-occupational illness and maternity; and retirement, disability, old age, and death.
- b. In case of accident or illness, the right to work shall be retained for the time specified by law.
- c. Women in a state of pregnancy shall not perform physical labor that requires considerable effort and that could be injurious to their health. They shall necessarily be entitled to one month's leave prior to the approximate date indicated for childbirth and to two months' leave after such date, and shall receive their full wages and retain their employment and the rights acquired under their labor

1/ As amended by decree published in the Diario Oficial of December 31, 1974, which entered into force on the following day.

contract. During the nursing period they shall have two extra rest periods a day, of a half hour each, for nursing their children. In addition, they are entitled to medical and obstetrical care, medicines, nursing aid, and infant care services.^{1/}

- d. Members of a worker's family shall be entitled to medical care and medicines, in those cases and in the proportions specified by law.
- e. Centers are to be established for vacations and convalescence, as well as economy stores for the benefit of workers and their families.
- f.^{2/} Workers will be allotted low-cost housing for rent or sale, in accordance with previously approved programs. Furthermore, the State shall establish, with the contributions it makes, a national housing fund to contain deposits for those workers and to provide a system of financing that will grant them sufficient low-cost loans to enable them to acquire comfortable and hygienic homes in ownership or else to construct, repair or improve them or to pay debts resulting from such expenditures.

The contributions that are made to this fund shall be delivered to the agency in charge of social security, which shall regulate in its laws the form and procedure according to which the fund will be administered and the loans will be granted and awarded.

XII. Individual, collective, and interunion disputes shall be submitted to a federal conciliation and arbitration tribunal to be organized as provided in the regulatory law.

Disputes between the federal judicial branch and its employees shall be settled by the plenary Supreme Court of Justice of the Nation.

^{1/} As amended by decree published in the Diario Oficial of December 31, 1974, which entered into force on the following day.

^{2/} As amended by decree published on November 10, 1972, which entered into force on the following day.

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XIII. Military and naval personnel and members of the public security corps, and personnel of the foreign service, shall be governed by their own laws.

The State shall provide members of the army, the air force and the navy in active status with the loans referred to in section IX (f) above in similar terms and through the agency in charge of social security of the branches of the armed forces.^{1/}

XIV. The law shall determine what positions are to be regarded as those of personal trust (de confianza). Persons who hold such positions shall be entitled to the benefits of measures for the protection of wages and social security.

TITLE VII

General Considerations

Article 124. The powers not expressly granted by this Constitution to federal officials are understood to be reserved to the States.

Article 125. No individual may fill two popularly elected federal offices at the same time, nor one federal and one state office, also by popular election; but an elected candidate may choose which of the two he desires to hold.

Article 126. No payment may be made that is not included in the budget or provided for by a subsequent law.

Article 127. The President of the Republic, the members of the Supreme Court of Justice, the deputies and senators, and other elective public officials of the Federation shall receive a compensation for their services that shall be specified by law and paid by the federal Treasury. This compensation cannot be refused and any law that increases or decreases it shall not take effect during the term in which an official holds office.

^{1/} Paragraph added by decree published in the Diario Oficial of November 10, 1972, which entered into force on the following day.

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Article 128. Every public official, without exception of any kind, before taking office, shall take an oath to uphold the Constitution and the laws emanating therefrom.

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Article 129. No military authority may, in time of peace, perform any functions other than those that are directly connected with military affairs. There shall be fixed and permanent military commands only in the castles, forts, and warehouses immediately subordinate to the Government of the Union; or in encampments, barracks, or arsenals established for the quartering of troops outside towns.

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Article 130.1/ The federal powers shall exercise the supervision required by law in matters relating to religious worship and outward ecclesiastical forms. Other authorities shall act as auxiliaries of the Federation.

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Congress cannot enact laws establishing or prohibiting any religion.

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Marriage is a civil contract. This and other acts relating to the civil status of persons are within the exclusive competence of civil officials and authorities, in the manner prescribed by law, and shall have the force and validity defined by said law.

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The law does not recognize any personality in religious groups called churches.

Ministers of denominations shall be considered as persons who practice a profession and shall be directly subject to the laws enacted on such matters.

Only the legislatures of the States shall have the power to determine the maximum number of ministers of denominations necessary for local needs.

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1/ As amended by decree published in the Diario Oficial of February 19, 1951.

To practice the ministry of any denomination in the United Mexican States it is necessary to be a Mexican by birth.

Ministers of denominations may never, in a public or private meeting constituting an assembly, or in acts of worship or religious propaganda, criticize the fundamental laws of the country or the authorities of the Government, specifically or generally. They shall not have an active or passive vote nor the right to form associations for political purposes.

Permission to dedicate new places of worship open to the public must be obtained from the Secretariat of Government, with the prior consent of the government of the State. There must be in every church building a representative who is responsible to the authorities for compliance with the laws on religious worship in such building, and for the objects pertaining to the worship.

The representative of each church building, jointly with ten other residents of the vicinity, shall inform the municipal authorities immediately who is the person in charge of the church in question. Any change of ministry must be reported by the departing minister in person, accompanied by the new incumbent and ten other residents. The municipal authority, under penalty of removal from office and a fine of up to one thousand pesos for each violation, shall see that this provision is complied with; under the same penalty, he shall keep one registry book of church buildings and another of the representatives in charge. The municipal authority shall give notice to the Secretariat of Government, through the governor of the State, of every permit to open a new church building to the public, or of any changes among representative in charge. Donations in the form of movable objects shall be kept in the interior of church buildings.

No privileges shall be granted or confirmed, nor shall any other step be taken which has for its purpose the validation in official courses of study, or courses pursued in establishments devoted to the professional training of ministers of religion. Any authority who violates this provision shall be criminally liable, and the privilege or step referred to shall be void and shall thereby cause the voidance of the professional degree for the attainment of which the violation of this provision was made.

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Periodical publications of a religious character, whether they be such because of their program, title, or merely because of their general tendencies, may not comment on national political matters or public information on acts of the authorities of the country or of private persons directly related to the functioning of public institutions.

The formation of any kind of political group, the name of which contains any word or indication whatever that it is related to any religious denomination, is strictly prohibited. Meetings of a political character may not be held in places of worship.

A minister of any denomination may not himself or through an intermediary inherit or receive any real property occupied by any association for religious propaganda or for religious or charitable purposes. Ministers of denominations are legally incapacitated as testamentary heirs of ministers of the same denomination or of any private person who is not related to them within the fourth degree.

The acquisition by private parties of personal or real property owned by the clergy or by religious organizations shall be governed by Article 27 of this Constitution.

Trials for violation of the above provisions shall never be heard before a jury.

Article 131.1/ The Federation has exclusive power to levy duties on goods that are imported or exported or that pass in transit through the national territory, as well as to regulate at all times, and even to prohibit, for police or security reasons, the circulation in the interior of the Republic of all classes of goods, regardless of origin; however, the Federation itself may not establish or enact, in the Federal District, those taxes and laws mentioned in sections VI and VII of Article 117.

The Executive may be empowered by the Congress of the Union to increase, decrease, or abolish tariff rates on imports and exports that were imposed by the Congress

1/ As amended by decree published in the Diario Oficial of October 8, 1974.

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itself, and to establish others; likewise to restrict and to prohibit the importation, exportation, or transit of articles, products, and goods, when he deems this expedient for the purpose of regulating foreign commerce, the economy of the country, the stability of domestic production, or for accomplishing any other purpose to the benefit of the country. The Executive himself, in submitting the fiscal budget to Congress each year, shall submit for its approval the use that he has made of this power.^{1/}

Article 132. The forts, barracks, storage warehouses, and other buildings used by the Government of the Union for public service or for common use shall be subject to the jurisdiction of the federal powers in accordance with provisions to be established in a law enacted by the Congress of the Union; but, in order that property acquired in the future within the territory of any State shall likewise be under federal jurisdiction, the consent of the respective legislature shall be necessary.

Article 133.2/ This Constitution, the laws of the Congress of the Union which emanate therefrom, and all treaties made, or which shall be made in accordance therewith by the President of the Republic, with the approval of the Senate, shall be the supreme law throughout the Union. The judges of every State shall be bound to the said Constitution, the laws, and treaties, notwithstanding any contradictory provisions that may appear in the constitution or laws of the States.

Article 134. All contracts that the Government may negotiate for the execution of public works shall be awarded by auction, after a call for bids to be submitted under seal and opened in public meeting.

^{1/} Paragraph added by decree published in the Diario Oficial of March 28, 1951, which entered into force on the following day.

^{2/} As amended by decree published on January 18, 1934.

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TITLE VIII

Amendments to the Constitution

Article 135.1/ The present Constitution may be added to or amended. In order that the additions or amendments shall become a part thereof, it shall be required that the Congress of the Union, by a vote of two thirds of the members present, agree to the amendments or additions and that they be approved by a majority of the legislatures of the State. The Congress of the Union or the Permanent Committee, as the case may be, shall count the votes of the legislatures and shall announce those additions or amendments that have been approved.

TITLE IX

The Inviolability of the Constitution

Article 136. This constitution shall not lose its force and effect, even if its observance is interrupted by rebellion. In the event that a government whose principles are contrary to those that are sanctioned herein should become established through any public disturbance, as soon as the people recover their liberty its observance shall be reestablished, and those who have taken part in the government emanating from the rebellion, as well as those who have cooperated with such persons, shall be tried in accordance with this Constitution and the laws that have been enacted by virtue thereof.

TRANSITORY ARTICLES

Article 1. This Constitution shall be published at once and, with the greatest solemnity, affirmation shall be made to preserve it and cause it to be preserved throughout the Republic; but with exception of the provisions relating to the election of the supreme federal and state powers, which shall enter into force at once, it shall not take effect until the first day of May 1917, on which date the Constitutional Congress shall be formally installed and the

^{1/} As amended by decree published on October 21, 1966, which entered into force three days later.

citizen elected in the next elections shall make the affirmation of law so as to exercise the office of President of the Republic.

In the elections that must be called in accordance with the following article, section V of Article 82 shall not apply, nor shall it be an impediment to being a deputy or senator to be in active service in the army, provided such service is not in command of forces in the electoral district in question; neither shall secretaries and sub-secretaries of state be barred from election to the next Congress of the Union, provided that they have been definitely separated from their position on the day that the respective call is issued.

Article 2. As soon as this Constitution is published, the citizen entrusted with the executive branch of the Nation shall call for election of the federal powers, endeavoring to do this in such a way that the Congress shall be organized promptly in order that, following the count of the votes cast in the presidential election, it may declare who has been elected President of the Republic, so that he may comply with the provisions of the preceding article.

Article 3. The next constitutional term for deputies and senators shall begin to run as of last September first, and for the President of the Republic from December 1, 1916.

Article 4. Senators bearing even numbers at the next election shall hold office for two years only, in order that thereafter one half of the Chamber of Senators shall be renewed every two years.

Article 5. The congress of the Union shall elect the justices of the Supreme Court of Justice of the nation next May in order that this august body shall be installed by June first.

At this election Article 96 shall not govern with respect to the proposals of candidates by the local legislatures; but candidates shall be so proposed for the first two-year term provided for in Article 94.

Article 6. The Congress of the Union shall have an extraordinary session period which will begin April 5, 1917, in order to organize the electoral college, to count

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the votes and approve the election of a President of the Republic, by appropriate declaration; and also to enact the Organic Law for the circuit and district courts and the Organic Law for the Federal District and territorial courts in order that the Supreme Court of Justice of the Nation may immediately appoint the circuit magistrates and district judges, and the Congress of the Union may select the judges of first instance for the Federal District and Territories; it shall also enact all laws requested by the executive branch of the nation. The circuit magistrates and district judges and the magistrates and judges of the Federal District and territories must assume office before July 1, 1917, at which time those persons who had been appointed by the official in charge of the executive branch of the nation shall cease to function.

Article 7. This once, the count of the votes for Senators shall be made by the counting board of the first electoral district in each State or the Federal District, as organized for counting the votes for deputies, and these boards shall issue appropriate credentials to the senators elected.

Article 8. The Supreme Court of Justice of the Nation shall rule on pending cases in amparo, subject to laws in effect.

Article 9. The citizen in command of the constitutionalist army, entrusted with the executive power of the Union, is empowered to issue the Electoral Law, under which, this once, the elections shall be held to fill the powers of the Union.

Article 10. Persons who have taken part in the government formed by the rebellion against the legitimate Government of the Republic, or those who cooperated with it, afterwards taking up arms or holding office or employment with the factions that attacked the constitutionalist Government, shall be tried under laws in force, unless pardoned by such Government.

Article 11. Until the Congress of the Union and the State legislatures enact laws governing the agrarian and labor problems, the bases established in this Constitution for these laws shall be put into effect throughout the Republic.

Article 12. Mexicans who have fought in the constitutionalist army, and their children and widows, and other persons who rendered services to the cause of the Revolution or to public education shall have priority in the acquisition of parcels of land referred to in Article 27 and the right to discount specified by law.

Article 13. All debts contracted by workers, by reason of their labor, up to the date of this Constitution, with employers, their families, or intermediaries are hereby extinguished in full.

Article 14. The Secretariat of Justice is hereby abolished.^{1/}

Article 15. The citizen entrusted with the executive power of the nation is empowered to issue a law on civil liability applicable to the principals, accomplices, and concealers of crimes perpetrated against the constitutional order during the month of February 1913 and against the constitutionalist Government.

Article 16. The constitutionalist Congress, in its regular session, beginning September 1 this year, shall enact all organic laws of the Constitution that have not already been enacted in the extraordinary period referred to in transitory Article 6, and shall give priority to laws relating to individual guarantees and to Articles 30, 32, 33, 35, 36, 38, 107 and the final part of Article 111 of this Constitution.

(Original text signed at Querétaro on January 31, 1917).

Text translated from Constitución Política de los Estados Unidos Mexicanos, Sexagésima Octava Edición, 1981, Editorial Porrúa, S.A., México, D.F.

^{1/} As amended by decree published in the Diario Oficial of July 8, 1921.

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AMENDMENTS TO THE 1917 CONSTITUTION OF MEXICO
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Article 29.1/ In the event of invasion, serious disturbance of the public peace, or any other event which may place society in great danger or conflict, only the President of the United Mexican States, with the consent of the heads of the Secretariats of State, the administrative agencies, and the Comptrollership General of the Republic, and with the approval of the Congress of the Union or, during adjournment of the latter, of the Permanent Committee, may suspend throughout the country or in a specified place the guarantees which present an obstacle to a rapid and ready confrontation of the situation; but he must do so for a limited time, by means of general preventive measures without such suspensions being limited to a specified individual. If the suspension should occur while the Congress is in session, the latter shall grant such authorizations as it deems necessary to enable the Executive to meet the situation. If the suspension occurs during a period of adjournment, the Congress shall be convened without delay in order to grant them.

Article 60.2/ The Chamber of Deputies shall judge the elections of its members through an electoral college composed of 100 deputy candidates: 60 of those elected in the single districts, designated by the political party which, according to the majority votes registered by the Federal Electoral Commission, has obtained the highest number of votes; and 40 of those elected in the multiple districts, designated by the political parties in proportion to the number which for each of them the Federal Electoral Commission had recognized according to the percentage of the votes obtained.

Article 90.3/ The federal public administration shall be centralized and parastate according to the organic law

1. As amended by decree published in the Diario Oficial of April 21, 1981, which entered into force on the following day.

2. As amended by decree published on April 22, 1981, which entered into force on the following day.

3. As amended by decree published in April 21, 1981, which entered into force on the following day.

enacted by Congress which shall distribute the administrative business of the Federation, which shall be dispatched by the secretariats of state and administrative agencies. The law shall also define the general basis for creating parastate entities and the intervention of the Federal Executive in their operation.

The laws shall determine the relations between the parastate entities and the Federal Executive, or between these entities and the secretariats of state and administrative agencies.

Article 92.4/ All regulations, decrees, directives and orders of the President must be signed by the Secretary of State or the Chief of the Administrative Department to which the matter pertains, and without this requisite they shall not be obeyed.

Article 117. The States may not in any case:

...

VIII.5/ Contract obligations or loans directly or indirectly with governments of other nations, with foreign companies or individuals, or when they are payable in foreign currency or outside the national territory.

States and municipalities may not negotiate obligations or loans unless they are intended for productive public investments, including those contracted by decentralized agencies and public enterprises, according to the bases established by the legislatures in a law and for the purposes and amounts that they set annually in their respective budgets. Executives shall report these transactions in rendering public accounts.

Sole transitory paragraph. As soon as the Congress of the Union or the Permanent Committee, as the case may be, declares that the preceding amendment has been approved, it shall be passed on to the Federal Executive for promulgation and publication, and it shall enter into force fifteen days after that declaration has been made.

4. As amended by decree published in April 21, 1981, which entered into force on the following day.

5. As amended by decree published on October 24, 1942, December 30, 1946, and April 21, 1981.

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MEXICO
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