

Committee of 18 Draft

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Translation

I.- The Provisional National Assembly is composed of 120 members.

They are chosen from among:

- political figures having fought for the national cause and enjoying, by their merits, the confidence of the people;
- representatives of various political parties and religious groups, the charters of which have been approved in accordance with regulations;
- representatives of various social classes;
- elected municipal and provincial councilors;
- independent notables not belonging to any political party.

Each member of the Provisional National Assembly must, in addition, fulfill the following conditions:

- be of Vietnamese nationality;
- not to have incurred any sentence for crimes or misdemeanors listed hereafter: theft, fraud, breach of trust, expropriation of public funds, corruption, graft, indecent behavior;
- never have been a member of any anti-nationalist party or organization, nor worked on their behalf.

The seats will be divided among the different regions as follows:

50 for the South
38 for the Center
32 for the North.

II.- The members of the Provisional National Assembly are approved by decree of the Chief of State on the basis of a proposal of the Prime Minister.

The mandate of a member of the Provisional National Assembly ends with the dissolution of the Assembly.

Members of the Provisional National Assembly will receive an emolument which will be fixed by decree.

Membership in the Provisional National Assembly is incompatible with the exercise of a public function.

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Any employee of the administration and any member of the military, whatever may be his position, is considered as having been placed on leave without pay the day he accepts his mandate.

Any member of the Provisional National Assembly who accepts during the course of his mandate any public function from the administration is considered as having surrendered his mandate.

This provision does not apply with respect to:

- a member of the Government,
- a University professor,
- an individual charged with a temporary or special mission by the Government.

In case a member of the Provisional National Assembly is asked to participate in the Government, he must obtain the permission of the Assembly before accepting.

No member of the Assembly may be prosecuted, searched, or arrested because of opinions or votes cast by him in the exercise of his functions.

No member of the Assembly during the term of his mandate may be prosecuted or arrested for a crime or minor violation, except with the authorization of the Assembly, unless caught in the act. The detention or prosecution of a member of the Assembly is suspended if the Assembly requests it.

III.-The Provisional National Assembly functions in accordance with a set of rules which it will determine itself.

The Provisional National Assembly elects its Secretariat by secret ballot and by a majority of the votes cast.

The Secretariat consists of a President, two Vice-Presidents, and six Secretaries.

The Provisional National Assembly meets in regular session once each month on call of its President. The duration of each regular session may not be less than ten days.

The Assembly is called into special session either on the request of the Chief of State or the Prime Minister or at the request of half of its members.

The Assembly may deliberate validly only if at least half of its members is present.

If the above mentioned quorum cannot be brought together, another meeting will take place within 24 hours and this time deliberations of the Assembly are considered as valid no matter how many members are present.

Votes of the Provisional National Assembly are taken by secret ballot and on the basis of an absolute majority of the members present.

Meetings of the National Assembly are public. They are held in secret only upon the request of its President or on the request of the Prime Minister.

Reports of debates are published in the Official Journal of Vietnam.

The Prime Minister and Ministers have access to the Assembly. They have a right to be heard when they request it.

The Provisional National Assembly must examine all questions which are referred to it within a period of five days, except those questions which require a longer delay for study.

Urgency is declared by a decision of the Prime Minister.

IV.- The Provisional National Assembly is responsible for preparing and presenting to the Government within a period of three months the draft of a provisional charter for Vietnam which will be applicable until an elected National Assembly adopts a definitive constitution.

Provisionally, and until the charter mentioned above is in force, the Provisional National Assembly is entitled to exercise the prerogatives listed below.

The Provisional National Assembly gives advice on all questions referred to it by the Prime Minister.

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Its agreement must be requested for all national budget proposals.

It supervises the execution of the budget. It may for this purpose demand to have referred to it all pertinent documents, especially the reports relative to the execution of the budget and the condition of the Treasury.

In case of disagreement between the Government and the Assembly, the Government may request the examination of the matter at a second reading at the next meetings.

If the disagreement continues the dispute will be submitted to arbitration by the Chief of State.

The Provisional National Assembly has the right of interpellation with respect to all questions concerning domestic or foreign policy of the Government to which it may make recommendations.

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