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Democratic National Front’s Reply to Consultation No. 5

민주주의민족전선의 답신안 — 제5호 자문

Democratic National Front · 17 June 1947

Original Korean source · English translation, Gwangbok Archive

Democratic National Front · 17 June 1947

Scope of this edition

This edition translates the complete text of the database’s identified record, which is a reply to Consultation No. 5. It is not the organization’s entire collection of replies to every consultation. The record ends with section VI; no reply to Consultation No. 6 has been silently appended from another record.

The Korean text follows the identified National Institute of Korean History transcription. Historical wording is retained. This edition does not reproduce the repository’s modern explanatory essays or scans.

Text and translation

The Democratic National Front’s Reply

Reply to Consultation No. 5

Organization and Principles of the Korean Provisional Government and Local Political Institutions

I. Civil Rights

As the basic condition for the Korean people, liberated from the Japanese Empire, to build their homeland democratically and develop democratically, they must enjoy the following fundamental democratic rights.

(1) The people are absolutely equal before the law, regardless of sex, property, social origin, education, religious belief, or other circumstances.

(2) All people who have reached twenty years of age possess equal rights to vote and to stand for

election, regardless of sex, property, social origin, education, religious belief, length of residence, or other circumstances.

(3) The people have the rights of democratic speech, publication, assembly, association, religious belief, and demonstration.

(4) The people have the rights of personal liberty, inviolability of the home, and secrecy of correspondence. Restrictions on these rights require a decision by a judge or prosecutor under law and are limited to circumstances unavoidable in criminal investigation.

(5) The people have freedom of residence and of changing their residence.

(6) The people have the right to request protection of their rights from the state and the right to a fair trial.

(7) The people have the right to receive elementary education at state expense.

(8) The people have the right to work.

II. General Form or Character of the Provisional Government

A. General Form

A Democratic Provisional Government of the Korean People’s Republic

The government to be established in our country must take a form in which the people are sovereign and their welfare and happiness are thoroughly guaranteed and improved through democratic methods. The people therefore desire both a Korean People’s Republic, in which everyone except pro-Japanese collaborators and traitors to the nation can participate in politics and have their wishes fully reflected, and the democratic provisional government specified in the Moscow Decision of the Three Foreign Ministers: the international guarantee for rapidly advancing the interests of the entire people by carrying out all democratic tasks and achieving complete sovereign independence. After liberation, the Korean people expressed a truly fervent demand that the country be named the Korean People’s Republic, and strongly supported the Moscow Decision of the Three Foreign Ministers in order to obtain a democratic provisional government. A democratic provisional government of the Korean People’s Republic is the form most cherished and most earnestly desired by the Korean people.

B. Character

A Government of Democratic and Popular Character

First, the government to be established must carry out democratic tasks, promote the people's happiness, and improve their living conditions.

Second, it must faithfully implement the Moscow Decision of the Three Foreign Ministers and achieve complete sovereign independence.

Third, it must be capable of implementing genuinely democratic electoral methods and bringing into being the people's regular government;

Fourth, it must thoroughly purge pro-Japanese collaborators and traitors to the nation and clear away the harmful Japanese legacy.

The people urgently demand a government of this character.

III. The Central Government Organ or Organs Performing Administrative and Legislative Functions

(a) Whether the Korean Provisional Government Must Be Given Legislative Power before a Legislature Is Established through General Elections

The Korean Provisional Government must be given legislative power before a legislative organ is established through general elections.

If the democratic provisional government to be established lacked legislative power, it could not exercise its functions and fulfill its mission. Moreover, because democratic political parties and social organizations within Korea participate broadly in this democratic provisional government, it is in practice the most democratic body and can therefore enact laws properly and democratically.

(b) Character and Composition of the Organ or Organs Performing These Governmental Functions

The supreme organ of political power is the Cabinet. When a regular government is established, the Assembly of People's Representatives will be the supreme organ of power; under the provisional government, however, there is as yet only the Cabinet. The head of the Cabinet is the Prime Minister. It is inappropriate to install a President as head of state. Making the President a single-person organ and concentrating all power there is inappropriate under democratic principles and still less appropriate to Korea's actual circumstances.

The Cabinet consists of the Prime Minister, two Deputy Prime Ministers,

and the Ministers of Home Affairs, Foreign Affairs, Finance, Justice, Military Affairs, Education and Culture, Health, Economy, Agriculture and Forestry, Commerce, Labor, Transportation, and Communications.

The Cabinet performs the following functions:

1. Enacting a new constitution;

2. Electing local organs of political power democratically;

3. Electing a parliament under the new constitution;

4. Directing the Cabinet's administrative ministries and local organs of political power;

5. Establishing foreign policy and concluding treaties with foreign countries;

6. Establishing policies concerning the economy, public security, culture, and other matters;

7. Establishing basic policies on trade with foreign countries;

8. Directing military affairs;

9. Establishing a central bank and a currency system;

10. Organizing and directing judicial and prosecutorial organs;

11. Enacting necessary laws and regulations;

12. Carrying out the purge of pro-Japanese elements;

13. Making decisions on general amnesties;

14. Amending the provisional charter.

(c) Powers and Responsibilities of Cabinet Members and Holders of Important Offices

The Prime Minister represents and leads the Cabinet, convenes Cabinet meetings, and serves as their

chair. The Prime Minister must perform his duties in consultation with the Deputy Prime Ministers and is responsible to the Cabinet meeting.

The Deputy Prime Ministers assist and act for the Prime Minister. They serve as vice-chairs at Cabinet meetings and are responsible to the Cabinet meeting. Their order of precedence is determined in advance to establish the sequence in which they act for the Prime Minister.

Each minister, as a Cabinet member, participates equally in decisions at Cabinet meetings and organizes, directs, and supervises matters within his ministry's jurisdiction. Each is responsible to the Cabinet meeting. Their respective jurisdictions are as follows.

Minister of Home Affairs: supervision of local administration, public security, execution of sentences, public works, and matters not assigned to other ministries.

Minister of Foreign Affairs: foreign relations.

Minister of Finance: budgets, currency, taxes, monopoly enterprises, and economic guidance.

Minister of Justice: direction and supervision of judicial affairs; drafting laws and regulations.

Minister of Military Affairs: organization of the army, navy, and air force; supervision of military-supply production.

Minister of Education and Culture: education, culture, religion, and publication.

Minister of Health: medicine, pharmaceuticals, hygiene, and physical education.

Minister of Economy: manufacturing and mining.

Minister of Agriculture and Forestry: agriculture, forestry, fisheries, and food supplies.

Minister of Commerce: commerce and trade.

Minister of Labor: labor protection and social insurance.

Minister of Transportation: land, sea, and air transportation; railways.

Minister of Communications: postal services and communications.

Secretary-General: liaison among Cabinet ministries, secretarial work, publicity, documents, and seals.

(d) Election or Appointment and Replacement of Cabinet Members and Important Officials of the Organ Performing Administrative and Legislative Functions

1. The Cabinet is organized by the Soviet–American Joint Commission on the basis of proposals from democratic political parties and social organizations, and is constituted upon approval by the four powers.

2. If the Prime Minister dies or resigns for personal reasons, a Deputy Prime Minister is promoted by decision of the Cabinet meeting.

3. Replacement of Deputy Prime Ministers, ministers, and the Secretary-General is decided at a Cabinet meeting.

4. If the Prime Minister alone resigns for political reasons without the Cabinet resigning collectively, the Cabinet meeting determines the succeeding Prime Minister. The same applies in the case of a Deputy Prime Minister.

5. Important officials outside the Cabinet are selected by decision of the Cabinet meeting and appointed by the Prime Minister.

6. The Cabinet's term continues until the regular government is selected.

7. If the Cabinet resigns collectively, a succeeding Cabinet is determined by a conference of representatives of the democratic political parties and social organizations and constituted upon approval by the trustee powers.

(e) Method of Exercising Administrative and Legislative Power

Both administration and legislation are conducted by the Cabinet meeting according to democratic principles. Decisions made at Cabinet meetings are executed and supervised by the ministers as the responsible heads of their respective administrative jurisdictions.

A Cabinet meeting opens with at least two-thirds present and decides by majority vote.

IV. Composition, Organization, Powers, and Responsibilities of Local Political Authorities

(a) Method of Establishing Local Political Institutions

Local political authorities take the form of people's committees. Elections shall be universal, equal, and direct, by secret ballot, with proportional representation.

People's committees are self-governing authorities established through the people's own initiative after discarding the institutions of Japanese imperial rule. They receive the absolute support of the masses. (Only those attached to the institutions of Japanese imperial rule and those desiring antidemocratic despotic rule oppose them.) This form of political authority fully realizes the people's demands, enables participation by every stratum of the people, and is democratic in preventing those holding institutional responsibility from becoming bureaucratized. Adopting instead a system of provincial governors, county magistrates, and township heads would restore the institutions of Japanese imperial rule and establish bureaucratic domination, subjecting the people to oppression and making it impossible to expect the democratization and independence of the homeland.

(b) Organization and Composition of Provincial, City, County, Town, Township, and Village Governmental Organs; Titles, Powers, and Responsibilities of Other Local Officials

Provinces have provincial people's committees; cities, counties, and islands have their respective city, county, and island people's committees; towns and townships have their respective town and township people's committees; and villages and urban neighborhoods have their respective village and neighborhood people's committees as their self-governing political authorities.

A provincial people's committee consists of people's committee members directly elected by the people. They elect from among themselves one chair, two vice-chairs, and one secretary-general. Its administrative departments are the Bureaus of Home Affairs, Finance, Education and Culture, Economy, Agriculture and Forestry, Commerce, Labor, and Health, with a director selected to head each bureau.

City, county, island, town, and township people's committees follow the same arrangement, but their administrative departments are called sections and their responsible heads are called section chiefs.

The provincial people's committee chair represents the committee, convenes it, and serves as its chair at meetings. The vice-chairs assist and act for the chair. The secretary-general coordinates the bureaus and handles secretarial affairs. Each bureau director executes or supervises provincial affairs within his jurisdiction.

The chair, vice-chairs, secretary-general, and bureau directors are responsible to their respective provincial people's committee. The people may recall the provincial people's committee members they elected if those members betray the people's interests.

The powers and responsibilities of chairs, vice-chairs, and secretaries-general of city, county, island, town, and township people's committees, and the recall of their members, follow those of provincial

people’s committees.

Village and neighborhood people’s committees consist of five to seven members, who elect a chair and vice-chair from among themselves. They have no separate departments; in other respects they follow the town and township people’s committees.

(c) Jurisdiction, Powers, and Responsibilities of Local Governmental Organs (Province, City, County, Town, Township, and Village)

The jurisdictional boundaries of provinces, cities, counties, islands, towns, townships, villages, and neighborhoods remain as before, except that Gangwon Province remains divided into north and south as at present.

Provincial people’s committees submit to the direction and supervision of the central government, exercise self-government within their provinces, and direct and supervise subordinate people’s committees.

City, county, island, town, and township people’s committees follow the provincial arrangement.

V. Judicial Organs

(a) Establishment of Judicial Organs

1. Judicial organs are organs of state power responsible for adjudication and prosecution in legal matters and must therefore be constituted and operated on a popular basis. Japanese imperialist laws and judicial organs were institutions that operated to oppress and enslave the Korean people; they must therefore be thoroughly abolished.

2. Courts consist of judges and lay assessors and conduct trials in the people’s name. Prosecution is conducted by prosecutors representing the state.

3. The courts have three organizational levels—city, county, and island courts; provincial courts; and the Supreme Court—but proceedings have two instances. Prosecutorial offices are city, county, and island offices; provincial offices; and the Supreme Prosecutorial Office.

4. Railway courts and prosecutorial offices are established at important railway locations, and military courts and prosecutorial offices within the armed forces. Railway and military courts consist of judges and lay assessors.

(b) Powers and Responsibilities of Courts and Other Judicial Organs

1. Courts conduct civil and criminal trials under law in the people's name to protect popular sovereignty, state property, public property, and other individual rights.

2. Prosecutorial offices monitor whether state laws and regulations are correctly implemented, supervise criminal investigations and preliminary examinations by public-security organs, and institute public prosecutions on the state's behalf. In exercising their authority they obey only the orders of the head of the Supreme Prosecutorial Office.

3. Railway courts and prosecutorial offices and military courts and prosecutorial offices conduct adjudication and prosecution in railway and military matters respectively.

(c) Selection and Replacement of Judicial Officers

Judges, lay assessors, and prosecutors are elected or appointed from among the broad population, excluding Japanese imperialist officials and pro-Japanese elements.

1. Supreme Court judges and lay assessors are elected by the provisional government.

2. Provincial court judges and lay assessors are elected by the relevant provincial people's committee.

3. City, county, and island court judges and lay assessors are elected by the relevant city, county, or island people's committee.

4. The head of the Supreme Prosecutorial Office is appointed by the provisional government; all other prosecutors are appointed by that head.

5. Railway court judges and lay assessors are elected by the relevant provincial people's committee. Lay assessors must, however, be railway employees: technicians, workers, or office staff.

6. Military court judges and lay assessors are elected by the military authorities. Lay assessors must, however, be members of the armed forces.

7. Judges, prosecutors, and lay assessors serve until elections under the constitution have been held and their successors elected or appointed.

8. The organs that elect or appoint judges, prosecutors, and lay assessors possess the power to recall them.

VI. Method of Amending, Adding to, or Deleting from the Provisional Charter

A decision is adopted at a Cabinet meeting with the assent of at least two-thirds of its members.

Editorial and terminology notes

1. The historical source's political claims are the organization's claims. The Korean People's Republic proposed here must not be equated with the Democratic People's Republic of Korea established in 1948. 'People' translates 人民; 'popular' describes the proposed basis of political authority.

2. 參審員 means lay assessors participating with judges, rather than a separate common-law jury. The three organizational levels of courts and two instances of proceedings are distinct requirements.

3. 後見國 is rendered 'trustee powers' in the contemporary trusteeship context. The source proposes establishment through four-power approval; it does not describe an existing elected national government.

4. The Korean transcription includes apparent typographical forms, including 民戰 in the opening heading and 軍爭機關 in section V(c)(6). The translation follows their contextual readings as the Democratic National Front and military authorities. These readings are editorial interpretations, not silently substituted Korean text.

Source and citation

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The underlying organization-authored reply was published in 1947 in 臨時政府樹立大綱 : 美蘇共委諮問案答申集, as recorded by the repository. Its historical Korean text is treated as public domain in the Republic of Korea under the thirty-year term for organization-authored publications in Article 33 of the 1957 Copyright Act. This assessment does not extend to modern editorial commentary, database design, or newly created annotations.

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Korean transcription

民戰의 答申案

第五號에 對한 答申書

朝鮮臨時政府 及 地方政治機構의 構成 及 原則

一、民權

日本帝國으로부터 解放된 朝鮮人民은 民主々義的 으로 祖國을 建設하며 民主々義的으로 發展하기

爲하야 그 基礎條件으로 다음의 民主々義的 基本權利가 享有되여야 할 것이다

(一) 人民은 性別、財產、社會出身、敎育、信仰 等 如何를 不拘하고 法律의 앞에 絕對平等이다

(二) 滿二十歲에 達한 人民은 性別、財產、社會出身、敎育、信仰、居住長短 等 如何를 不拘하고 平等하게 選擧權、被選擧權을 갓는다

(三) 人民은 民主々義的 言論、出版、集會、結社、信仰、示威의 權利를 가진다

(四) 人民은 身體의 自由、居住의 不可侵、信書의 秘密에 關한 權利를 가진다 이權利에 對한 制限은 犯罪搜查上 不得已한 境遇에 限하야 法律에 依하야 判事 또는 檢事의 決定이 있음을 要한다.

(五) 人民은 居住、居住 移轉의 自由을 가진다

(六) 人民은 國家에 對하야 權利 保護를 請求할 權利와 公正한 裁判을 바들 權利를 가진다

(七) 人民은 國家의 負擔으로써 初等敎育을 바들 權利를 가진다

(八) 人民은 勞働의 權利를 가진다

二、臨時政府의 一般的 形態 或은 性袼

A 一般的 形態

朝鮮人民共和國 民主々義臨時政府

樹立될 우리나라의 政府는 人民이 主權者가 되여 人民의 福祉와 幸福을 民主々義的 方法에 依하여 徹底히 保障 向上하는 形態를 가저야 한다 그러므로 親日派、民族叛逆者를 除外하고 人民은 누구던지 政治에 參加하야 그 意思를 充分히 反映시킬 수 있는 나라 朝鮮人民共和國과 民主々義的 모든 課業을 遂行하야 人民 全體의 利益을 急進的 으로 向上시키고 完全한 自主獨立을 成就시키는 國際的 保障인 모스코바 三相決定에 指摘한 民主々義臨時政府를 願하고 있다 解放後 朝鮮人民들은 朝鮮人民共和國을 그의 國號로 하기 爲하야 實로 熱烈한 要求를 表示하였으며 民主々義臨時政府를 가지기 爲하야 모스코바 三相決定을 크게 支持한 것이다 朝鮮人民共和國 民主々義臨時政府는 朝鮮人民이 가장 사랑하고 가장 念願하는 形態이다.

B 性格

民主々義的 人民性格 政府

첫재、樹立될 政府는 民主々義的 課業을 實施하여 人民의 幸福을 增進하고 人民의 生活을 向上시키는 性格의 政府여야 한다.

둘재、모스크바 三相決定을 忠實히 實踐하여 完全 自主獨立을 成就하는 性格의 政府여야 한다.

셋재、眞正한 民主々義的 選擧方法을 實施하여 人民의 正式政府를 造成할 수 있어야 하며

넷재、親日派、民族叛逆者를 徹底히 肅淸하여 日本的 害毒을 淸掃하는 性格의 政府여야 한다.

人民은 이러한 性格의 政府를 切實히 要求하고 있다.

三、行政 及 立法機能을 遂行할 中央政府의 機關 或은 機關들

(가) 總選擧에 依한 立法議員을 創設하기 前에 朝鮮臨時政府에게 法律制定權을 賦與함의 必要 與否.

總選擧에 依한 立法機關을 創設하기前에 朝鮮臨時政府에게 法律制定權을 賦與해야 한다.

萬一 樹立되는 臨時民主々義政府에 法律制定權이 없으면 그 臨時政府는 그 機能을 發揮하야 自身의 使命을 다할 수 없을 것이다 그리고 이 臨時民主々義政府는 朝鮮 內의 民主々義的 政黨과 社會團體가 廣汎하게 參加하여 있는 만큼 그것은 現實에 있어서 가장 民主々義的인 것이며 따라서 民主々義的으

로 올케 法律制定을 할 수 있을 것이다.

(나) 以上의 政務를 遂行하는 機關 或은 機關들의 性質 及 構成

最高政權機關은 內閣이다. 正式政府가 樹立될 때에는 人民代表會議가 最高權力機關인 것이나 臨時政府에서는 아직 內閣 밖에 없다 內閣의 首班은 首相이다. 國家의 元首로 大統領을 두는 것은 올치 않다. 大統領을 單獨制機關으로하고 거기에 權力을 모다 集中하는 것은 民主々義 原則으로 보아도 올치 않을 뿐 아니라 現實의 朝鮮에는 더욱 妥當치 않다.

內閣은 首相、副首相 二名

內務相、外務相、財政相、司法相、軍務相、文敎相、保健相、經濟相、農林相、商務相、勞働相、交通相、通信相으로 構成된다.

內閣은 左의 職務를 遂行한다

1、새 憲法을 制定하는 것

2、地方政權機關을 民主々義的으로 選擧하는 것

3、새 憲法에 依據한 議會를 選擧하는 것

4、內閣 各 行政部와 地方政權機關을 指導하는 것

5、外交政策 樹立과 外國과의 條約을 締結하는 것

6、經濟保安 及 文化 等의 政策을 樹立하는 것

7、外國과의 貿易에 關한 基本方策을 樹立할 것

8、軍事々務를 指導하는 것

9、中央銀行의 設置와 貨幣制度를 確立하는 것

10、裁判 及 撿察機關을 組織하고 指導하는 것

11、必要한 法令을 制定하는 것

12、親日分子 肅淸을 實施하는 것

13、大赦에 關한 決定을 하는 것

14、臨時憲章을 變更하는 것

(다) 各內閣員 及 要職人의 權限 及 責務

首相은 內閣을 代表하며 이것을 統率한다 內閣會議를 召集하며 그 議長이된다. 首相은 반듯이 副首相과 合議하야 그 職務를 遂行하여야 하며 內閣會議 앞에 責任을 진다.

副首相은 首相을 補佐하며 代理한다. 內閣會議에서는 副議長이되며 內閣會議 앞에 責任을 진다. 首相을 代理할 때에는 그 順次로 하기 爲하여 미리 席次를 定하야 둔다.

各部相은 內閣의 一員으로 內閣會議에서 모다 同等하게 決議에 參加하며 各部 所管事項에 對하여 組織 指導하고 監督한다. 內閣會議 앞에 責任을 진다. 各部相의 所管事項은 아래 같다.

內務相……地方監督、保安、行刑、土木 其他 他部에 所屬되지 않은 事項

外務相……外交

財政相……豫算、通貨、稅金、專賣事業、經濟 指導

司法相……司法事務 指導、監督、法令案 起草

軍務相……陸海空軍의 編成、軍需 生産 監督

文敎相……敎育、文化、宗敎、出版

保健相……醫、藥、衛生、體育

經濟相……工、鑛業

農林相……農、林、水産業、食糧

商務相……商業、貿易

勞働相……勞働保護、社會保險

交通相……陸、海、空의 運輸、鐵道

通信相……郵便、通信

書記長……內閣 各部 連絡、秘書、宣傳、文書 印章

(라) 行政 及 立法職務를 遂行할 機關의 內閣員 及 重要任員의 選擧 或은 任命 及 更迭

1. 內閣은 民主々義 政黨、社會團體의 建議에 基礎하여 蘇美共同委員會에서 組織되며 四個國 承認으로서 成立한다.

2、首相이 死去하거나 또는 一身上의 事情으로 辭任한 때는 內閣會議의 決定에 依하야 副首相이 昇格한다.

3、副首相、各部相 及 書記長의 更迭은 內閣會議에서 決定한다.

4、內閣이 總辭職하지 않고 首相만 政治的 理由로 辭任한 때에는 內閣會議에서 後繼首相을 決定한다. 副首相의 때에도 亦是 같다.

5、內閣員 以外의 要員은 內閣會議에서 決定하야 首相이 任命한다.

6、內閣은 正式政府가 選任될 때까지를 그 任期로 한다.

7、內閣이 總辭職하게 될 때에는 後繼內閣은 各民主々義 政黨 及 社會團體의 代表會議에서 決定하고 後見國의 承認으로서 成立한다.

(마) 行政 及 立法權 遂行의 方法

行政 及 立法은 모다 內閣會議가 民主々義的 原則에 依하야 遂行한다 內閣會議에서 決定한 것은 各部相이 各其 所管行政의 責任者로서 執行하며 監督한다.

內閣會議는 三分之二 以上 出席으로 開會하며 過半數로 決定한다.

四、地方政權體의 構成 組織 權限 及 責務

(가) 地方政權機構의 設立 方法

地方政權體는 人民委員會 形態로 한다 一般、平等、直接 選擧制로하며 秘密投票로 하되 比例代表制를 採用할 것이다.

人民委員會는 日帝統治機構를 廢棄하고 人民 自身들의 創意에 依하야 成立된 自治政權이다 그러고 이것은 人民大衆의 絕對支持를 밧고있다 (다만 日帝統治機構에 愛着을 늣기는 者들과 反民主々義的인 專制統治를 希望하는 者들만이 反對하고 있다) 이 政權形態는 人民들의 要求를 充分히 實現하는 것이며 人民의 各階各層이 參加하고 機關擔當者의 官僚化를 防止 할 수 있는 民主々義的인 것이다 萬

一 道知事 郡守 面長 等의 制度로 하면 日帝統治機構에로 複歸하고 官僚支配가 實現되여 人民은 抑壓當하고 祖國의 民主化와 獨立 成就를 期할 수 없기 때문이다.

(나) 道 市 郡 邑 面 里 地方政務機關의 組織構成 及 其他 地方官公吏의 名稱 權限 責務

道에는 道人民委員會、市郡島에는 各々 市郡島人民委員會、邑面은 各々 邑面人民委員會、里洞은 各々 里洞人民委員會가 그 自治的 인 政權이다.

道人民委員會는 人民으로부터 直接選擧된 人民委員들로서 組織되며 委員長 一人、副委員長 二人、書記長 一人을 互選하며 行政部署로서 內務局、財政局、文教局、經濟局、農林局、商業局、勞働局、保健局을 두고 各局 責任者로 局長을 選任한다.

市郡島 及 邑面人民委員會도 모다 이에 準하며 行政部署는 課라 稱한다 課의 責任者는 課長이라 稱한다.

道人民委員長은 道人民委員會를 代表하며 道人民委員會를 召集하고 그 議長이 된다 副委員長은 委員長을 補佐 代理한다 書記長은 各局을 連絡하며 秘書 事務를 掌理한다. 各局長은 道의 所管事務를 執行 또는 監督한다.

道人民委員長、副委員長、書記長 及 各局長 各道人民委員會 압에 責任을 진다 人民은 그들이 選擧한 道人民委員이 人民의 利益을 背叛한 때에는 이를 召還할 수 있다.

市郡島 及 邑面 人民委員會 委員長、副委員長 及 書記長의 權限과 責務 及 人民委員의 召還은 道人民委員會의 그것에 準한다.

里洞人民委員會는 五人-七人의 里洞人民委員으로서 構成되며 委員長 及 副委員長을 互選한다. 里洞人民委員會는 部署를 나노지 않으며 其他는 邑面人民委員會에 準한다

(다) 地方政務機關 (道市郡邑面里)의 管轄範圍 權限 及 責務

各 道、市、郡、島、邑、面、里、洞의 管轄區劃은 모다 從來대로 하되 江原道는 現在대로 南北으로 分割한다.

道人民委員會는 中央政府 指導 監督 下에 服從하며 道內에서의 自治權을 갖이고 下級人民委員會를 指導 監督한다.

市郡島邑面人民委員會는 道人民委員會에 準한다.

五、 司法機關

(가) 司法機의 設置

1、 司法機關은 法律關係에 對한 裁判과 檢察을 掌握하는 國家의 權力機關임으로 人民的으로 構成되며 또 人民的으로 運營되여야 한다 日本 帝國主義 法律과 司法機關은 日本 帝國主義가 朝鮮人民을 抑壓하고 奴隸化시키는 作用을 한 制度이였음으로 이것은 徹底히 廢棄하여야 할 것이다.

2、 裁判所는 判事와 參審員으로 構成하야 人民의 이름으로서 裁判을 行하며 檢察은 檢事가 國家를 代表하야 이것을 行한다

3、 裁判所는 市、郡、島裁判所、道裁判所、最高裁判所의 三段制로 하되 裁判은 二審制로 한다 檢察所는 市、郡、島檢察所、道檢察所、最高檢察所로 한다

4、 鐵道에는 鐵道 重要地點에 鐵道裁判所와 鐵道檢察所를 軍隊에는 軍事裁判所와 軍事檢察所를 둔다 鐵道裁判所와 軍事裁判所는 判事와 參審員으로 構成한다.

(나) 裁判所 及 其他 司法機關의 權限 及 責務

1、 裁判所는 人民의 이름으로서 法律에 依據하야 人民主權、國家財產、公共財產、其他 個人權利를

保護하기 爲하야 民刑事裁判을 行한다.

2、檢察所는 國家法令의 正確한 實施 如何를 監視하며 犯罪에 關하야 保安機關의 搜查 豫審을 監督하며 國家를 代表하야 公訴을 提起한다 檢察所는 그 職權 行使에 있어서 最高檢察所長의 命令에 服從할 뿐이다.

3、鐵道裁判所와 鐵道檢察所、軍事裁判所와 軍事檢察所는 鐵道와 軍事業에 對하야 各各 裁判하며 檢察한다.

(다) 司法官 選出 更迭

判事參審員 及 檢事는 日本 帝國主義 官吏 及 親日分子를 除外하고 廣範한 人民中에 選擧 또는 任命한다.

1、最高裁判所 判事 及 參審員은 臨時政府에서 選擧한다

2、道裁判所判事와 參審員은 當該 道人民委員會에서 選擧한다.

3、市郡島裁判所 判事와 參審員은 當該 市郡島人民委員會에서 選擧한다.

4、最高檢察所長은 臨時政府에서 任命하며 其餘의 檢事는 全部 最高檢察所長이 任命한다.

5、鐵道裁判所 判事와 參審員은 當該 道人民委員會에서 選擧한다 但 參審員은 鐵道從業員 技術者 勞動者 及 事務員임을 要한다.

6、軍事裁判所 判事와 參審員은 軍爭機關에서 選擧한다 但 參審員은 軍籍에 있는 者임을 要한다

7、判事檢事 及 參審員의 任期는 憲法에 依한 選擧가 施行되여 後任이 選出이 또는 任命될 때까지로 한다.

8、判事 檢事 及 參審員을 選出 또는 任命한 機關은 召還權을 갖인다.

六、臨時憲章 修正 及 添削의 方法

內閣會議에서 그 三分之二 以上의 贊同으로서 決議한다.