

The Constitution of the People's Republic of China

CHAPTER I. General Principles

Article 1. **Socialist state**

The People's Republic of China is a socialist state under the people's democratic dictatorship led by the working class and based on the alliance of workers and peasants.

The socialist system is the basic system of the People's Republic of China. Disruption of the socialist system by any organization or individual is prohibited.

Article 2. **Power belongs to the people**

All power in the People's Republic of China belongs to the people.

The National People's Congress and the local people's congresses at various levels are the organs through which the people exercise state power.

The people administer state affairs and manage economic, cultural and social affairs through various channels and in various ways in accordance with the law.

Article 3. **Democracy**

The state organs of the People's Republic of China apply the principle of democratic centralism.

The National People's Congress and the local people's congresses at various levels are constituted through democratic elections. They are responsible to the people and subject to their supervision.

All administrative, judicial and procuratorial organs of the state are created by the people's congresses to which they are responsible and by which they are supervised.

The divisions of functions and powers between the central and local state organs is guided by the principle of giving full scope to the initiative and enthusiasm of the local authorities under the unified leadership of the central authorities.

Article 4. **Minority rights**

All nationalities in the People's Republic of China are equal. The state protects the lawful rights and interests of the minority nationalities and upholds and develops a relationship of equality, unity and mutual assistance among all of China's nationalities. Discrimination against and oppression of any nationality are prohibited; any act which undermines the unity of the nationalities or instigates division is prohibited.

The state assists areas inhabited by minority nationalities accelerating their economic and cultural development according to the characteristics and needs of the various minority nationalities.

Regional autonomy is practiced in areas where people of minority nationalities live in concentrated communities; in these areas organs of self- government are established to exercise the power of autonomy. All national autonomous areas are integral parts of the People's Republic of China.

All nationalities have the freedom to use and develop their own spoken and written languages and to preserve or reform their own folkways and customs.

Article 5. **Constitutional supremacy**

The People's Republic of China practices ruling the country in accordance with the law and building a socialist country of law.

The state upholds the uniformity and dignity of the socialist legal system.

No laws or administrative or local rules and regulations may contravene the Constitution.

All state organs, the armed forces, all political parties and public organizations and all enterprises and institutions must abide by the Constitution and the law. All acts in violation of the Constitution and the law must be investigated.

No organization or individual is privileged to be beyond the Constitution or the law.

Article 6. **Socialist supremacy**

The basis of the socialist economic system of the People's Republic of China is socialist public ownership of the means of production, namely, ownership by the whole people and collective ownership by the working people. The system of socialist public ownership supersedes the system of exploitation of man by man; it applies the principle of 'from each according to his ability, to each according to his work'.

During the primary stage of socialism, the State adheres to the basic economic system with the public ownership remaining dominant and diverse sectors of the economy developing side by side, and to the distribution system with the distribution according to work remaining dominant and the coexistence of a variety of modes of distribution.

Article 7. **State economy**

The State-owned economy, that is, the socialist economy under ownership by the whole people, is the leading force in the national economy. The State ensures the consolidation and growth of the State-owned economy.

Article 8. **Communes and collectives**

Rural collective economic organizations practice the double-tier management system that combines unified and separate operations on the basis of the household-based output-related contracted responsibility system. Various forms of the cooperative economy in rural areas such as producers', supply and marketing, credit and consumers' cooperatives belong to the sector of the socialist economy under collective ownership by the working people.

Working people who are members of rural economic collectives have the right, within the limits prescribed by law, to farm plots of cropland and hilly land allotted for private use, engage in household sideline production and raise privately owned livestock.

The various forms of cooperative economy in the cities and towns, such as those in the handicraft, industrial, building, transport, commercial and service trades, all belong to the sector of socialist economy under collective ownership by the working people.

The state protects the lawful rights and interests of the urban and rural economic collectives and encourages, guides and helps the growth of the collective economy.

Article 9. **Natural resources**

All mineral resources, waters, forests, mountains, grasslands, unreclaimed land, beaches, and other natural resources are owned by the state, that is, by the whole people, with the exception of the forest, mountains, grasslands and unreclaimed land and beaches that are owned by collectives in accordance with the law.

The state ensures the rational use of natural resources and protects rare animals and plants. Appropriation or damaging natural resources by any organization or individual by whatever means is prohibited.

Article 10. **Ownership of land**

Land in cities is owned by the state.

Land in the rural and suburban areas is owned by collectives except for those portions which belong to the state in accordance with the law; house sites and privately farmed plots of cropland and hilly land are also owned by collectives.

The State may, in the public interest and in accordance with the provisions of law, expropriate or requisition land for its use and shall make compensation for the land expropriated or requisitioned.

No organization or individual may appropriate, buy, sell or unlawfully transfer land in other ways. The right to the use of the land may be transferred in accordance with the law.

All organizations and individuals using land must ensure its rational use.

Article 11. **Private economy**

Individual, private and other non-public economies that exist within the limits prescribed by law are major components of the socialist market economy.

The State protects the lawful rights and interests of the non-public sectors of the economy such as the individual and private sectors of the economy. The State encourages, supports and guides the development of the non-public sectors of the economy and, in accordance with law, exercises supervision and control over the non-public sectors of the economy.

Article 12. **Public property**

Socialist public property is inviolable.

The state protects socialist property. Appropriation or damaging of state or collective property by any organization or individual by whatever means is prohibited.

Article 13. **Private property, inheritance**

Citizens' lawful private property is inviolable.

The State, in accordance with law, protects the rights of citizens to private property and to its inheritance.

The State may, in the public interest and in accordance with law, expropriate or requisition private property for its use and shall make compensation for the private property expropriated or requisitioned.

Article 14. **Economic improvement**

The state continuously raises labor productivity, improves economic results and develops the productive forces by enhancing the enthusiasm of the working people, raising the level of their technical skill, disseminating advanced science and technology, improving the systems of economic administration and enterprise operation and management, instituting the socialist system of responsibility in various forms and improving the organization of work.

The state practices strict economy and combats waste.

The state properly apportions accumulation and consumption, concerns itself with the interests of the collective and the individual as well as of the state and, on the basis of expanded production, gradually improves the material and cultural life of the people.

The State establishes a sound social security system compatible with the level of economic development.

Article 15. **Economic planning**

The state has put into practice a socialist market economy. The State strengthens formulating economic laws, improves macro adjustment and control and forbids according to law any units or individuals from interfering with the social economic order.

Article 16. **State-owned enterprise**

State-owned enterprises have decision-making power in operation and management within the limits prescribed by law. State-owned enterprises practice democratic management through congresses of workers and staff and in other ways in accordance with the law.

Article 17. **Collective-owned enterprise**

Collective economic organizations have decision-making power in conducting independent economic activities, on condition that they abide by the relevant laws. Collective economic organizations practice democratic management, elect or remove their managerial personnel and decide on major issue concerning operation and management according to law.

Article 18. **Foreign investment**

The People's Republic of China permits foreign enterprises, other foreign economic organizations and individual foreigners to invest in China and to enter into various forms of economic cooperation with Chinese enterprises and other Chinese economic organizations in accordance with the law of the People's Republic of China.

All foreign enterprises, other foreign economic organizations as well as Chinese-foreign joint ventures within Chinese territory shall abide by the law of the People's Republic of China.

Article 19. **Education**

The state undertakes the development of socialist education and works to raise the scientific and cultural level of the whole nation.

The state establishes and administers schools of various types, universalizes compulsory primary education and promotes secondary, vocational and higher education as well as pre-school education.

The state develops educational facilities in order to eliminate illiteracy and provide political, scientific, technical and professional education as well as general education for

workers, peasants, state functionaries and other working people. It encourages people to become educated through independent study.

The state encourages the collective economic organizations, state enterprises and institutions and other sectors of society to establish educational institutions of various types in accordance with the law.

The state promotes the development of natural and social sciences, disseminates knowledge of science and technology, and commends and rewards achievements in scientific research as well as technological innovations and inventions.

Article 20. **Science and technology**

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Article 21. **Medicine and fitness**

The state develops medical and health services, promotes modern medicine and traditional Chinese medicine, encourages and supports the setting up of various medical and health facilities by the rural economic collectives, state enterprises and institutions and neighborhood organizations, and promotes health and sanitation activities of a mass character, all for the protection of the people's health.

The state develops physical culture and promotes mass sports activities to improve the people's physical fitness.

Article 22. **Art, mass media, and culture**

The state promotes the development of art and literature, the press, radio and television broadcasting, publishing and distribution services, libraries, museums, cultural centers and other cultural undertakings that serve the people and socialism, and it sponsors mass cultural activities.

The state protects sites of scenic and historical interest, valuable cultural monuments and relics and other significant items of China's historical and cultural heritage.

Article 23. **State training to serve socialism**

The state trains specialized personnel in all fields who serve socialism, expands the ranks of intellectuals and creates conditions to give full scope to their role in socialist modernization.

Article 24. **Teaching in morality and patriotism**

The state strengthens the building of a socialist society with an advanced culture and ideology by promoting education in high ideals, ethics, general knowledge, discipline and

legality, and by promoting the formulation and observance of rules of conduct and common pledges by various sections of the people in urban and rural areas.

Article 25. Family planning

The state promotes family planning so that population growth may fit the plans for economic and social development.

Article 26. Pollution control, forests

The state protects and improves the environment in which people live and the ecological environment. It prevents and controls pollution and other public hazards.

The state organizes and encourages afforestation and the protection of forests.

Article 27. Responsibility of work

All state organs carry out the principle of simple and efficient administration, the system of responsibility for work and the system of training functionaries and appraising their performance in order constantly to improve the quality of work and efficiency and combat bureaucratism.

Article 28. Maintaining order

The State maintains public order and suppresses treasonable and other criminal activities that endanger State security; it penalizes actions that endanger public security and disrupt the socialist economy and other criminal activities, and punishes and reforms criminals.

Article 29. Armed forces

The armed forces of the People's Republic of China belong to the people. Their tasks are to strengthen national defense, resist aggression, defend the motherland, safeguard the people's peaceful labor, participate in national reconstruction and do their best to serve the people.

Article 30. Governmental divisions

The administrative division of the People's Republic of China is as follows:

- 1)The country is divided into provinces, autonomous regions and municipalities directly under the Central Government;
- 2)Provinces and autonomous regions are divided into autonomous prefectures, counties, autonomous counties, and cities;

3) Counties and autonomous counties are divided into townships, nationality townships, and towns.

Municipalities directly under the Central Government and other large cities are divided into districts and counties. Autonomous prefectures are divided into counties, autonomous counties, and cities.

All autonomous regions, autonomous prefectures and autonomous counties are national autonomous areas.

Article 31. **Special administrative regions**

The state may establish special administrative regions when necessary. The systems to be instituted in special administrative regions shall be prescribed by law enacted by the National People's Congress in the light of the specific conditions.

Article 32. **Protection of right of foreigners**

The People's Republic of China protects the lawful rights and interests of foreigners within Chinese territory; foreigners on Chinese territory must abide by the laws of the People's Republic of China.

The People's Republic of China may grant asylum to foreigners who request it for political reasons.

CHAPTER II. The Fundamental Rights and Duties of Citizens

Article 33. **Citizenship**

All persons holding the nationality of the People's Republic of China are citizens of the People's Republic of China.

All citizens of the People's Republic of China are equal before the law.

Every citizen is entitled to the rights and at the same time must perform the duties prescribed by the Constitution and the law.

The State respects and preserves human rights.

Article 34. **Voting requirements**

All citizens of the People's Republic of China who have reached the age of 18 have the right to vote and stand for election, regardless of ethnic status, race, sex, occupation,

family background, religious belief, education, property status or length of residence, except persons deprived of political rights according to law.

Article 35. Freedom of speech, press, assembly

Citizens of the People's Republic of China enjoy freedom of speech, of the press, of assembly, of association, of procession and of demonstration.

Article 36. Religious freedom

Citizens of the People's Republic of China enjoy freedom of religious belief.

No state organ, public organization or individual may compel citizens to believe in, or not believe in, any religion; nor may they discriminate against citizens who believe in, or do not believe in, any religion.

The state protects normal religious activities. No one may make use of religion to engage in activities that disrupt public order, impair the health of citizens or interfere with the educational system of the state.

Religious bodies and religious affairs are not subject to any foreign domination.

Article 37. Freedom of person

Freedom of the person of citizens of the People's Republic of China is inviolable.

No citizens may be arrested except with the approval or by decision of a people's procuratorate or by decision of a people's court, and arrests must be made by a public security organ.

Unlawful detention or deprivation or restriction of citizens' freedom of the person by other means is prohibited, and unlawful search of the person of citizens is prohibited.

Article 38. Freedom from insult

The personal dignity of citizens of the People's Republic of China is inviolable. Insult, libel, false accusation or false incrimination directed against citizens by any means is prohibited.

Article 39. Inviolability of the home

The residences of citizens of the People's Republic of China are inviolable. Unlawful search of, or intrusion into, a citizen's residence is prohibited.

Article 40. Privacy of correspondence

Freedom and privacy of correspondence of citizens of the People's Republic of China are protected by law. No organization or individual may, on any ground, infringe on citizens' freedom of privacy of correspondence, except in cases where to meet the needs of state security or of criminal investigation, public security or procuratorial organs are permitted to censor correspondence in accordance with procedures prescribed by law.

Article 41. Right to petition the state

Citizens of the People's Republic of China have the right to criticize and make suggestions regarding any state organ or functionary. Citizens have the right to make to relevant state organs complaints or charges against, or exposures of, any state organ or functionary for violation of the law or dereliction of duty, but fabrication or distortion of facts for purposes of libel or false incrimination is prohibited.

The state organ concerned must deal with complaints, charges or exposures made by citizens in a responsible manner after ascertaining the facts. No one may suppress such complaints, charges and exposures or retaliate against the citizens making them.

Citizens who have suffered losses as a result of infringement of their civic rights by any state organ or functionary have the right to compensation in accordance with the law.

Article 42. Right and duty to work

Citizens of the People's Republic of China have the right as well as the duty to work.

Through various channels, the state creates conditions for employment, enhances occupational safety and health, improves working conditions and, on the basis of expanded production, increases remuneration for work and welfare benefits.

Work is the glorious duty of every able-bodied citizen. All working people in State-owned enterprises and in urban and rural economic collectives should perform their tasks with an attitude consonant with their status as masters of the country. The State promotes socialist labor emulation, and commends and rewards model and advanced workers. The State encourages citizens to take part in voluntary labor.

The state provides necessary vocational training for citizens before they are employed.

Article 43. Right to rest

Working people in the People's Republic of China have the right to rest.

The state expands facilities for the rest and recuperation of the working people and prescribes working hours and vacations for workers and staff.

Article 44. Protection of retirement

The state applies the system of retirement for workers and staff of enterprises and institutions and for functionaries of organs of state according to law. The livelihood of retired personnel is ensured by the state and society.

Article 45. **Protection of old, ill, disabled**

Citizens of the People's Republic of China have the right to material assistance from the state and society when they are old, ill or disabled. The state develops social insurance, social relief and medical and health services that are required for citizens to enjoy this right.

The state and society ensure the livelihood of disabled members of the armed forces, provides pensions to the families of martyrs and gives preferential treatment to the families of military personnel.

The state and society help make arrangements for the work, livelihood and education of the blind, deaf-mutes and other handicapped citizens.

Article 46. **Right to and duty of education**

Citizens of the People's Republic of China have the right as well as the duty to receive education.

The state promotes the all-round development of children and young people, morally, intellectually and physically.

Article 47. **Right to pursue art, science**

Citizens of the People's Republic of China have the freedom to engage in scientific research, literary and artistic creation and other cultural pursuits. The state encourages and assists creative endeavours conducive to the interests of the people that are made by citizens engaged in education, science, technology, literature, art and other cultural work.

Article 48. **Equal rights for women**

Women in the People's Republic of China enjoy equal rights with men in all spheres of life, political, economic, cultural, social, and family life.

The state protects the rights and interests of women, applies the principle of equal pay for equal work for men and women alike and trains and selects cadres from among women.

Article 49. **Protection of marriage and family**

Marriage, the family and mother and child are protected by the state.

Both husband and wife have the duty to practice family planning.

Parents have the duty to rear and educate their children who are minors, and children who have come of age have the duty to support and assist their parents.

Violation of the freedom of marriage is prohibited. Maltreatment of old people, women and children is prohibited.

Article 50. Protection of Chinese while overseas

The People's Republic of China protects the legitimate rights and interests of Chinese nationals residing abroad and protects the lawful rights and interests of returned overseas Chinese and of the family members of Chinese nationals residing abroad.

Article 51. Non-infringement of rights

Citizens of the People's Republic of China, in exercising their freedoms and rights, may not infringe upon the interests of the state, of society or of the collective, or upon the lawful freedoms and rights of other citizens.

Article 52. Duty to safeguard unity

It is the duty of citizens of the People's Republic of China to safeguard the unification of the country and the unity of all its nationalities.

Article 53. Duty to uphold Constitution

Citizens of the People's Republic of China must abide by the constitution and the law, keep state secrets, protect public property and observe labour discipline and public order and respect social ethics.

Article 54. Duty to honor the motherland

It is the duty of citizens of the People's Republic of China to safeguard the security, honour and interests of the motherland; they must not commit acts detrimental to the security, honour and interests of the motherland.

Article 55. Duty to defend the motherland

It is the sacred duty of every citizen of the People's Republic of China to defend the motherland and resist aggression.

It is the honorable duty of citizens of the People's Republic of China to perform military service and join the militia in accordance with the law.

Article 56. Duty to pay taxes

It is the duty of citizens of the People's Republic of China to pay taxes in accordance with the law.

CHAPTER III. The Structure of the State

§ 1. The National People's Congress

Article 57. **Stature**

The National People's Congress of the People's Republic of China is the highest organ of state power. Its permanent body is the Standing Committee of the National People's Congress.

Article 58. **Legislative Power**

The National People's Congress and its Standing Committee exercise the legislative power of the state.

Article 59. **Composition**

The National People's Congress is composed of deputies elected from the provinces, autonomous regions, municipalities directly under the Central Government, and the special administrative regions, and of deputies elected from the armed forces. All the minority nationalities are entitled to appropriate representation.

Election of deputies to the National People's Congress is conducted by the Standing Committee of the National People's Congress.

The number of deputies to the National People's Congress and the procedure of their election are prescribed by law.

Article 60. **Term**

The National People's Congress is elected for a term of five years.

The Standing Committee of the National People's Congress must ensure the completion of election of deputies to the succeeding National People's Congress two months prior to the expiration of the term of office of the current National People's Congress. Should extraordinary circumstances prevent such an election, it may be postponed and the term of office of the current National People's Congress extended by the decision of a vote of more than two-thirds of all those on the Standing Committee of the current National People's Congress. The election of deputies to the succeeding National People's Congress must be completed within one year after the termination of such extraordinary circumstances.

Article 61. **Annual session**

The National People's Congress meets in session once a year and is convened by its Standing Committee. A session of the National People's Congress may be convened at any time the Standing Committee deems it necessary or when more than one-fifth of the deputies to the National People's Congress so propose.

When the National People's Congress meets, it elects a Presidium to conduct its session.

Article 62. **Enumerated powers**

The National People's Congress exercises the following functions and powers:

- (1) to amend the Constitution;
- (2) to supervise the enforcement of the Constitution;
- (3) to enact and amend basic laws governing criminal offenses, civil affairs, the state organs and other matters;
- (4) to elect the President and the Vice President of the People's Republic of China;
- (5) to decide on the choice of the Premier of the State Council upon nomination by the President of the People's Republic of China, and on the choice of the Vice Premiers, State Councilors, Ministers in charge of ministries or commissions, the Auditor General and the Secretary General of the State Council upon nomination by the Premier;
- (6) to elect the Chairman of the Central Military Commission and, upon nomination by the Chairman, to decide on the choice of all other members of the Central Military Commission;
- (7) to elect the President of the Supreme People's Court;
- (8) to elect the Procurator General of the Supreme People's Procuratorate;
- (9) to examine and approve the plan for national economic and social development and the report on its implementation;
- (10) to examine and approve the state budget and the report on its implementation;
- (11) to alter or annul inappropriate decisions of the Standing Committee of the National People's Congress;
- (12) to approve the establishment of provinces, autonomous regions, and municipalities directly under the Central Government;
- (13) to decide on the establishment of special administrative regions and the systems to be instituted there;
- (14) to decide on questions of war and peace; and
- (15) to exercise such other functions and powers as the highest organ of state power should exercise.

Article 63. **Power of recall**

The National People's Congress has the power to remove from office the following persons:

- (1) the President and Vice President of the People's Republic of China;
- (2) the Premier, Vice Premiers, State Councilors, Ministers in charge of ministries or commissions, the Auditor General and the Secretary General of the State Council;
- (3) the Chairman of the Central Military Commission and other members of the Commission;
- (4) the President of the Supreme People's Court; and
- (5) the Procurator General of the Supreme People's Procuratorate.

Article 64. Amending Constitution

Amendments to the Constitution are to be proposed by the Standing Committee of the National People's Congress or by more than one-fifth of the deputies of the National People's Congress and adopted by a vote of more than two-thirds of all the deputies to the Congress.

Laws and resolutions are to be adopted by a majority vote of all deputies to the National People's Congress.

Article 65. Composition of Standing Committee

The Standing Committee of the National People's Congress is composed of the following:

the Chairman; the Vice Chairmen; the Secretary-General; and the members.

Minority nationalities are entitled to appropriate representation on the Standing Committee of the National People's Congress.

The National People's Congress elects, and has the power to recall, members of its Standing Committee.

No one on the Standing Committee of the National People's Congress shall hold office in any of the administrative, judicial or procuratorial organs of the state.

Article 66. Term of Standing Committee

The Standing Committee of the National People's Congress is elected for the same term of the National People's Congress; it shall exercise its functions and powers until a new Standing Committee is elected by the succeeding National People's Congress.

The Chairman and Vice Chairman of the Standing Committee shall serve no more than two consecutive terms.

Article 67. Enumerated powers of Standing Committee

The Standing Committee of the National People's Congress exercises the following functions and powers:

- (1) to interpret the Constitution and supervise its enforcement;
- (2) to enact and amend laws, with the exception of those which should be enacted by the National People's Congress;
- (3) to partially supplement and amend, when the National People's Congress is not in session, laws enacted by the National People's Congress provided that the basic principles of those laws are not contravened;
- (4) to interpret laws;
- (5) to review and approve, when the National People's Congress is not in session, partial adjustments to the plan for national economic and social development or to the state budget that prove necessary in the course of their implementation;
- (6) to supervise the work of the State Council, the Central Military Commission, the Supreme People's Court and the Supreme People's Procuratorate;
- (7) to annul those administrative rules and regulations, decisions or orders of the State Council that contravene the Constitution or the law;
- (8) to annul those local regulations or decisions of the organs of state power of provinces, autonomous regions, and municipalities directly under the Central Government that contravene the Constitution, the law or the administrative rules and regulations;
- (9) to decide, when the National People's Congress is not in session, on the choice of Ministers in charge of ministries or commissions, the Auditor General or the Secretary General of the State Council upon nomination by the Premier of the State Council;
- (10) to decide, upon nomination by the Chairman of the Central Military Commission, on the choice of other members of the Commission, when the National People's Congress is not in session;
- (11) to appoint or remove, at the recommendation of the President of the Supreme People's Court, the Vice Presidents and Judges of the Supreme People's Court, members of its Judicial Committee and the President of the Military Court;
- (12) to appoint or remove, at the recommendation of the Procurator General of the Supreme People's Procuratorate, the Deputy Procurators-General and procurators of the Supreme People's Procuratorate, members of its Procuratorial Committee and the Chief Procurator of the Military Procuratorate, and to approve the appointment or removal of the chief procurators of the people's procuratorates of provinces, autonomous regions, and municipalities directly under the Central Government;
- (13) to decide on the appointment or recall of plenipotentiary representatives abroad;
- (14) to decide on the ratification or abrogation of treaties and important agreements concluded with foreign states;
- (15) to institute systems of titles and ranks for military and diplomatic personnel and of other specific titles and ranks;
- (16) to institute state medals and titles of honor and decide on their conferment;
- (17) to decide on the granting of special pardons;
- (18) to decide, when the National People's Congress is not in session, on the proclamation of the state of war in the event of an armed attack on the country or in fulfillment of international treaty obligations concerning common defense against

aggression;

(19) to decide on general mobilization or partial mobilization;

(20) to decide on entering the state of emergency throughout the country or in particular provinces, autonomous regions, or municipalities directly under the Central Government; and

(21) to exercise such other functions and powers as the National People's Congress may assign to it.

Article 68. Chairman of the Standing Committee

The Chairman of the Standing Committee of the National People's Congress directs the work of the Standing Committee and convenes its meeting. The Vice Chairmen and the Secretary-General assist the Chairman in his work.

The Chairman, the Vice Chairmen and the Secretary-General constitute the Council of Chairmen which handles the important day-to-day work of the Standing Committee of the National People's Congress.

Article 69. Standing Committee reports to Congress

The Standing Committee of the National People's Congress is responsible to the National People's Congress and reports on its work to the Congress.

Article 70. Other Committees

The National People's Congress establishes a Nationalities Committee, a Law Committee, a Finance and Economic Committee, an Education, Science, Culture and Public Health Committee, a Foreign Affairs Committee, an Overseas Chinese Committee and such other special committees as are necessary. These special committees work under the direction of the Standing Committee of the National People's Congress when the Congress is not in session.

The special committees examine, discuss and draw up relevant bills and draft resolutions under the direction of the National People's Congress and its Standing Committee.

Article 71. Committees of inquiry

The National People's Congress and its Standing Committee, when they deem necessary, appoint committees of inquiry into special questions and adopt relevant resolutions in the light of their reports.

All organs of state, public organizations and citizens concerned are obliged to furnish when necessary information to the committees of inquiry when they conduct investigations.

Article 72. Right to submit bills

Deputies to the National People's Congress and members of its Standing Committee have the right, in accordance with the procedures prescribed by law, to submit bills and proposals within the scope of the respective functions and powers of the National People's Congress and its Standing Committee.

Article 73. **Right to question**

Deputies to the National People's Congress and members of its Standing Committee have the right, during the sessions of Congress and the meetings of the Committee, to address questions, in accordance with procedures prescribed by law, to the State Council or the ministries and commissions under the State Council, which must answer the questions in a responsible manner.

Article 74. **Freedom from arrest**

No deputy to the National People's Congress may be arrested or placed on criminal trial without the consent of the Presidium of the current session of the National People's Congress or, when the National People's Congress is not in session, without the consent of its Standing Committee.

Article 75. **Immunity of speeches in Congress**

Deputies to the National People's Congress may not be held legally liable for their speeches or votes at its meetings.

Article 76. **Duty to uphold Constitution**

Deputies to the National People's Congress must play an exemplary role in abiding by the Constitution and the law and keeping state secrets, in public activities, production and other work, assist in enforcement of the Constitution and the law.

Deputies to the National People's Congress should maintain close contact with the units which elected them and with the people, heed and convey the opinions and demands of the people and work hard to serve them.

Article 77. **Recall of deputies**

Deputies to the National People's Congress are subject to the supervision of the units which elected them. The electoral units have the power, through procedures prescribed by law, to recall the deputies whom they elected.

Article 78. **Organization**

The organization and working procedures of the National People's Congress and its Standing Committee are prescribed by law.

§ 2. **The President of the People's Republic of China**

Article 79. **Election, qualifications**

The President and the Vice President of the People's Republic of China are elected by the National People's Congress.

Citizens of the People's Republic of China who have the right to vote and to stand for election and who have reached the age of 45 are eligible for election as President or National People's Congress Vice President of the People's Republic of China.

The term of office of the President and Vice President of the People's Republic of China is the same as that of the National People's Congress, and they shall serve no more than two consecutive terms.

Article 80. **Powers**

The President of the People's Republic of China, in pursuance of the decisions of the National People's Congress and its Standing Committee, promulgates statutes, appoints or removes the Premier, Vice Premiers, State Councilors, Ministers in charge of ministries or commissions, the Auditor-General and the Secretary-General of the State Council, confers state medals and titles of honor; issues orders of special pardons; proclaims entering of the state of emergency; proclaims a state of war; and issues mobilization orders.

Article 81. **Duties**

The President of the People's Republic of China, on behalf of the People's Republic of China, engages in activities involving State affairs and receives foreign diplomatic representatives and, in pursuance of the decisions of the Standing Committee of the National People's Congress, appoints or recalls plenipotentiary representatives abroad, and ratifies or abrogates treaties and important agreements concluded with foreign states.

Article 82. **Vice-President**

The Vice President of the People's Republic of China assists the President in his work.

The Vice President of the People's Republic of China may exercise such functions and powers of the President and the President may entrust to him.

Article 83. **Transition of power**

The President and the Vice President of the People's Republic of China exercise their functions and powers until the new President and Vice President elected by the succeeding National People's Congress assume office.

Article 84. **Presidential succession**

In the event that the office of the President of the People's Republic of China falls vacant, the Vice President of the People's Republic of China succeeds to the office of President.

In the event the office of the Vice President of the People's Republic of China falls vacant, the National People's Congress shall elect a new Vice President to fill the vacancy.

In the event that the offices of both the President and the Vice President of the People's Republic of China fall vacant, the National People's Congress shall elect a new President and a new Vice President. Prior to such election, the Chairman of the Standing Committee of the National People's Congress shall temporarily act as the President of the People's Republic of China.

§ 3. **The State Council**

Article 85. **Executive branch**

The State Council, that is, the Central People's Government of the People's Republic of China, is the executive body of the highest organ of state power; it is the highest organ of state administration.

Article 86. **Composition**

The State Council is composed of the following:

the Premier; the Vice Premiers; the State Councilors; the Ministers in charge of ministries; the Ministers in charge of commissions; the Auditor General; and the Secretary General.

The Premier assumes overall responsibility for the work of the State Council. The Ministers assume overall responsibility for the work of the ministries and commissions.

The organization of the State Council is prescribed by law.

Article 87. **Term**

The term of office of the State Council is the same as that of the National People's Congress.

Article 88. **Duties of Premier**

The Premier directs the work of the State Council. The Vice Premiers and State Councilors assist the Premier in his work.

Executive meetings of the State Council are to be attended by the Premier, the Vice Premiers, the State Councilors and the Secretary General of the State Council.

Article 89. **Enumerated powers**

The State Council exercises the following functions and powers:

- (1) to adopt administrative measures, enact administrative rules and regulations and issue decisions and orders in accordance with the Constitution and the law;
- (2) to submit proposals to the National People's Congress or its Standing Committee;
- (3) to formulate the tasks and responsibilities of the ministries and commissions of the State Council, to exercise unified leadership over the work of the ministries and commissions and direct all other administrative work of a national character that does not fall within the jurisdiction of the ministries and commissions;
- (4) to exercise unified leadership over the work of local organs of state administration at various levels throughout the country, and to formulate the detailed division of functions and powers between the Central Government and the organs of state administration of provinces, autonomous regions, and municipalities directly under the Central Government;
- (5) to draw up and implement the plan for national economic and social development of the state budget;
- (6) to direct and administer economic affairs and urban and rural development;
- (7) to direct and administer the affairs of education, science, culture, public health, physical culture and family planning;
- (8) to direct and administer civil affairs, public security, judicial administration, supervision and other related matters;
- (9) to conduct foreign affairs and conclude treaties and agreements with foreign states;
- (10) to direct and administer the building of national defense;
- (11) to direct and administer affairs concerning the nationalities and to safeguard the equal rights of minority nationalities and the right to autonomy of the national autonomous areas;
- (12) to protect the legitimate rights and interests of Chinese nationals residing abroad and protect the lawful rights and interests of returned overseas Chinese and of the family members of Chinese nationals residing abroad;
- (13) to alter or annul inappropriate orders, directives and regulations issued by the ministries or commissions;
- (14) to alter or annul inappropriate decisions and orders issued by local organs of state administration at various levels;
- (15) to approve the geographic division of provinces, autonomous regions and municipalities directly under the Central Government, and to approve the establishment and geographic division of autonomous prefectures, counties, autonomous counties, and

cities;

(16) in accordance with the provisions of law, to decide on entering the state of emergency in parts of provinces, autonomous regions, and municipalities directly under the Central Government;

(17) to examine and decide on the size of administrative organs and, in accordance with the law, to appoint or remove administrative officials, train them, appraise their performance and reward or punish them; and

(18) to exercise such other functions and powers as the National People's Congress or its Standing Committee may assign to it.

Article 90. **Ministers**

Ministers in charge of the ministries or commissions of the State Council are responsible for the work of their respective departments and they convene and preside over ministerial meetings for general and executive meetings of the commissions to discuss and decide major issues in the work of their respective departments.

The ministries and commissions issues orders, directives and regulations within the jurisdiction of their respective departments in accordance with the law and the administrative rules and regulations, decisions and orders issued by the State Council.

Article 91. **Auditors**

The State Council establishes an auditing body to supervise through auditing the revenue and expenditure of all departments under the State Council and of the local governments at various levels, and the revenue and expenditure of all financial and monetary organizations, enterprises and institutions of the state.

Under the direction of the Premier of the State Council, the auditing body independently exercises its power of supervision through auditing in accordance with the law, subject to no interference by any other administrative organ of any public organization or individual.

Article 92. **State Council reports to Congress**

The State Council is responsible, and reports on its work, to the National People's Congress or, when the National People's Congress is not in session, to its Standing Committee.

§ 4. **The Central Military Commission**

Article 93. **Function, composition**

The Central Military Commission of the People's Republic of China directs the armed forces of the country.

The Central Military Commission is composed of the following:

the Chairman; the Vice Chairmen; and the members.

The Chairman assumes overall responsibility for the work of the Central Military Commission.

The term of office of the Central Military Commission is the same as that of the National People's Congress.

Article 94. Chairman reports to Congress

The Chairman of the Central Military Commission is responsible to the National People's Congress and its Standing Committee.

§ 5. The Local People's Congresses and the Local People's Governments at Different Levels

Article 95. Distribution

People's congresses and people's governments are established in provinces, municipalities directly under the Central Government, counties, cities, municipal districts, townships, nationality townships, and towns.

The organization of local people's congresses and local people's governments at various levels is prescribed by law.

Organs of self-government are established in autonomous regions, autonomous prefectures and autonomous counties. The organization and working procedures of organs of self-government are prescribed by law in accordance with the basic principles laid down in Sections V and VI of Chapter Three of the Constitution.

Article 96. Composition

Local people's congresses at various levels are local organs of state power.

Local people's congresses at and above the county level establish standing committees.

Article 97. Election of deputies

Deputies to the people's congresses of provinces, municipalities directly under the Central Government and cities divided into districts are elected by the people's congresses at the next lower level; deputies to the people's congresses of counties, cities not divided into districts, municipal districts, townships, nationality townships, and towns are elected directly by their constituencies.

The number of deputies to local people's congresses at various levels and the manner of their election are prescribed by law.

Article 98. **Term**

The term of office of the local people's congresses at various levels is five years.

Article 99. **Duties and powers**

Local people's congresses at various levels ensure the observance and implementation of the Constitution and the law and the administrative rules and regulations in their respective administrative areas. Within the limits of their authority as prescribed by law, they adopt and issue regulations and examine and decide on plans for local economic and cultural development and for the development of public services.

Local people's congresses at and above the county level shall examine and approve the plans for economic and social development and the budgets of their respective administrative areas and examine and approve the reports on their implementation. They have the power to alter or annul inappropriate decisions of their own standing committees.

The people's congresses of nationality townships may, within the limits of their authority as prescribed by law, take specific measures suited to the characteristics of the nationalities concerned.

Article 100. **Adoption of local law**

The people's congresses of provinces and municipalities directly under the Central Government and their standing committees may adopt local regulations, which must not contravene the Constitution and the law and administrative rules and regulations, and they shall report such local regulations to the Standing Committee of the National People's Congress for the record.

Article 101. **Election and recall of governors**

Local people's congresses and their respective levels elect and have the power to recall governors and deputy governors, or mayors and deputy mayors, or heads deputy heads of counties, districts, townships and towns.

Local people's congresses at and above the county level elect, and have the power to recall, presidents of people's courts and chief procurators of people's procuratorates at the corresponding level. The election or recall of chief procurators of people's procuratorates at the next higher level for submission to the standing committees of the people's congresses at the corresponding level for approval.

Article 102. Deputies subject to electoral supervision

Deputies to the people's congresses of provinces, municipalities directly under the Central Government and cities divided into districts are subject to supervision by the units which elected them; deputies to the people's congresses of counties, cities not divided into districts, municipal districts, townships, nationality townships, and towns are subject to supervision by their constituencies.

The electoral units and constituencies which elect deputies to local people's congresses at various levels have the power to recall the deputies according to procedures prescribed by law.

Article 103. Composition of standing committees

The standing committee of the local people's congress at and above the county level is composed of a chairman, vice chairmen and members, and is responsible and reports on its work to the people's congress at the corresponding level.

A local people's congress at or above the county level elects, and has the power to recall, members of its standing committee.

No one on the standing committee of a local people's congress at or above the county level shall hold office in state administrative, judicial and procuratorial organs.

Article 104. Duties of standing committees

The standing committee of a local people's congress at and above the county level discusses and decides on major issues in all fields of work in its administrative area; supervises the work of the people's government, people's court and people's procuratorate at the corresponding level; annuls inappropriate decisions and orders of the people's government at the corresponding level; annuls inappropriate resolutions of the people's congress at the next lower level, decides on the appointment or removal of functionaries of state organs within the limits of its authority as prescribed by law; and, when the people's congress at the corresponding level is not in session, recalls individual deputies to the people's congress at the next higher level and elects individual deputies to fill vacancies in that people's congress.

Article 105. Local governments

Local people's governments at various levels are the executive bodies of local organs of state power as well as the local organs of state administration at the corresponding levels.

Governors, mayors and heads of counties, districts, townships and towns assume overall responsibility for local people's governments at various levels.

Article 106. **Terms**

The term of office of local people's governments at various levels is the same as that of the people's congresses at the corresponding levels.

Article 107. **Powers**

Local people's governments at and above the county level, within the limits of their authority as prescribed by law, conduct administrative work concerning the economy, education, science, culture, public health, physical culture, urban and rural development, finance, civil affairs, public security, nationalities affairs, judicial administration, supervision and family planning in their respective administrative areas, issue decisions and orders; appoint or remove administrative functionaries, train them, appraise their performance and reward or punish them.

People's governments of townships, nationality townships, and towns execute the resolutions of the people's congress at the corresponding level as well as the decisions and orders of the state administrative organs at the next higher level and conduct administrative work in their respective administrative areas.

Article 108. **Hierarchy of government**

Local people's governments at and above the county level direct the work of their subordinate departments and of people's governments at lower levels, and have the power to alter or annul inappropriate decisions of their subordinate departments and of people's governments at lower levels.

Article 109. **Auditing**

Auditing bodies are established by local people's governments at and above the county level. Local auditing bodies at various levels independently exercise their power of supervision through auditing in accordance with the law and are responsible to the people's government at the corresponding level and to the auditing body at the next higher level.

Article 110. **Responsibility for reporting**

Local people's governments at various levels are responsible and report on their work to the state administrative organs at the next higher level. Local people's governments at

various levels throughout the country are state administrative organs under the unified leadership of the State Council and are subordinate to it.

Article 111. Grass-roots government

The residents' committees and villagers' committees established among urban and rural residents on the basis of their place of residence are mass organizations of self-management at the grass roots level. The chairman, vice chairmen and members of each residents' or villagers' committee are elected by the residents. The relationship between the residents' and villagers' committees and the grass roots organs of state power is prescribed by law.

The residents' and villagers' committees establish committees for people's mediation, public security, public health and other matters in order to manage public affairs and social services in their areas, mediate civil disputes, help maintain public order and convey residents' opinions and demands and make suggestions to the people's government.

§ 6. The Organs of Self-Government of National Autonomous Areas

Article 112. Composition

The organs of self-government of national autonomous areas are the people's congresses and people's governments of autonomous regions, autonomous prefectures and autonomous counties.

Article 113. Right of nationalities in Congress

In the people's congress of an autonomous region, prefecture or county, in addition to the deputies of the nationality exercising regional autonomy in the administrative area, the other nationalities inhabiting the area are also entitled to appropriate representation.

Among the chairman and vice chairmen of the standing committee of the people's congress of an autonomous region, prefecture or county there shall be one or more citizens of the nationality or nationalities exercising regional autonomy in the area concerned.

Article 114. Administrative head to be of local nationality

The chairman of an autonomous region, the prefect of an autonomous prefecture or the head of an autonomous county shall be a citizen of the nationality exercising regional autonomy in the area concerned.

Article 115. Powers and functions

The organs of self-government of autonomous regions, prefectures and counties exercise the functions and powers of local organs of state as specified in Section V of Chapter Three of the Constitution. At the same time, they exercise the power of autonomy within the limits of their authority as prescribed by the Constitution, the Law of the People's Republic of China on Regional National Autonomy and other laws and implement the laws and policies of the state in the light of the existing local situation.

Article 116. Concurrency of regional and national law

The people's congresses of the national autonomous areas have the power to enact regulations on the exercise of autonomy and other separate regulations in the light of the political, economic and cultural characteristics of the nationality or nationalities in the areas concerned. The regulations on the exercise of autonomy and other separate regulations of autonomous regions shall be submitted to the Standing Committee of the National People's Congress for approval before they go into effect. Those of autonomous prefectures and counties shall be submitted to the standing committees of the people's congresses of provinces of autonomous regions for approval before they go into effect, and they shall be reported to the Standing Committee of the National People's Congress for the record.

Article 117. Independence of finance

The organs of self-government of the national autonomous areas have the power of autonomy in administering the finances of their areas. All revenues accruing to the national autonomous areas under the financial system of the state shall be managed and used by the organs of self-government of those areas on their own.

Article 118. Independence of economic planning

The organs of self-government of the national autonomous areas independently arrange for and administer local economic development under the guidance of the state plans.

In exploiting natural resources and building enterprises in the national autonomous areas, the state shall give due consideration to the interests of those areas.

Article 119. Independence of art, science, and culture

The organs of self-government of the national autonomous areas independently administer educational, scientific, cultural, public health and physical culture affairs in their respective areas, protect and sift through the cultural heritage of the nationalities and work for a vigorous development of their cultures.

Article 120. Organization of local police

The organs of self-government of the national autonomous areas may, in accordance with the military system of the state and practical local needs and with the approval of the State Council, organize local public security forces for the maintenance of public order.

Article 121. Use of local language

deleted

Article 122. Assistance from the state

The state provides financial, material and technical assistance to the minority nationalities to accelerate their economic and cultural development.

The state helps the national autonomous areas train large numbers of cadres at various levels and specialized personnel and skilled workers of various profession and trades from among the nationality or nationalities in those areas.

§ 7. The People's Courts and the People's Procuratorates

Article 123. Judicial branch

The people's courts in the People's Republic of China are the judicial organs of the state.

Article 124. Composition

The People's Republic of China establishes the Supreme People's Court and the people's courts at various local levels, military courts and other special people's courts.

The term of office of the President of the Supreme People's Court is the same as that of the National People's Congress. The President shall serve no more than two consecutive terms.

The organization of the people's courts is prescribed by law.

Article 125. Trial to be public, right to defense

Except in special circumstances as specified by law, all cases in the people's courts are heard in public. The accused has the right to defense.

Article 126. Judicial independence

The people's courts exercise judicial power independently, in accordance with the provisions of the law, and are not subject to interference by any administrative organ, public organization or individual.

Article 127. **Supreme People's Court**

The Supreme People's Court is the highest judicial organ.

The Supreme People's Court supervises the administration of justice by the people's courts at various local levels and by the special people's courts. People's courts at higher levels supervise the administration of justice by those at lower levels.

Article 128. **Supreme Court reports to Congress**

The Supreme People's Court is responsible to the National People's Congress and its Standing Committee. Local people's courts at various levels are responsible to the organs of the state power which created them.

Article 129. **Procuratorates defined**

The people's procuratorates of the People's Republic of China are state organs for legal supervision.

Article 130. **Division of procuratorates**

The People's Republic of China establishes the Supreme People's Procuratorate and the people's procuratorates at various levels, military procuratorates and other special people's procuratorates.

The term of office of the Procurator General of the Supreme People's Procuratorate is the same as that of the National People's Congress; the Procurator General shall serve no more than two consecutive terms.

The organization of the people's procuratorates is prescribed by law.

Article 131. **Procuratorial independence**

The people's procuratorates exercise procuratorial power independently, in accordance with the provisions of the law, and are not subject to interference by any administrative organ, public organization or individual.

Article 132. **Supreme People's Procuratorate**

The Supreme People's Procuratorate is the highest procuratorial organ.

The Supreme People's Procuratorate directs the work of the people's procuratorates at various local levels and of the special people's procuratorates at various local levels. People's procuratorates at higher levels direct the work of those at lower levels.

Article 133. **Supreme Procuratorate reports to Congress**

The Supreme People's Procuratorate is responsible to the National People's Congress and its Standing Committee. People's procuratorates at various levels are responsible to the organs of state power which created them and to the people's procuratorates at higher levels.

Article 134. **Right to use national language**

Citizens of all nationalities have the right to use the spoken and written languages of their own nationalities in court proceedings. The people's courts and people's procuratorates should provide translation for any party to the court proceedings who is not familiar with the spoken or written languages commonly used in the locality.

In an area where people of a minority nationality live in a concentrated community or where a number of nationalities live together, court hearings should be conducted in the language or languages commonly used in the locality; indictments, judgments, notices and other documents should be written, according to actual needs, in the language or languages commonly used in the locality.

Article 135. **Coordination of efforts**

The people's courts, the people's procuratorates and the public security organs shall, in handling criminal cases, divide their functions, each taking responsibility for its own work, and they shall coordinate their efforts and check each other to ensure the correct and effective enforcement of the law.

CHAPTER IV. The National Flag, the National Anthem, the National Emblem and the Capital

Article 136. **Flag**

The national flag of the People's Republic of China is a red flag with five stars.

The National Anthem of the People's Republic of China is the March of the Volunteers.

Article 137. **Emblem**

The national emblem of the People's Republic of China consists of an image of Tiananmen in its center illuminated by five stars and encircled by ears of grain and a cogwheel.

Article 138. **Capital**

The capital of the People's Republic of China is Beijing.

