

MILITARY SERVICE LAW OF
THE PEOPLE'S REPUBLIC OF CHINA

(Adopted at the Second Session of the Sixth National People's Congress, promulgated by Order No. 14 of the President of the People's Republic of China on May 31, 1984, and effective as of October 1, 1984)

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CHAPTER I GENERAL PROVISIONS

[Article 1] This Law is formulated pursuant to Article 55 of the Constitution of the People's Republic of China, which stipulates, "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 honourable duty of citizens of the People's Republic of China to perform military service and join the militia in accordance with the law," and in accordance with other relevant provisions of the Constitution.

[Article 2] The People's Republic of China shall practise a military service system which is based mainly on conscription and which combines conscripts with volunteers and a militia with a reserve service.

[Article 3] All citizens of the People's Republic of China, regardless of ethnic status, race, occupation, family background, religious belief and education, have the obligation to perform military service according to the provisions of this Law.

Exemptions from military service shall be granted to persons unfit for it owing to serious physical defects or serious deformities.

Persons deprived of political rights by law may not perform military service.

[Article 4] The armed forces of the People's Republic of China shall be composed of the Chinese People's Liberation Army, the Chinese People's Armed Police Force and the Militia.

[Article 5] The military service shall comprise an active service and a reserve service. Those serving in the Chinese People's Liberation Army are active servicemen while those regimented into militia organizations or registered in the reserve service are reservists.

[Article 6] The active servicemen and reservists must abide by the Constitution and the law, and shall perform their duties and at the same time enjoy their rights as citizens; their rights and duties resulting from their joining the military service shall be specified separately in military regulations in addition to the provisions of this Law.

[Article 7] Active servicemen must abide by the rules and regulations of the army, faithfully discharge their duties and always be ready to fight for the defence of the motherland.

Reservists must participate in military training according to the regulations and always be ready to join the army and take part in war for the defence of motherland.

[Article 8] Medals, decorations or titles of honour shall be given to active servicemen and reservists who perform meritorious deeds.

[Article 9] The People's Liberation Army shall practise a system of military ranks.

[Article 10] Responsibility for military service work throughout the country shall be assumed by the Ministry of National Defence under the leadership of the State Council and the Central Military Commission.

The military commands shall be responsible for military service work within their respective areas as assigned by the Ministry of National Defence.

The provincial commands (garrison commands), sub-commands (garrison commands) and the departments of people's armed forces of counties, autonomous counties, cities and municipal districts shall concurrently act as the military service organs of the people's governments at corresponding levels and shall be responsible for military service work in their respective areas under the leadership of military organs at higher levels and the people's governments at corresponding levels.

Government organs, public organizations, enterprises and institutions and the people's governments of townships, nationality townships, and towns shall carry out military service work according to the provisions of this Law. Professional work concerning military service shall be handled by the department of people's armed forces or by a designated department where there is no such department.

CHAPTER II ENLISTMENT IN PEACETIME

[Article 11] The number of citizens to be enlisted for active service each year, the requirements for them to be enlisted and the time schedule for enlistment shall be prescribed by order of the State Council and the Central Military Commission.

[Article 12] Each year, male citizens who have reached 18 years of age by December 31 shall be enlisted for active service. Those who are not enlisted during the year shall remain eligible for active service until they are 22.

To meet the needs of the armed forces, female citizens may be enlisted for active service according to the provisions of the preceding paragraph.

To meet the needs of the armed forces and on the principle of voluntary participation, male and female citizens who have not yet reached 18 years of age by December 31 of a certain year may be enlisted for active service.

[Article 13] Each year, male citizens who will be 18 years old by December 31 shall be registered for military service by September 30 according to the arrangements of the military service organs of counties, autonomous counties, cities or municipal districts. Those who have registered and have passed the preliminary examination are called citizens eligible for enlistment.

[Article 14] During the period of enlistment, citizens eligible for enlistment shall, upon notification by the military service organs of counties, autonomous counties, cities or municipal districts, go to the designated health centres in time for physical examination.

Citizens eligible for enlistment who are qualified for active service shall be enlisted for such service upon approval by the military service organs of counties, autonomous counties, cities or municipal districts.

[Article 15] The enlistment of a citizen eligible for enlistment may be deferred if he is the only worker in his family providing its means of subsistence or if he is a student in a full-time school.

[Article 16] A citizen eligible for enlistment shall not be enlisted if he is detained for investigation, prosecution or trial, or if he has been sentenced to imprisonment, criminal detention or public surveillance and is serving his sentence.

CHAPTER III THE ACTIVE SERVICE AND RESERVE SERVICE OF SOLDIERS

[Article 17] There shall be two types of soldiers: conscripts and volunteers.

[Article 18] The term of service for conscripts shall be three years in the army and four years in the navy and the air force.

Upon the expiration of his active service, a conscript may, according to the need of the armed forces and on a voluntary basis, extend his service. The extended period of service shall be one to two years in the army and one year in the navy and the air force.

[Article 19] A conscript on extended active duty who has completed five years of active service and who has become professionally or technically skilled may, by his application and upon approval by a division headquarters or a higher organ, change to a volunteer.

The term of active service for a volunteer shall be no less than eight years and no more than twelve years, counting from the day he changes to a volunteer, up to a maximum age of 35; the term may be extended appropriately upon approval by an army headquarters or a higher organ if the volunteer is specially needed in the armed forces and if he desires the extension.

[Article 20] A soldier shall be discharged from active service upon the expiration of his term of active service. Those who have to be discharged from active service because of a reduction in the personnel of the armed forces, a condition of health unfit for continued service as diagnosed and certified by a hospital of the armed forces, or other special reasons may be discharged before the expiration of the terms of their active service upon approval by a division headquarters or a higher organ.

[Article 21] A soldier who is discharged from active service but is qualified for reserve service shall be assigned by his army unit to serve in the soldiers' reserve; a soldier who is considered after assessment to be fit for the post of an officer shall serve in the officers' reserve.

A soldier who is discharged from active service and assigned by his army unit to serve in the reserve shall, within thirty days of returning to his place of residence, register for reserve service with the military service organ of his county, autonomous county, city or municipal district.

[Article 22] Citizens eligible for enlistment who have registered for military service according to the provisions of Article 13 of this Law but who have not been enlisted for active service shall serve in the soldiers' reserve.

[Article 23] Persons serving in the soldiers' reserve shall be between the ages of 18 and 35.

[Article 24] Persons in the soldiers' reserve shall be divided into two categories:

Category One of persons in the soldiers' reserve shall include:

- (1) persons regimented into primary militia organizations pursuant to the provisions of Article 38 of this Law;
- (2) soldiers under the age of 28 who have been discharged from active service and have registered for reserve service in work units where no militia organizations are to be established; and
- (3) professional and technical personnel under the age of 28 who have registered for reserve service.

Category Two of persons in the soldiers' reserve shall include:

- (1) persons regimented into ordinary militia organizations pursuant to the provisions of Article 38 of this Law; and
- (2) soldiers aged between 29 and 35 who have been discharged from active service and have registered for reserve service as well as other male citizens qualified for reserve service in work units where no militia organizations are to be established.

Reserve soldiers in Category One shall be transferred to Category Two upon attaining the age of 29; those in Category Two shall be discharged from the reserve service at the age of 35.

CHAPTER IV THE ACTIVE SERVICE AND RESERVE SERVICE OF OFFICERS

[Article 25] Officers in active service shall be replenished with the following personnel:

- (1) graduates of military institutes and academies;
- (2) soldiers who have been trained at officers' training centres established with the approval of the Central Military Commission and who are considered after assessment to be fit for the post of officer;
- (3) graduates of institutions of higher learning and secondary technical schools who are fit for officers' posts; and
- (4) civilian cadres of the armed forces and professional and technical personnel recruited individually from non-military departments.

In wartime, officers in active service shall also be replenished with the following personnel:

- (1) soldiers who can be appointed directly as officers; and
- (2) reserve officers called into active service and cadres of non-military departments fit for active service.

[Article 26] Officers in reserve service shall consist of the following:

- (1) officers who have been discharged from active service and transferred to reserve service;

- (2) soldiers who have been discharged from active service and assigned to serve in the officers' reserve;
- (3) graduates of institutions of higher learning assigned to serve in the officers' reserve;
- (4) full-time cadres of the departments of people's armed forces and cadres of the militia assigned to serve in the officers' reserve; and
- (5) cadres and professional and technical personnel of non-military departments assigned to serve in the officers' reserve.

[Article 27] The maximum age for officers in active and reserve services shall be stipulated in the Regulations of the Chinese People's Liberation Army on the Military Service of Officers.

[Article 28] Officers in active service who have attained the maximum age stipulated for such service shall be discharged from such service; those who have not attained the maximum age but have to be discharged from active service for special reasons may be discharged from such service with approval.

Officers discharged from active service may be transferred to the officers' reserve if they are qualified to serve in it.

[Article 29] Officers who have been discharged from active service and transferred to reserve service, soldiers who have been discharged from active service and assigned to serve in the officers' reserve and graduates of institutions of higher learning assigned to serve in the officers' reserve shall, within 30 days of their arrival at their places of work or residence, register for reserve service with the military service organs of their counties, autonomous counties, cities or municipal districts.

Full-time cadres of the departments of people's armed forces, cadres of the militia, and cadres and professional and technical personnel of nonmilitary departments fit for officers' posts shall serve in the officers' reserve through registration with the military service organs of counties, autonomous counties, cities or municipal districts and upon approval by military organs at a higher level.

Reserve officers who have attained the maximum age stipulated for reserve service shall be discharged from such service.

CHAPTER V CADETS ENROLLED BY MILITARY INSTITUTES AND ACADEMIES FROM AMONG YOUNG STUDENTS

[Article 30] Military institutes and academies may, according to needs in building up the armed forces, enroll cadets from among young students. The age limit for the cadets to be enrolled need not be the same as that for the active servicemen to be enlisted.

[Article 31] Cadets who have completed their studies and passed their examinations shall be given a diploma by the institutes or academies and shall be appointed officers in active service or civilian cadres according to relevant regulations.

[Article 32] Cadets who have completed the required courses but have failed in the examinations shall be given a certificate of their completion of the courses by the institutes or academies and return to their places of residence before they enrolled in such military institutes or academies, and shall be placed by the people's governments of their respective counties, autonomous counties, cities or municipal districts according to state regulations on the placement for those who have completed their studies at other colleges and schools of similar status.

[Article 33] Cadets who suffer from chronic diseases or are otherwise unfit for continuing their studies at military institutes or academies and who thus leave school upon approval shall be given a certificate by the institutes or academies of the amount of academic work they have done and shall be accepted for placement by the people's governments of the counties, autonomous counties, cities or municipal districts at their places of residence before they enrolled in such institutes or academies.

[Article 34] Cadets dismissed from school shall be accepted by the people's governments of the counties, autonomous counties, cities or municipal districts at their places of residence before enrollment, which shall treat them according to the state regulations on the treatment of students dismissed from other colleges and schools of similar status.

[Article 35] The provisions of Articles 31, 32, 33 and 34 of this Law shall also apply to cadets enrolled from among soldiers in active service.

CHAPTER VI THE MILITIA

[Article 36] The militia is an armed organization of the masses not divorced from production and is an assisting and reserve force for the Chinese People's Liberation Army.

The tasks of the militia shall be:

- (1) take an active part in the socialist modernization and be exemplary in completing the tasks in production and other fields;
- (2) undertake the duties related to preparations against war, defend the frontiers and maintain public order; and

(3) be always ready to join the armed forces to take part in war, resist aggression and defend the motherland.

[Article 37] Militia organizations shall be set up in townships, nationality townships, towns, enterprises and institutions. Male citizens who belong to the 18-35 age group and are fit for military service, excluding those enlisted for active service, shall be regimented into militia units to perform reserve service. The age limit for militia cadres may be handled flexibly.

In units where no militia organizations are to be established, male citizens qualified for military service shall be registered for reserve service in accordance with the regulations.

[Article 38] The militia shall consist of a primary militia and an ordinary militia. A selected group of militiamen under 28 years of age, including soldiers discharged from active service and other persons who have received or are selected for military training, shall be regimented into the primary militia; other male citizens belonging to the age group of 18 to 35 who are qualified for military service shall be regimented into the ordinary militia.

The primary militia may recruit female citizens when necessary.

The age limit for primary militiamen may be extended appropriately in frontier areas on land or sea, areas inhabited by minority nationalities as well as urban units in special circumstances.

CHAPTER VII MILITARY TRAINING FOR RESERVISTS

[Article 39] Military training for soldiers in reserve service shall be conducted either in militia organizations or separately.

Primary militiamen belonging to the age group of 18-20 who have not been in active service shall receive military training for 30 to 40 days; the period of training for professional and technical militiamen may be extended appropriately according to actual needs.

The retraining of primary militiamen who have performed active service or have received military training and the military training for ordinary militiamen and for soldiers in reserve service who are not regimented into militia organizations shall be conducted as provided for by the Central Military Commission.

[Article 40] Officers in reserve service shall receive military training for three to six months during the period of their reserve service.

[Article 41] The State Council and the Central Military Commission may, when necessary, decide that the reservists shall participate in emergency training.

[Article 42] During the period of military training, reservists in government organs, public organizations, enterprises and institutions shall receive their wages and bonuses from their respective units as usual, and their welfare benefits shall not be affected either.

Reservists in rural areas shall, during the period of military training, be subsidized for the loss of work time according to the income of similar workers through an equal sharing of the burden effected by the people's governments of townships, nationality townships, and towns.

CHAPTER VIII MILITARY TRAINING FOR STUDENTS OF INSTITUTIONS OF HIGHER LEARNING AND STUDENTS OF SENIOR MIDDLE SCHOOLS

[Article 43] Students of institutions of higher learning must receive basic military training during the period of their schooling.

To meet the needs of national defence, additional short-term, concentrated training shall be given to students fit for the posts of officers, and those who are considered as qualified after assessment shall serve in the officers' reserve upon approval by military organs.

[Article 44] Offices in charge of military training shall be set up and military instructors provided in institutions of higher learning to organize and conduct the military training of the students.

The short-term, concentrated training for promoting people as reserve officers prescribed in paragraph 2 of Article 43 shall be organized and conducted jointly by officers in active service sent from military organs and the offices of the institutions of higher learning in charge of military training.

[Article 45] Senior middle schools and schools equivalent to them shall be provided with military instructors to conduct military training for the students.

[Article 46] The military training of students of institutions of higher learning and students of senior middle schools shall be under the charge of the Ministry of Education and the Ministry of National Defence. Educational departments and military departments shall set up agencies or appoint full-time personnel to handle matters concerning the military training of students.

CHAPTER IX MOBILIZATION OF TROOPS IN WARTIME

[Article 47] In order to cope with an enemy's surprise attack and resist aggression, people's governments and military organs at all levels must, in peacetime, make preparations for the mobilization of troops in wartime.

[Article 48] Upon the issuance of a mobilization order by the state, people's governments and military organs at all levels must promptly carry out the mobilization:

- (1) Active servicemen must not be discharged from active service, and those on vacation or on home level must immediately return to their respective units.
- (2) Reservists must be ready to be called into active service at any time and, as soon as they are notified, must punctually report at the designated places.
- (3) Responsible persons of government organs, public organizations, enterprises and institutions and of the people's governments of townships, nationality townships, and towns must see to it that the reservists in their respective units who have been called up report at the designated places on time.
- (4) Transportation departments must provide priority transportation for reservists who have been called up and for active servicemen returning to their units in the armed forces.

[Article 49] The State Council and the Central Military Commission may decide to call into active service male citizens of the age of 36-45 in special wartime circumstances.

[Article 50] When the war is over, active servicemen to be demobilized shall be discharged from active service in staggered groups in accordance with the demobilization order issued by the State Council and the Central Military Commission, and shall be properly placed by the people's governments at various levels.

CHAPTER X PREFERENTIAL TREATMENT FOR ACTIVE SERVICEMEN AND PLACEMENT OF EX-SERVICEMEN

[Article 51] Active servicemen, disabled revolutionary armymen, ex-servicemen, and family members of revolutionary martyrs, of armymen who were killed in action or died of diseases, and of active servicemen shall be esteemed by the general public and given preferential treatment by the state and the masses of people.

[Article 52] Disabled revolutionary armymen shall enjoy priority in buying tickets at favourable discount prices according to relevant regulations when travelling by train, ship, airplane or long-distance bus.

Ordinary mail sent by conscripts from their units shall be free of charge.

[Article 53] Active servicemen who are wounded or disabled while taking part in military operations or performing military duties shall be graded for their disability by their army units and be given pension certificates for disabled revolutionary armymen. Disabled revolutionary armymen of Special Grade and First Grade discharged from active service shall be provided for by the state throughout their lives. Disabled revolutionary armymen of Second and Third Grades who are residents of cities or towns shall be given jobs suited to their abilities by the people's governments of their counties, autonomous counties, cities or municipal districts; those who are residents of rural areas may be given suitable jobs in enterprises or institutions if this can be done locally, or they may get an increase in the pension for the disabled in accordance with relevant regulations as a guarantee for their livelihood.

[Article 54] Families of conscripts which reside in rural areas shall be given favourable treatment through an equal sharing of the burden to be effected by the people's governments of townships, nationality townships or towns. The specific measures and standards for such favourable treatment shall be formulated by the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government.

Families of conscripts which reside in cities and towns and which face financial difficulties shall be given appropriate subsidies by the people's governments of counties, autonomous counties, cities or municipal districts.

[Article 55] A pension in a lump sum shall be given by the state to the family of an active serviceman who was killed in action or died of a disease. If the family cannot provide for itself because it has no one who can work or because it has no regular income, it shall be given a periodical pension by the state.

[Article 56] Conscripts discharged from active service shall, on the principle of returning to the place where they came from, be accepted and placed by the people's governments of the counties, autonomous counties, cities or municipal districts where they were enlisted:

(1) Conscripts who are residents of rural areas, when discharged from active service, shall be provided with proper arrangements for their work and livelihood by the people's governments of townships, nationality townships and towns. Government organs, public organizations, enterprises and institutions shall give appropriate preference to them when recruiting staff and workers from rural areas.

(2) Conscripts who are residents of cities and towns, when discharged from active service, shall be given jobs by the people's governments of counties, autonomous counties, cities or municipal districts. Those who, prior to enlistment, had been regular staff members or workers of government organs, public organizations, enterprises or institutions shall be allowed to resume their original work or positions.

(3) When conscripts discharged from active service take entrance examinations for institutions of higher learning or secondary vocational schools, they shall enjoy enrollment priority over contenders who are equally qualified in other respects.

[Article 57] Conscripts discharged from active service because of mental disorder acquired during the period of their active service shall, depending on the seriousness of their cases, be sent to a civilian hospital for medical treatment or sent home for recuperation. Their medical and living expenses shall be borne by the people's governments of their respective counties, autonomous counties, cities or municipal districts.

Conscripts discharged from active service who contracted chronic diseases during the period of their active service and who need medical treatment because of a recurrence of such diseases shall be treated by a civilian medical institution. If they have financial difficulties and cannot meet the necessary medical and living expenses, the people's governments of their counties, autonomous counties, cities or municipal districts shall give them a subsidy.

[Article 58] Volunteers discharged from active service shall be given jobs by the people's governments of their counties, autonomous counties, cities or municipal districts where they were enlisted; in special cases they may also be placed through an overall arrangement by the people's governments at the next higher level or of provinces, autonomous regions, or municipalities directly under the Central Government. Those who wish to return to the rural areas to take part in agricultural production shall be encouraged to do so and given extra subsidies for setting up a home there.

Volunteers who have basically lost their ability to work because they were disabled while taking part in military operations or performing military duties or because their health broke down as a result of constant overwork during the period of their active service shall go through the procedures of retirement and shall be accepted and taken care of by the people's governments of the counties, autonomous counties, cities or municipal districts where they were enlisted or where their lineal relatives reside.

[Article 59] Officers discharged from active service shall be properly placed by the state.

[Article 60] In cases where militiamen died or were disabled while taking part in military operations or performing military duties, or where reservists or students died or were disabled while taking part in military training, pensions and preferential treatment shall be granted by the local people's governments in accordance with the Regulations on Pensions and Preferential Treatment Concerning Militiamen.

CHAPTER XI PUNISHMENTS

[Article 61] If any citizen who, pursuant to the provisions of this Law, has the duty to perform military service refuses to register for military service or evades such registration, if any citizen who is eligible for enlistment refuses to be enlisted or evades enlistment, or if a reservist refuses to undergo military training or evades such training, and if any such person refuses to mend his ways in spite of persuasion, the people's government at the grassroots level shall compel him to fulfil his duty of performing military service.

In wartime, if a reservist refuses to be called into active service or evades such service, or if he refuses to undergo military training or evades such training, and if the case is a serious one, he shall be punished with reference to the first paragraph of Article 6 of the Interim Regulations of the People's Republic of China on Punishment of Servicemen Who Commit Crimes Contrary to Their Duties.

[Article 62] State functionaries who take bribes or engage in malpractices for selfish purposes while conducting military service work or who cause serious losses to such work by their dereliction of duty shall be punished, as the circumstances may require, according to the provisions of Articles 185 and 187 of the Criminal Law of the People's Republic of China. Administrative sanctions may be given where the circumstances are less serious.

CHAPTER XII SUPPLEMENTARY PROVISIONS

[Article 63] This Law shall apply to the Chinese People's Armed Police Force.

[Article 64] The Chinese People's Liberation Army shall, when necessary, provide itself with civilian cadres. The regulations on civilian cadres shall be formulated separately.

[Article 65] This Law shall come into force on October 1, 1984.