

**far  
east**

*Reporter*

**CONSTITUTION**  
**(FUNDAMENTAL LAW)**  
*of the*  
**PEOPLE'S REPUBLIC  
OF CHINA**

with editorial introduction

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## **INTRODUCTION**

Far East Reporter has reprinted the Constitution of the People's Republic of China adopted on September 20, 1954 by the First National People's Congress of the People's Republic of China, as a document of great importance to the American people, particularly at the present time. This is all the more necessary as only a few meager press items on inside pages marked this turning point in the life of nearly one-fourth of humanity. While Secretary of State Dulles and the plenipotentiary of Chiang Kai-shek's papier maché regime solemnly negotiated a "Mutual" Defense Treaty, the People's Republic of China, the actual government of China, firmly established its constitutional claim to world recognition.

The constitution of the People's Republic of China is a genuinely democratic document. It is the more remarkable in that it comes only a brief five years after the Chinese people achieved national independence and their first experience, as a nation, of domestic political democracy made possible by the end of feudal, landlord domination. Recalling the long years of "tutelage" advocated by Chiang Kai-shek before the Chinese people could be deemed "ready for democracy" the new Constitution is further evidence that the surest teacher of democracy is the experience itself.

The Constitution of the People's Republic of China is the product of the democratic experience of the Chinese people in the five years since liberation. From the first days of the People's Republic, wherever conditions made it possible, All People's Representative Conferences were functioning on a local level and elected interim People's Governments. It was through such democratic processes and experiences of the great majority of the Chinese people that advances in political consciousness and practice were gained. Participation in land reform, reconstruction of war devastated industry, flood control and other major national efforts coupled with

the achievement of equality for women freed China's population for constructive participation in the great task of creating a modern industrial nation. These are the material conditions on which the Constitution rests and the guarantee that the rights and privileges pronounced will be forthcoming in life. Its adoption after intensive nation-wide discussion insures its popular support.

Codes of laws in former times drew much of their authority from the divine source to which they were attributed or gained respect as the work of some outstanding lawgiver. Such were the Ten Commandments and the codes of Hammurabi and Justinian. In contrast to these, the new Chinese constitution bears in every part the imprint of its earthy origin.

The United States, the French, the Indian, and many other constitutions, while containing a procedure for amendments, are on their face perpetual. The Chinese Constitution is distinguished from these as it explicitly contemplates its termination in the not too distant future. It is without cavil a constitution for an envisaged period of transition from a capitalist to a socialist society. The Preamble states as the perspective "that China can in a peaceful way eliminate exploitation and poverty and build a prosperous and happy socialist society." The classes in Chinese society today—the workers, farmers, petty bourgeoisie, national bourgeoisie, and their place in this projected period of change are precisely delimited (Arts. 1-20).

Liu Shao-chi, chairman of the Constitutional Drafting Committee, declared in his report to the National People's Congress: The Constitution sets "down in legal form, the central tasks of our country in the transition period." The Constitution is a framework within "which the people of the entire country unite to build a socialist society. . . . We shall give the capitalists the necessary length of time so that they may accept the transformation step by step, under the leadership of the state and the working class."

The basic structure of the state is clearly defined in Article 1: "The People's Republic of China is a people's democratic state led by the working class and based on the alliance of

workers and peasants." Article 2 declares that "all power . . . belongs to the people." The Government's first concern is plainly those who were the have-nots under Chiang Kai-shek's corrupt landlord regime, workers and farmers, who comprise about 90 percent of the population. Work is now "a matter of honor for every citizen" (Art. 16). The leading role accorded the workers is reflected in the electoral law which governs the election of deputies to the National People's Congress. The law apportions one deputy to every 800,000 persons in rural areas and one for every 100,000 persons in cities.

Of great significance is the guarantee of equality for China's formerly subjugated national minorities—sixty different minority groups comprising over forty million people. Though only 7 percent of the total population, the national minorities have a minimum of 150 deputies, that is to say, about 13 percent of the deputies of the National People's Congress.

The Fundamental Rights and Duties of Citizens are set forth in Articles 85 to 103. These enumerate civil, economic and other rights. "All citizens are equal before the law" (Art. 85). "All citizens who have reached the age of eighteen have the right to elect and be elected" (Art. 86). "Citizens . . . have freedom of speech, the press, assembly, association, procession and demonstration." The state provides the necessary material facilities to guarantee to citizens the enjoyment of these freedoms (Art. 87). Reminiscent of President Roosevelt's proposals for an Economic Bill of Rights (Message on the State of the Union, January 11, 1944) are such rights as "the right to work. . . . The state guarantees this right by planned development of the national economy, by increasing employment step by step, improving working conditions and raising real wages" (Art. 91). Coupled with this is "the right to rest" (Art. 92); "the right to material assistance in old age, in illness and disability" (Art. 93), and "the right to education" (Art. 94). The means "to guarantee" each of these rights is spelled out. Especially noteworthy is the declaration that women are "to enjoy equal rights with men in all spheres of political, economic, cultural, social and domestic life" (Art. 96).

Two significant and unique rights guaranteed in China's Constitution are: 1) the right to make charges "against any government worker for transgression of law or negligence of duty" and "the right to compensation" for any resultant loss; and, 2) the right of asylum for foreigners "persecuted for supporting a just cause, for taking part in the peace movement or for scientific activities" (Art. 97).

Article 14 prohibits any person "using his private property to undermine public interests." Article 17 requires that "all organs of state must rely on the masses of the people, constantly maintain contact with them, heed their opinions and accept their supervision." A remedy if deputies fail to heed this mandate is also given, viz., "the right to recall and replace their elected deputies at any time" (Art. 39).

Chairman Mao Tse-tung, in connection with attaining the long-range objectives embodied in the Constitution, called upon the Chinese people to "be prepared in the course of several five-year plans\* . . . to build our country, at present economically and culturally backward, into a great industrialized country with a high standard of living and culture."\*\* By these plans the Chinese people, relying mainly on their own toil and resources, seek to make a better life for themselves. This vast project involving 600,000,000 people is clearly a peace plan—it requires peace for its realization, and it requires coexistence among the nations. The Constitution states that China's policy is to "develop relations with all countries, based on the principles of equality, mutual benefit, and mutual respect for sovereignty and territorial integrity" and to "strive for the noble cause of world peace" (Preamble). Peace is a must for China as for all mankind.

Inciters of war with China, powerful and vociferous though a minority, have turned their back on our traditions of 1776. The America that seeks peace and trade with our new Pacific neighbor is in the majority. This America, as it learns the terms of the new Constitution, will greet the dignity and progress won by the Chinese people. The Constitution is palpable evidence that the People's Republic of China is here to stay. To deny it recognition is to gainsay reality and will surely serve our interests ill.

This Constitution is a tocsin like our own Declaration of Independence, summoning above all, China's workers and farmers, newly freed from feudal and foreign control, to win the abundance which they have been so long denied. Patriotism as well as the highest type of enlightened self-interest is served by Americans standing four-square for peace, trade and friendship with the Chinese people and their People's Republic.

\* China's First Five Year Plan began in 1952.

\*\* Address at the opening of the National People's Congress, N.Y. Times, Sept. 16, 1954.

## P R E A M B L E

In the year 1949, after more than a century of heroic struggle, the Chinese people, led by the Communist Party of China, finally achieved their great victory in the people's revolution against imperialism, feudalism and bureaucrat-capitalism; and so brought to an end a long history of oppression and enslavement and founded the People's Republic of China, a people's democratic dictatorship. The system of people's democracy—new democracy—of the People's Republic of China guarantees that China can in a peaceful way banish exploitation and poverty and build a prosperous and happy socialist society.

From the founding of the People's Republic of China to the attainment of a socialist society is a period of transition. During the transition the fundamental task of the state is, step by step, to bring about the socialist industrialization of the country and, step by step, to accomplish the socialist transformation of agriculture, handicrafts and capitalist industry and commerce. In a few short years our people have successfully carried out a series of large-scale struggles: the reform of the agrarian system, resistance to American aggression and aid to Korea, the suppression of counter-revolutionaries and the rehabilitation of the national economy. As a result, the necessary conditions have been created for planned economic construction and gradual transition to socialism.

The First National People's Congress of the People's Republic of China, at its first session held in Peking, the capital, solemnly adopted the Constitution of the People's Republic of China on September 20, 1954. This Constitution is based on the Common Programme of the Chinese People's Political Consultative Conference of 1949, and is an advance on it. It consolidates the gains of the Chinese people's revolution and the victories won in the political and economic fields since the founding of the People's Republic of China;

and, moreover, it reflects the basic needs of the state in the period of transition, as well as the general desire of the people as a whole to build a socialist society.

In the course of the great struggle to establish the People's Republic of China, the people of our country forged a broad people's democratic united front, composed of all democratic classes, democratic parties and groups, and popular organizations, and led by the Communist Party of China. This people's democratic united front will continue to play its part in mobilizing and rallying the whole people in common struggle to fulfill the fundamental task of the state during the transition and to oppose enemies within and without.

All nationalities of our country are united in one great family of free and equal nations. This unity of China's nationalities will continue to gain in strength, founded as it is on ever-growing friendship and mutual aid among themselves, and on the struggle against imperialism, against public enemies of the people within the nationalities, and against both dominant-nation chauvinism and local nationalism. In the course of economic and cultural development, the state will concern itself with the needs of the different nationalities, and, in the matter of socialist transformation, pay full attention to the special characteristics in the development of each.

China has already built an indestructible friendship with the great Union of Soviet Socialist Republics and the People's Democracies; and the friendship between our people and peace-loving people in all other countries is growing day by day. Such friendship will be constantly strengthened and broadened. China's policy of establishing and extending diplomatic relations with all countries on the principle of equality, mutual benefit and mutual respect for each other's sovereignty and territorial integrity, which has already yielded success, will continue to be carried out. In international affairs our firm and consistent policy is to strive for the noble cause of world peace and the progress of humanity.

## CHAPTER 1

### GENERAL PRINCIPLES

#### ARTICLE 1

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

#### ARTICLE 2

All power in the People's Republic of China belongs to the people. The organs through which the people exercise power are the National People's Congress and the local people's congresses.

The National People's Congress, the local people's congresses and other organs of state without exception practice democratic centralism.

#### ARTICLE 3

The People's Republic of China is a unified, multi-national state.

All the nationalities are equal. Discrimination against, or oppression of, any nationality, and acts which undermine the unity of the nationalities are prohibited.

All the nationalities have freedom to use and foster the growth of their spoken and written languages, and to preserve or reform their own customs or ways.

Regional autonomy applies in areas entirely or largely inhabited by national minorities. National autonomous areas are inalienable parts of the People's Republic of China.

#### ARTICLE 4

The People's Republic of China, by relying on the organs of state and the social forces, and by means of socialist industrialization and socialist transformation, ensures the gradual abolition of systems and exploitation and the building of a socialist society.

#### ARTICLE 5

In the People's Republic of China the ownership of the means of production today mainly takes the following forms:

state ownership, that is, ownership by the whole people; co-operative ownership, that is, collective ownership by the working masses; ownership by individual working people; and capitalist ownership.

#### ARTICLE 6

State-owned economy is socialist economy owned by the whole people; it is the leading force in the national economy and the material basis on which the state carries out socialist transformation. The state ensures priority for the development of state-owned economy.

All mineral resources and waters, as well as forests, undeveloped land and other resources which the state owns by law, are the property of the whole people.

#### ARTICLE 7

Co-operative economy is either socialist economy collectively owned by the working masses, or semi-socialist economy in part collectively owned by the working masses. Such partial collective ownership by the working masses is a transitional form by means of which individual peasants, individual handicraftsmen and other individual working people organize themselves in their advance towards collective ownership by the working masses.

The state protects the property of the co-operatives, encourages, guides and helps the development of co-operative economy. It regards the promotion of producers' co-operatives as the chief means for the transformation of individual farming and individual handicrafts.

#### ARTICLE 8

The state protects peasant ownership of land and other means of production according to law.

The state guides and helps individual peasants to increase production and encourages them to organize producers' supply and marketing, and credit co-operatives voluntarily.

The policy of the state towards rich-peasant economy is to restrict and gradually eliminate it.

The state protects the ownership of the means of production by handicraftsmen and other non-agricultural individual working people according to law.

## ARTICLE 9

The state guides and helps individual handicraftsmen and other non-agricultural individual working people to improve the management of their affairs and encourages them to organize producers', and supply and marketing co-operatives voluntarily.

## ARTICLE 10

The state protects the ownership by capitalists of the means of production and other capital according to law.

The policy of the state towards capitalist industry and commerce is to use, restrict and transform them. The state makes use of the positive qualities of capitalist industry and commerce which are beneficial to national welfare and the people's livelihood, restricts their negative qualities which are not beneficial to national welfare and the people's livelihood, encourages and guides their transformation into various forms of state-capitalist economy, gradually replacing capitalist ownership with ownership by the whole people; and this it does by means of control exercised by administrative organs of state, the leadership given by state-owned economy, and supervision by the workers.

The state forbids any kind of illegal activity by capitalists which endangers the public interest, disturbs the social-economic order, or undermines the economic plan of the state.

## ARTICLE 11

The state protects the right of citizens to ownership of lawful income, of savings, houses and the means of life.

## ARTICLE 12

The state protects the right of citizens to inherit private property according to law.

## ARTICLE 13

The state may, in the public interest, buy, requisition or nationalize land and other means of production both in cities and countryside according to provisions of law.

## ARTICLE 14

The state forbids any person to use his private property to the detriment of the public interest.

## ARTICLE 15

By economic planning, the state directs the growth and transformation of the national economy to bring about the constant increase of productive forces, in this way enriching the material and cultural life of the people and consolidating the independence and security of the country.

## ARTICLE 16

Work is a matter of honor for every citizen of the People's Republic of China who is able to work. The state encourages initiative and creative activity of citizens in their work.

## ARTICLE 17

All organs of state must rely on the masses of the people, constantly maintain close contact with them, heed their opinions and accept their supervision.

## ARTICLE 18

All persons working in organs of state must be loyal to the people's democratic system, observe the Constitution and the law and strive to serve the people.

## ARTICLE 19

The People's Republic of China safeguards the people's democratic system, suppresses all treasonable and counter-revolutionary activities and punishes all traitors and counter-revolutionaries.

The state deprives feudal landlords and bureaucrat-capitalists of political rights for a specific period of time according to law; at the same time it provides them with a way to live, in order to enable them to reform through work and become citizens who earn their livelihood by their own labor.

## ARTICLE 20

The armed forces of the People's Republic of China belong to the people; their duty is to safeguard the gains of the people's revolution and of national construction, and to defend the sovereignty, territorial integrity and security of the country.

## CHAPTER II

### THE STATE STRUCTURE

#### SECTION 1. THE NATIONAL PEOPLE'S CONGRESS

##### ARTICLE 21

The National People's Congress of the People's Republic of China is the highest organ of state power.

##### ARTICLE 22

The National People's Congress is the only organ exercising the legislative power of the state.

##### ARTICLE 23

The National People's Congress is composed of deputies elected by provinces, autonomous regions, municipalities directly under the central authority, the armed forces and Chinese residents abroad.

The number of deputies to the National People's Congress, including those representing national minorities, and the manner of their election, are prescribed by electoral law.

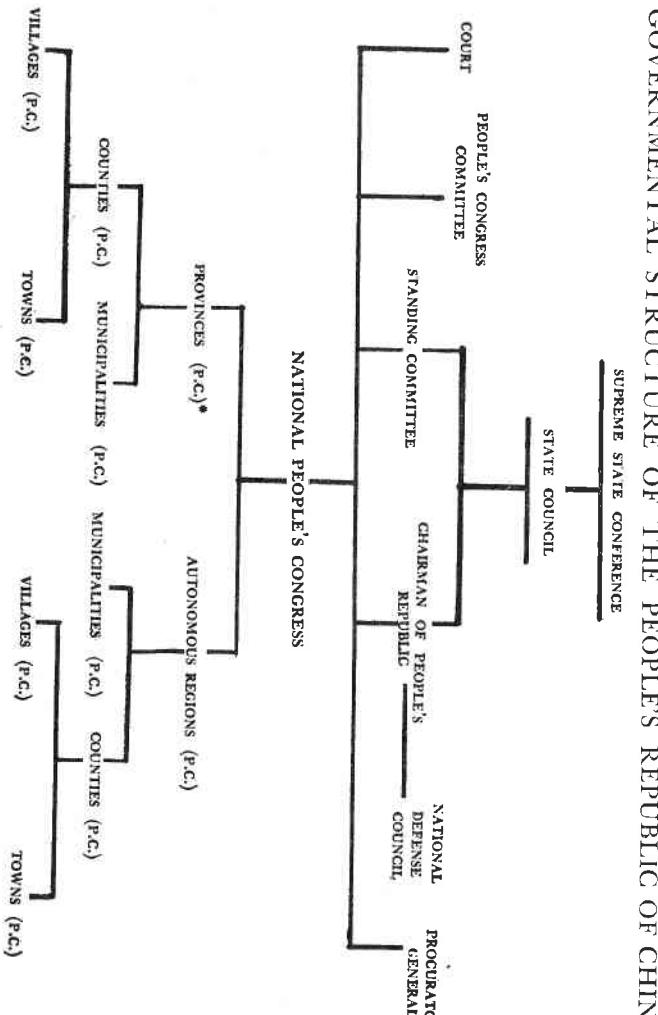
##### ARTICLE 24

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

Two months before the term of office of the National People's Congress expires, its Standing Committee must carry to completion the election of deputies to the next National People's Congress. Should exceptional circumstances arise preventing such an election, the term of office of the sitting National People's Congress may be prolonged until the first session of the next National People's Congress.

##### ARTICLE 25

The National People's Congress meets once a year, convened by its Standing Committee. It may also be convened whenever its Standing Committee deems this necessary or one-fifth of the deputies so propose.



## ARTICLE 26

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

## ARTICLE 27

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

- (1) to amend the Constitution;
- (2) to enact laws;
- (3) to supervise the enforcement of the Constitution;
- (4) to elect the Chairman and the Vice-Chairman of the People's Republic of China;
- (5) to decide on the choice of the Premier of the State Council upon recommendation by the Chairman of the People's Republic of China, and of the component members of the State Council upon recommendation by the Premier;
- (6) to decide on the choice of the Vice-Chairmen and members of the Council of National Defense upon recommendation by the Chairman of the People's Republic of China;
- (7) to elect the President of the Supreme People's Court;
- (8) to elect the Chief Procurator of the Supreme People's Procuratorate;
- (9) to decide on the national economic plan;
- (10) to examine and approve the state budget and the financial report;
- (11) to ratify the status and boundaries of provinces, autonomous regions, and municipalities directly under the central authority;
- (12) to decide on general amnesties;
- (13) to decide on questions of war and peace; and
- (14) to exercise such other functions and powers as the National People's Congress considers necessary.

## ARTICLE 28

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

- (1) the Chairman and the Vice-Chairman of the People's Republic of China;
- (2) the Premier and Vice-Premiers, Ministers, Heads of

Commissions and the Secretary-General of the State Council;

(3) the Vice-Chairmen and members of the Council of National Defense;

(4) the President of the Supreme People's Court;

(5) the Chief Procurator of the Supreme People's Procuratorate.

## ARTICLE 29

Amendments to the Constitution require a two-thirds majority vote of all the deputies to the National People's Congress.

Laws and other bills require a majority vote of all the deputies to the National People's Congress.

## ARTICLE 30

The Standing Committee of the National People's Congress is the permanent body of the National People's Congress.

The Standing Committee of the National People's Congress is composed of the following persons, elected by the National People's Congress:

- the Chairman;
- the Vice-Chairmen;
- the Secretary-General;
- Members.

## ARTICLE 31

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

- (1) to conduct the election of deputies to the National People's Congress;
- (2) to convene the National People's Congress;
- (3) to interpret the laws;
- (4) to adopt decrees;
- (5) to supervise the work of the State Council, the Supreme People's Court and the Supreme People's Procuratorate;
- (6) to annul decisions and orders of the State Council

where these contravene the Constitution, laws or decrees;

(7) to revise or annul inappropriate decisions of organs of state power of provinces, autonomous regions, and municipalities directly under the central authority;

(8) to decide on the appointment or removal of any Vice-Premier, Minister, Head of Commission or the Secretary-General of the State Council when the National People's Congress is not in session;

(9) to appoint or remove the Vice-Presidents, judges, and members of the Judicial Committee of the Supreme People's Court;

(10) to appoint or remove the Deputy Chief Procurators, procurators, and members of the Procuratorial Committee of the Supreme People's Procuratorate;

(11) to decide on the appointment or recall of plenipotentiary envoys to foreign states;

(12) to decide on the ratification or abrogation of treaties concluded with foreign states;

(13) to institute military, diplomatic and other special titles and ranks;

(14) to institute and decide on the award of state orders, medals and titles of honor;

(15) to decide on the granting of pardons;

(16) to decide, when the National People's Congress is not in session, on the proclamation of a state of war in the event of armed attack against the state or in fulfillment of international treaty obligations concerning common defense against aggression;

(17) to decide on general or partial mobilization;

(18) to decide on the enforcement of martial law throughout the country or in certain areas; and

(19) to exercise such other functions and powers as are vested in it by the National People's Congress.

#### ARTICLE 32

The Standing Committee of the National People's Congress exercises its functions and powers until the next National People's Congress elects a new Standing Committee.

#### ARTICLE 33

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

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

#### ARTICLE 34

The National People's Congress establishes a Nationalities Committee, a Bills Committee, a Budget Committee, a Credentials Committee and other necessary committees.

The Nationalities Committee and the Bills Committee are under the direction of the Standing Committee of the National People's Congress when the National People's Congress is not in session.

#### ARTICLE 35

Investigation committees may be constituted to enquire into specific questions when the National People's Congress, or its Standing Committee if the National People's Congress is not in session, deems it necessary.

All organs of state, people's organizations and citizens concerned are obliged to supply necessary information to these committees when they conduct investigations.

#### ARTICLE 36

Deputies to the National People's Congress have the right to address questions to the State Council, or to the Ministries and Commissions of the State Council, which are under obligation to answer.

#### ARTICLE 37

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

## ARTICLE 38

Deputies to the National People's Congress are subject to the supervision of the units which elect them. These electoral units have power to replace at any time the deputies they elect, according to the procedure prescribed by law.

### SECTION 2. THE CHAIRMAN OF THE PEOPLE'S REPUBLIC OF CHINA

## ARTICLE 39

The Chairman of the People's Republic of China is elected by the National People's Congress. Any citizen of the People's Republic of China who has the right to vote and stand for election and has reached the age of thirty-five is eligible for election as Chairman of the People's Republic of China.

The term of office of the Chairman of the People's Republic of China is four years.

## ARTICLE 40

The Chairman of the People's Republic of China, in accordance with decisions of the National People's Congress or the Standing Committee of the National People's Congress, promulgates laws and decrees; appoints or removes the Premier, Vice-Premiers, Ministers, Heads of Commissions and the Secretary-General of the State Council; appoints or removes the Vice-Chairmen and members of the Council of National Defense; confers state orders, medals and titles of honor; proclaims general amnesties and grants pardons; proclaims martial law; proclaims a state of war; and orders mobilization.

## ARTICLE 41

The Chairman of the People's Republic of China represents the People's Republic of China in its relations with foreign states, receives foreign envoys and, in accordance with decisions of the Standing Committee of the National People's Congress, appoints or recalls plenipotentiary envoys to foreign states and ratifies treaties concluded with foreign states.

## ARTICLE 42

The Chairman of the People's Republic of China commands the armed forces of the country, and is Chairman of the Council of National Defense.

## ARTICLE 43

The Chairman of the People's Republic of China convenes a Supreme State Conference whenever necessary and acts as its chairman.

The Vice-Chairman of the People's Republic of China, the Chairman of the Standing Committee of the National People's Congress, the Premier of the State Council and other persons concerned take part in the Supreme State Conference.

The Chairman of the People's Republic of China submits the views of the Supreme State Conference on important affairs of state to the National People's Congress, its Standing Committee, the State Council, or other bodies concerned for their consideration and decision.

## ARTICLE 44

The Vice-Chairman of the People's Republic of China assists the Chairman in his work. The Vice-Chairman may exercise such part of the functions and powers of the Chairman as the Chairman may entrust to him.

The provisions of Article 39 of the Constitution governing the election and term of office of the Chairman of the People's Republic of China apply also to the election and term of office of the Vice-Chairman of the People's Republic of China.

## ARTICLE 45

The Chairman and the Vice-Chairman of the People's Republic of China exercise their functions and powers until the new Chairman and Vice-Chairman elected by the next National People's Congress take office.

## ARTICLE 46

Should the Chairman of the People's Republic of China for reasons of health be unable to perform his duties over a long period, the Vice-Chairman exercises the functions and powers of Chairman on his behalf.

Should the office of Chairman of the People's Republic of China fall vacant, the Vice-Chairman succeeds to the office of Chairman.

### SECTION 3. THE STATE COUNCIL

## ARTICLE 47

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

## ARTICLE 48

The State Council is composed of the following persons:  
the Premier;  
the Vice-Premiers;  
the Ministers;  
the Heads of Commissions;  
the Secretary-General.

The organization of the State Council is determined by law.

## ARTICLE 49

The State Council exercises the following functions and powers:

- (1) to formulate administrative measures, issue decisions and orders and verify their execution, in accordance with the Constitution, laws and decrees;
- (2) to submit bills to the National People's Congress or its Standing Committee;
- (3) to co-ordinate and lead the work of Ministries and Commissions;

(4) to co-ordinate and lead the work of local administrative organs of state throughout the country;

(5) to revise or annul inappropriate orders and directives of Ministers or Heads of Commissions;

(6) to revise or annul inappropriate decisions and orders of local administrative organs of state;

(7) to put into effect the national economic plan and provisions of the state budget;

(8) to control foreign and domestic trade;

(9) to direct cultural, educational and public health work;

(10) to administer affairs concerning the nationalities;

(11) to administer affairs concerning Chinese residents abroad;

(12) to protect the interests of the state, to maintain public order and to safeguard the rights of citizens;

(13) to direct the conduct of external affairs;

(14) to guide the building up of the defense forces;

(15) to ratify the status and boundaries of autonomous chou, counties, autonomous counties, and municipalities;

(16) to appoint or remove administrative personnel according to provisions of law; and

(17) to exercise such other functions and powers as are vested in it by the National People's Congress or its Standing Committee.

## ARTICLE 50

The Premier directs the work of the State Council and presides over its meetings.

The Vice-Premiers assist the Premier in his work.

## ARTICLE 51

The Ministers and Heads of Commissions direct the work of their respective departments. Ministers and Heads of Commissions may issue orders and directives within the jurisdiction of their respective departments and in accordance with laws and decrees, and decisions and orders of the State Council.

## ARTICLE 52

The State Council is responsible to the National People's

Congress and reports to it, or, when the National People's Congress is not in session, to its Standing Committee.

#### SECTION 4. THE LOCAL PEOPLE'S CONGRESSES AND LOCAL PEOPLE'S COUNCILS

##### ARTICLE 53

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 authority;

(2) Provinces and autonomous regions are divided into autonomous *chou*, counties, autonomous counties, and municipalities;

(3) Counties and autonomous counties are divided into *hsiang*, nationality *hsiang*, and towns.

Municipalities directly under the central authority and other large municipalities are divided into districts. Autonomous *chou* are divided into counties, autonomous counties, and municipalities.

Autonomous regions, autonomous *chou* and autonomous counties are all national autonomous areas.

##### ARTICLE 54

People's congresses and people's councils are established in provinces, municipalities directly under the central authority, counties, municipalities, municipal districts, *hsiang*, nationality *hsiang*, and towns. Organs of self-government are established in autonomous regions, autonomous *chou* and autonomous counties. The organization and work of organs of self-government are specified in Section 5 of Chapter II of the Constitution.

##### ARTICLE 55

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

##### ARTICLE 56

Deputies to the people's congresses of provinces, municipalities directly under the central authority, counties, and

municipalities divided into districts are elected by the people's congresses of the next lower level; deputies to the people's congresses of municipalities not divided into districts, municipal districts, *hsiang*, nationality *hsiang*, and towns are directly elected by the voters.

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

##### ARTICLE 57

The term of office of the provincial people's congresses is four years. The term of office of the people's congresses of municipalities directly under the central authority, counties, municipalities, municipal districts, *hsiang*, nationality *hsiang*, and towns is two years.

##### ARTICLE 58

The local people's congresses at every level ensure the observance and execution of laws and decrees in their respective administrative areas; draw up plans for local economic and cultural development and for public works; examine and approve local budgets and financial reports; protect public property; maintain public order; safeguard the rights of citizens and the equal rights of national minorities.

##### ARTICLE 59

The local people's congresses elect, and have power to recall, members of the people's councils at corresponding levels.

The people's congresses at county level and above elect, and have power to recall, the presidents of people's courts at corresponding levels.

##### ARTICLE 60

The local people's congresses adopt and issue decisions within the limits of the authority prescribed by law.

The people's congresses of nationality *hsiang* may, within the limits of the authority prescribed by law, take specific measures appropriate to the characteristics of the nationalities concerned.

The local people's congresses have power to revise or annul

inappropriate decisions and orders of people's councils at corresponding levels.

The people's congresses at county level and above have power to revise or annul inappropriate decisions of people's congresses at the next lower level as well as inappropriate decisions and orders of people's councils at the next lower level.

#### ARTICLE 61

Deputies to the people's congresses of provinces, municipalities directly under the central authority, counties, and municipalities divided into districts are subject to supervision by the units which elect them; deputies to the people's congresses of municipalities not divided into districts, municipal districts, *hsiang*, nationality *hsiang*, and towns are subject to supervision by their electorates. The electoral units and electorates which elect the deputies to the local people's congresses have power at any time to recall their deputies according to the procedure prescribed by law.

#### ARTICLE 62

Local people's councils, that is, local people's governments, are the executive organs of local people's congresses at corresponding levels, and are the local administrative organs of state.

#### ARTICLE 63

A local people's council is composed, according to its level, of the provincial governor and deputy provincial governors; or the mayor and deputy mayors; or the county head and deputy county heads; or the district head and deputy district heads; or the *hsiang* head and the deputy *hsiang* heads; or the town head and deputy town heads, as the case may be; together with council members.

The term of office of a local people's council is the same as that of the people's congress at corresponding level.

The organization of local people's councils is determined by law.

#### ARTICLE 64

The local people's councils administer their respective areas within the limits of the authority prescribed by law.

The local people's councils carry out the decisions of people's congresses at corresponding levels and decisions and orders of administrative organs of state at higher levels.

The local people's councils issue decisions and orders within the limits of the authority prescribed by law.

#### ARTICLE 65

The people's councils at county level and above direct the work of all their subordinate departments and of people's councils at lower levels, as well as appoint or remove personnel of organs of state according to provisions of law.

The people's councils at county level and above have power to suspend the execution of inappropriate decisions by people's congresses at the next lower level; and to revise or annul inappropriate orders and directives issued by their subordinate departments, and inappropriate decisions and orders issued by people's councils at lower levels.

#### ARTICLE 66

The local people's councils are responsible to the people's congresses at corresponding levels and to the administrative organs of state at the next higher level, and report to them.

The local people's councils throughout the country are administrative organs of state which are under the unified leadership of, and subordinate to, the State Council.

### SECTION 5. THE ORGANS OF SELF-GOVERNMENT OF NATIONAL AUTONOMOUS AREAS

#### ARTICLE 67

The organs of self-government of all autonomous regions, autonomous *chou* and autonomous counties are formed in accordance with the basic principles governing the organization of local organs of state as specified in Section 4 of Chapter II of the Constitution. The form of each organ of self-government may be determined in accordance with the wishes of the majority of the people of the nationality or nationalities enjoying regional autonomy in a given area.

#### ARTICLE 68

In all autonomous regions, autonomous *chou* and autonom-

ous counties where a number of nationalities live together, each nationality is entitled to appropriate representation on the organs of self-government.

#### ARTICLE 69

The organs of self-government of all autonomous regions, autonomous *chou* and autonomous counties exercise the functions and powers of local organs of state as specified in Section 4 of Chapter II of the Constitution.

#### ARTICLE 70

The organs of self-government of all autonomous regions, autonomous *chou* and autonomous counties exercise autonomy within the limits of the authority prescribed by the Constitution and the law.

The organs of self-government of all autonomous regions, autonomous *chou* and autonomous counties administer their own local finances within the limits of the authority prescribed by law.

The organs of self-government of all autonomous regions, autonomous *chou* and autonomous counties organize their local public security forces in accordance with the military system of the state.

The organs of self-government of all autonomous regions, autonomous *chou* and autonomous counties may draw up regulations governing the exercise of autonomy and other special regulations suited to the political, economic and cultural characteristics of the nationality or nationalities in a given area and submit any such regulations to the Standing Committee of the National People's Congress for approval.

#### ARTICLE 71

In performing their duties, organs of self-government of all autonomous regions, autonomous *chou* and autonomous counties employ the spoken and written language or languages commonly used by the nationality or nationalities in a given area.

#### ARTICLE 72

The higher organs of state should fully safeguard the right

of organs of self-government of all autonomous regions, autonomous *chou* and autonomous counties to exercise autonomy, and should assist the various national minorities in their political, economic and cultural development.

### SECTION 6. THE PEOPLE'S COURTS AND THE PEOPLE'S PROCURATORATE

#### ARTICLE 73

In the People's Republic of China judicial authority is exercised by the Supreme People's Court, local people's courts and special people's courts.

#### ARTICLE 74

The term of office of the President of the Supreme People's Court and presidents of local people's court is four years.

The organization of people's courts is determined by law.

#### ARTICLE 75

The system of people's assessors applies, in accordance with law, to judicial proceedings in the people's courts.

#### ARTICLE 76

Cases in the people's courts are heard in public unless otherwise provided for by law. The accused has the right to defence.

#### ARTICLE 77

Citizens of all nationalities have the right to use their own spoken and written languages in court proceedings. The people's courts are to provide interpretation for any party unacquainted with the spoken or written language commonly used in the locality.

In an area entirely or largely inhabited by a national minority or where a number of nationalities live together, hearings in people's courts are conducted in the language commonly used in the locality, and judgments, notices and all other documents of the people's courts are made public in such language.

#### ARTICLE 78

In administering justice the people's courts are independent, subject only to the law.

## ARTICLE 79

The Supreme People's Court is the highest judicial organ. The Supreme People's Court supervises the judicial work of local people's courts and special people's courts; people's courts at higher levels supervise the judicial work of people's courts at lower levels.

## ARTICLE 80

The Supreme People's Court is responsible to the National People's Congress and reports to it; or, when the National People's Congress is not in session, to its Standing Committee. Local people's courts are responsible to the local people's congresses at corresponding levels and report to them.

## ARTICLE 81

The Supreme People's Procuratorate of the People's Republic of China exercises procuratorial authority over all departments of the State Council, all local organs of state, persons working in organs of state, and citizens, to ensure observance of the law. Local organs of the people's procuratorate and special people's procuratorates exercise procuratorial authority within the limits prescribed by law.

Local organs of the people's procuratorate and the special people's procuratorates work under the leadership of the people's procuratorates at higher levels, and all work under the unified leadership of the Supreme People's Procuratorate.

## ARTICLE 82

The term of office of the Chief Procurator of the Supreme People's Procuratorate is four years.

The organization of people's procuratorates is determined by law.

## ARTICLE 83

In the exercise of their authority local organs of the people's procuratorate are independent and are not subject to interference by local organs of state.

## ARTICLE 84

The Supreme People's Procuratorate is responsible to the National People's Congress and reports to it; or, when the National People's Congress is not in session, to its Standing Committee.

## CHAPTER III

### FUNDAMENTAL RIGHTS AND DUTIES OF CITIZENS

## ARTICLE 85

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

## ARTICLE 86

Citizens of the People's Republic of China who have reached the age of eighteen have the right to vote and stand for election whatever their nationality, race, sex, occupation, social origin, religious belief, education, property status, or length of residence, except insane persons and persons deprived by law of the right to vote and stand for election.

Women have equal rights with men to vote and stand for election.

## ARTICLE 87

Citizens of the People's Republic of China have freedom of speech, freedom of the press, freedom of assembly, freedom of association, freedom of procession and freedom of demonstration. By providing the necessary material facilities, the state guarantees to citizens enjoyment of these freedoms.

## ARTICLE 88

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

## ARTICLE 89

Freedom of the person of citizens of the People's Republic of China is inviolable. No citizen may be arrested except by decision of a people's court or with the sanction of a people's procuratorate.

## ARTICLE 90

The homes of citizens of the People's Republic of China are inviolable, and privacy of correspondence is protected by law.

Citizens of the People's Republic of China have freedom of residence and freedom to change their residence.

#### ARTICLE 91

Citizens of the People's Republic of China have the right to work. To guarantee enjoyment of this right, the state, by planned development of the national economy, gradually creates more employment, and better working conditions and wages.

#### ARTICLE 92

Working people in the People's Republic of China have the right to rest and leisure. To guarantee enjoyment of this right, the state prescribes working hours and holidays for workers and office employees; at the same time it gradually expands material facilities to enable working people to rest and build up their health.

#### ARTICLE 93

Working people in the People's Republic of China have the right to material assistance in old age, illness or disability. To guarantee enjoyment of this right, the state provides social insurance, social assistance and public health services and gradually expands these facilities.

#### ARTICLE 94

Citizens of the People's Republic of China have the right to education. To guarantee enjoyment of this right, the state establishes and gradually extends the various types of schools and other cultural and educational institutions.

The state pays special attention to the physical and mental development of young people.

#### ARTICLE 95

The People's Republic of China safeguards the freedom of citizens to engage in scientific research, literary and artistic creation and other cultural activity. The state encourages and assists citizens engaged in science, education, literature, art and other fields of culture to pursue their creative work.

#### ARTICLE 96

In the People's Republic of China women enjoy equal rights with men in all spheres—political, economic, cultural, social and domestic.

The state protects marriage, the family, and the mother and child.

#### ARTICLE 97

Citizens of the People's Republic of China have the right to bring complaints against any person working in organs of state for transgression of law or neglect of duty by making a written or verbal statement to any organ of state at any level. People suffering loss by reason of infringement by persons working in organs of state of their rights as citizens have the right to compensation.

#### ARTICLE 98

The People's Republic of China protects the proper rights and interests of Chinese residents abroad.

#### ARTICLE 99

The People's Republic of China grants the right of asylum to any foreign national persecuted for supporting a just cause, taking part in the peace movement or engaging in scientific activity.

#### ARTICLE 100

Citizens of the People's Republic of China must abide by the Constitution and the law, uphold discipline at work, keep public order and respect social ethics.

#### ARTICLE 101

The public property of the People's Republic of China is sacred and inviolable. It is the duty of every citizen to respect and protect public property.

#### ARTICLE 102

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

#### **ARTICLE 103**

It is the sacred duty of every citizen of the People's Republic of China to defend the homeland.

It is the honorable duty of citizens of the People's Republic of China to perform military service according to law.

### **CHAPTER IV**

#### **NATIONAL FLAG, STATE EMBLEM, CAPITAL**

##### **ARTICLE 104**

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

##### **ARTICLE 105**

The state emblem of the People's Republic of China is: in the centre, Tien An Men under the light of five stars, framed with ears of grain, and with a cogwheel at the base.

##### **ARTICLE 106**

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

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