CONSTITUTION OF THE PEOPLE'S REPUBLIC OF CHINA*

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Preamble

China is one of the countries in the world which have a very long history. The Chinese people, of all nationalities, have together created a splendid culture and have a glorious revolutionary tradition.

After 1840, feudal China was gradually reduced to a semi-colonial and semi-feudal country. The Chinese people waged a ceaseless heroic struggle for national independence and liberation and for democracy and freedom.

During the twentieth century, great and earth-shaking historical changes happened in China.

The 1911 Revolution, led by Dr. Sun Yat-sen, abolished the feudal imperial system and gave birth to the Republic of China. However, the Chinese people had not yet completed their historical task of overthrowing imperialism and feudalism.

In 1949, the Chinese people of all nationalities under the leadership of the Communist Party of China, led by Chairman Mao Zedong, after having undergone long, hard, and tortuous struggles, armed and otherwise, finally overthrew the rule of imperialism, feudalism and bureaucratic capitalism, achieved the great victory of the new-democratic revolution, and founded the People's Republic of China. Thereupon, the Chinese people took state power into their own hands and became masters of the country.

After the founding of the People's Republic of China, the society of our country was transformed step-by-step from a new democratic to a socialist society. The socialist transformation of the private ownership of the means of production was completed, the system of exploitation of man-by-man was eliminated, and the socialist system was established. The people's democratic dictatorship led by the working-class and based on the alliance of workers and peasants, in essence the dictatorship of the proletariat, has been consolidated and developed. The Chinese people and the Chinese People's Liberation Army have overcome the aggression, sabotage, and armed provocations of the imperialists and the hegemonists, safeguarded national independence and security of the state, and strengthened its national defense. Major successes have been achieved in economic construction and an independent, fairly comprehensive socialist industrial system has been basically set up. There has been a marked increase in agricultural production. Significant progress has been made in educational, scientific, cultural, and other undertakings, and socialist ideological education has yielded noteworthy results. The livelihood of the people has improved considerably.

Both the victory of China's new democratic revolution and the success of China's socialist cause have been achieved by the people of all nationalities of China under the leadership of the Communist Party of China, guided by Marxism-Leninism and Mao Zedong Thought and by upholding truth, correcting mistakes, and overcoming numerous difficulties and hardships. From now on, the basic task of the nation is to concentrate its strength on carrying out socialist modernization. Under the leadership of the Communist Party of China and the guidance of Marxism-Leninism and Mao Zedong Thought, the people of all nationalities of China will continue to uphold the people's democratic dictatorship and follow the socialist road, steadily improve the socialist system in all respects, develop socialist democracy, put the socialist legal system on a sound basis and work self-reliantly and hard to bring about the modernization of industry, agriculture, national defense, and science and technology to turn our country into a socialist country with a high level of culture and democracy.

The exploiting classes as such in our country have been eliminated but class struggle will continue to exist, within certain limits, for a long time to
come. The Chinese people must struggle against those forces and elements, both at home and abroad, which are hostile to China's socialist system and seek to undermine it.

Taiwan is a part of the sacred territory of the People's Republic of China. It is the sacred duty of the entire Chinese people, including our compatriots in Taiwan, to accomplish the great task of reunifying the motherland.

When building socialism we must rely on the workers, peasants, and intellectuals, and unite with all forces that can be united. During the long process of revolution and construction, an extensive, patriotic united front has been formed, led by the Communist Party of China, with the participation of the various democratic parties and people's organizations and embracing all socialist working people, all patriots who support socialism and all patriots who support the reunification of the motherland. This united front will continue to be consolidated and developed. The Chinese People's Political Consultative Conference is a broadly representative organization of the united front. In the past it has played an important historical role and, in the future, will continue to play its important role in the political and social life of the country, in activities promoting friendship with the peoples of foreign countries in the construction of socialist modernization, and in the struggle to uphold the reunification and unity of the country.

The People's Republic of China is a unitary multi-national country created jointly by the people of the various nationalities. Socialist relations of equality, unity, and mutual assistance have already been established among the nationalities and will continue to be strengthened. In the struggle to safeguard the unity of the nationalities we must oppose chauvinism by the majority nationalities, particularly Han chauvinism, and also oppose chauvinism by the smaller national minorities. The state does its utmost to promote the common prosperity of all the nationalities in the country.

China's achievements in revolution and construction are inseparable from the support of the people of the world. The future of China is closely linked with that of the whole world. China adheres to an independent foreign policy and the five principles of mutual respect for sovereignty and territorial integrity, mutual non-aggression, non-interference in each other's internal affairs, equality and mutual benefit, and peaceful co-existence in developing diplomatic relations and economic and cultural exchanges with other countries. China consistently opposes imperialism, hegemonism, and colonialism, strengthens unity with the peoples of other countries of the world, supports the oppressed and the developing nations in their just struggle to strive for and safeguard their national independence and to develop their national economies, and strives to safeguard world peace and promote the cause of human progress.

This constitution legally affirms the achievements of the struggle of the Chinese people, of all nationalities, and stipulates the basic system and tasks of the state. It is the fundamental law of the state and has supreme legal authority. The people of all nationalities, all state organs and the armed forces, all political parties and public organizations, and all enterprises and institutions must take the constitution as their basic code of conduct, and, moreover, they have the duty to uphold the dignity of the constitution and ensure its implementation.

Chapter One. General Principles

Article 1. 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.
Sabotage of the socialist system by any organization or individual is prohibited.

**Article 2.** All power in the People’s Republic of China belongs to the people. The organs through which state power is exercised by the people are the National People’s Congress and the local people’s congresses at the different levels. In accordance with the provisions of the law, the people administer state affairs and manage its economic, cultural, and social affairs through various channels and in various forms.

**Article 3.** The state organs of the People’s Republic of China practice the principle of democratic centralism. The National People’s Congress and the local people’s congresses at the different levels are elected democratically, are responsible to the people, and are subject to their supervision.

All state administrative, judicial, and procuratorial organs are set up by the people’s congress to which they are responsible and to whose supervision they are subject.

The division of functions and powers between the central and local state organs adheres to the principle of giving full play to the initiative and enthusiasm of the local authorities under the unified leadership of the central authorities.

**Article 4.** All the nationalities of the People’s Republic of China are equal. The state protects the lawful rights and interests of all the minority nationalities and safeguards and develops the relationship of equality, unity, and mutual assistance between them. Discrimination against, or oppression of, any nationality and acts which undermine their unity and create their secession are prohibited.

The state helps the national minority areas to speed up their economic and cultural development in accordance with their special characteristics and the needs of each of them.

All localities in which minority nationalities live in compact communities practice regional autonomy. In such areas, organs of self-government are established for the exercise of autonomy. All the national autonomous areas are inalienable parts of the People’s Republic of China.

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

**Article 5.** 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, all enterprises and undertakings must abide by the constitution and the law. All acts in violation of the constitution and the law must be examined.

No organization or individual shall enjoy privileges that violate the constitution and the law.

**Article 6.** The basis of the socialist economic system of the People’s Republic of China is socialist public ownership of the means of production, that is, ownership by the whole people and collective ownership by the working people.

The system of socialist public ownership has abolished the system of exploi-
tation of man by man. The principle of "from each according to his ability, to each according to his work" is applied in this system.

**Article 7.** The state sector of the economy is the socialist sector owned by the whole people and is the leading force in the national economy. The state ensures the consolidation and development of the state sector of the economy.

**Article 8.** Rural people's communes, agricultural producers' co-operatives, and other forms of the co-operative economy, such as producer's supply and marketing, credit and consumers' co-operatives, belong to the socialist sector of the economy collectively owned by the working people. Working people who are members of organizations of the rural collective economy have the right, within limits prescribed by the law, to farm plots of agricultural and hilly land for private use, to engage in household sideline production, and to raise privately-owned livestock. The various forms of the co-operative economy in the cities and towns, such as those in the handicraft, industrial, building, transport, commercial and service trades, all belong to the socialist sector of the economy collectively owned by the working people.

The state protects the lawful rights and interests of both urban and rural collective economic units and encourages, guides, and helps the development of the collective economy.

**Article 9.** Mineral resources, waters, forests, mountainous land, grasslands, undeveloped land, beaches, and other natural resources are owned by the state, that is by the whole people, with the exception of those forests, mountainous lands, grasslands, undeveloped lands, and beaches that are owned by collectives in accordance with the provisions of the law.

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

**Article 10.** Land in the cities is owned by the state. Land in the rural and suburban areas is owned by the collectives except for those areas which, in accordance with the provisions of the law, belong to the state; land for building houses and plots of agricultural and hilly land for private use are also owned by the collective.

In the public interest, the state may take over land for its use in accordance with the provisions of the law.

No organization or individual shall appropriate, buy, sell, or lease land or unlawfully transfer land in other ways.

All organizations and individuals who use land must make rational use of it.

**Article 11.** The individual economy of the urban and rural working people, within the limits prescribed by the law, is a complement to the socialist public economy. The state protects the lawful rights and interests of the individual economy.

The state, through administrative control, guides, helps, and supervises the individual economy.

**Article 12.** Socialist public property is sacred and inviolable. The state protects socialist public property. The appropriation of or damage to state or collective property by any organization or individuals by whatever means is prohibited.
Article 13. The state protects the right of citizens to own lawfully earned income, savings, housing, and other lawful property.

Article 14. In order to continuously raise labor productivity, improve economic results, and develop the social productive forces, the state enhances the enthusiasm of the working people, raises the level of their technical skills, disseminates advanced science and technology, perfects the systems of economic management and enterprise management and administration, applies the various forms of the socialist responsibility system, and improves work organization.

The state practices strict economy and combats waste.

The state makes appropriate arrangements with regard to accumulation and consumption, pays attention to the interests of the state, the collective, and the individual, and on the basis of the development of production, step-by-step improves the material and cultural life of the people.

Article 15. The state practices economic planning on the basis of socialist public ownership. The state ensures the proportionate and co-ordinated development of the national economy through the overall balancing by economic planning and the supplementary role of regulation by the market.

Disturbance of the orderly functioning of the social economy or disruption of the state economic plan by any organization or individual is prohibited.

Article 16. State enterprises enjoy decision-making powers in management and administration, within the limits prescribed by the law, on condition that they submit to the unified leadership of the state and comprehensively fulfill their obligations under the state plans.

State enterprises, in accordance with the provisions of the law, practice democratic management through the congresses of workers and staff and other forms.

Article 17. Collective economic organizations have decision-making powers in conducting independently, economic activity on the condition that they accept the guidance of the state plan and abide by the relevant laws.

Collective economic organizations, in accordance with the provisions of the law, practice democratic management with the entire body of workers electing and removing management personnel and deciding on major issues of management and administration.

Article 18. The People's Republic of China permits foreign enterprises and other economic organizations or individuals to invest in China and to engage in various forms of economic co-operation with Chinese enterprises or other economic organizations in accordance with the law of the People's Republic of China.

All foreign enterprises and other foreign economic organizations, as well as joint ventures with Chinese and foreign investment, located in China shall abide by the laws of the People's Republic of China. Their lawful rights and interests are protected by the law of the People's Republic of China.

Article 19. The state develops socialist educational undertakings and works to raise the scientific and cultural level of the whole nation.

The state runs various types of schools, universalizes compulsory primary education, develops secondary, vocational, and higher education, and, in addition, develops pre-school education.

The state develops various kinds of educational facilities to wipe out illiter-
acy and provide political, cultural, scientific, technical and professional education for workers, peasants, state functionaries, and other working people. It encourages people to become educated through self-study.

The state encourages the collective units, state enterprises and undertakings, and other social forces to run various types of educational undertakings in accordance with the provisions of the law.

The state promotes the nationwide use of standard Chinese.7

Article 20. The state develops the natural and social sciences, disseminates scientific and technical knowledge, and encourages and rewards achievements in scientific research and technological discoveries and inventions.

Article 21. The state develops medical and health care, develops modern and traditional Chinese medicine, encourages and supports the establishment of all kinds of medical and health facilities by the rural collective organizations, state enterprises and undertakings, and neighborhood organizations, and launches health activities of a mass character to protect the people's health.

The state develops physical culture and promotes mass sport activities to build up the people's health.

Article 22. The state promotes the development of literature and art, the press, broadcasting and television undertakings, publishing and distribution services, libraries, museums, cultural centers, and other cultural undertakings in order to serve the people and socialism and sponsors mass cultural activities.

The state protects places of scenic and historical interest, valuable cultural relics and other important items of the historical and cultural heritage.

Article 23. The state trains all kinds of specialized personnel, who serve socialism, increases the ranks of intellectuals, and creates the conditions to give full play to their role in the process of building socialist modernization.

Article 24. The state strengthens the construction of socialist spiritual civilization8 through the popularization of education in ideals and morality, general education and education in discipline, and the legal system and through drafting and implementing various kinds of regulations and agreements among different sections of the urban and rural masses.

The state advocates the civic virtues of love for the motherland, love for the people, labor, science, and socialism. It carries out education among the people in patriotism, collectivism, internationalism, and communism, and in dialectical and historical materialism. It opposes capitalist, feudal, and other decadent ideologies.

Article 25. The state pursues family planning so that population growth conforms to the plans for economic and social development.

Article 26. The state protects and improves the living and ecological environment and prevents and remedies pollution and other public hazards.

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

Article 27. All state organs apply the principle of efficient and simple administration, the system of work responsibility, and the system of training personnel and assessing their work in order to constantly improve the quality of work and efficiency and combat bureaucratism.
All state organs and state functionaries must rely on the support of the people, constantly keep in close contact with them, take notice of their opinions and suggestions, accept their supervision, and work hard to serve them.

**Article 28.** The state safeguards public order and suppresses treasonable and other counter-revolutionary activities. It penalizes actions that endanger public security and sabotage the socialist economy and other criminal activities, and punishes and reforms criminals.

**Article 29.** The armed forces of the People's Republic of China belong to the people. Their tasks are to consolidate national defense, resist aggression, defend the motherland, safeguard the people's peaceful labor, participate in activities of national construction, and work hard to serve the people.

The state strengthens the revolutionization, modernization, and regularization of the armed forces in order to increase the national defense capability.

**Article 30.** The administrative divisions of the People's Republic of China are as follow:

1. The whole 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.

Autonomous regions, autonomous prefectures, and autonomous counties are all national autonomous areas.

**Article 31.** When necessary, the state may establish special administrative regions. The system to be instituted in special administrative regions shall be stipulated by law enacted by the National People's Congress according to the specific conditions.

**Article 32.** The People's Republic of China protects the lawful rights and interests of foreigners within China, and while in China foreigners must abide by the laws of the People's Republic of China.

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

**Chapter Two. Fundamental Rights and Duties of Citizens**

**Article 33.** All people 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 enjoys the rights granted by the constitution and the law and, at the same time, must perform the duties prescribed by the constitution and the law.

**Article 34.** With the exception of persons deprived of political rights in accordance with the law, citizens of the People's Republic of China who have reached the age of 18 have the right to vote and stand for election irrespective of nationality, race, sex, occupation, family origin, religious belief, education, property status, or length of residence.
Article 35. Citizens of the People’s Republic of China enjoy freedom of speech, of the press, of assembly and association, procession and demonstration.


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

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

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

Article 37. The freedom of person of citizens of the People’s Republic of China is inviolable.

No citizen may be arrested except with the approval of or by decision of a people’s procuracy or by decision of a people’s court. Arrests must be carried out by a public security organ.

Unlawful detention, or other methods of depriving or restricting the citizen’s freedom of person, is prohibited. Unlawful search of the person of a citizen is prohibited.

Article 38. The personal dignity of citizens of the People’s Republic of China is inviolable. The use of insult, slander, false accusation, or frame-up against citizens in any form is prohibited.

Article 39. The homes of citizens of the People’s Republic of China are inviolable. Unlawful searches of, or intrusions into, citizens’ homes are prohibited.

Article 40. The freedom and privacy of correspondence of citizens of the People’s Republic of China are protected by law. No organization or individual may, for any reason, infringe upon the freedom and privacy of citizen’s correspondence except in cases where — to meet the needs of state security or of investigation into criminal offenses — public security or procuratorial organs are permitted to censor correspondence in accordance with procedures prescribed by law.

Article 41. Citizens of the People’s Republic of China have the right to criticize and make suggestions to any state organ and state functionary. Citizens have the right to make, to relevant state organs, formal complaints and charges against, or exposures of, violation of the law or dereliction of duty by any state organ or functionary. However, no one may make false accusations or frame-ups through fabricating or distorting facts.

The state organs concerned must handle formal complaints, charges, and exposures made by citizens by making a thorough investigation of the facts in a responsible manner. Nobody may suppress such formal complaints, charges, and exposures, or retaliate against citizens who make them.

Citizens who have suffered losses through infringement of their rights by state organs or state functionaries have the right to compensation in accordance with the provisions of the law.

Article 42. Citizens of the People’s Republic of China have the right and the duty to work.

The state, through various channels, creates conditions for employment,
strengthens labor protection, improves work conditions, and on the basis of increased production increases remuneration for work and social benefits.

Work is the glorious duty of every able-bodied citizen. Workers in state enterprises and in urban and rural collective units should perform their work with an attitude that befits their position as masters of the country. The state promotes socialist labor emulation and commends and rewards model and advanced workers. The state encourages citizen participation in voluntary labor.

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

Article 43. The working people of the People's Republic of China have the right to rest.

The state expands facilities for rest and recuperation for working people and establishes and implements regulations for working hours and vacations for workers and staff.

Article 44. The state, in accordance with the provisions of the law, prescribes the system of retirement for workers and staff in enterprises and undertakings and for functionaries of the state. The livelihood of retired people is ensured by the state and by society.

Article 45. Citizens of the People's Republic of China have the right to material assistance from the state and from society in old age, sickness, or disability. To enable citizens to enjoy this right, the state develops the necessary social insurance, social relief, and medical and health services.

The state and society ensure the livelihood of disabled member of the armed forces, provide pensions for the families of martyrs, and give preferential treatment to the families of military personnel.

The state and society help arrange work, livelihood, and education for the blind, deaf-mutes, and other handicapped persons.

Article 46. Citizens of the People's Republic of China have the right and duty to receive education.

The state promotes the all-round moral, intellectual, and physical development of young people and children.

Article 47. 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 helps creative endeavors, which are conducive to the interests of the people, by citizens engaged in education, science, technology, literature, art, and other cultural work.

Article 48. Women in the People's Republic of China enjoy equal rights with men in all spheres of life including 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, and trains and selects female cadres.

Article 49. The state protects marriage, the family, and mother and child.

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

Parents have the duty to raise and educate their minors, and children who have come of age have the duty to support and help their parents.

It is prohibited to violate freedom of marriage and to maltreat old people, women, and children.
Article 50. The People's Republic of China protects the legitimate rights and interests of overseas Chinese and protects the lawful rights and interests of returned overseas Chinese and families of overseas Chinese.

Article 51. Citizens of the People's Republic of China, when exercising their freedom and rights, must not infringe upon the interests of the state, of society, and of the collective, or upon the lawful freedom and rights of other citizens.

Article 52. It is the duty of citizens of the People's Republic of China to safeguard the unity of the country and the solidarity of all its nationalities.

Article 53. Citizens of the People's Republic of China must abide by the constitution and the law, keep state secrets, look after public property, observe labor discipline and public order, and respect social ethics.

Article 54. Citizens of the People's Republic of China have the duty to safeguard the security, honor, and interests of the motherland. Activities which are detrimental to the security, honor and interests of the motherland are prohibited.

Article 55. It is the sacred obligation of every citizen of the People's Republic of China to defend the motherland and resist aggression.

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

Article 56. It is the honorable duty of every citizen of the People's Republic of China to pay taxes according to the law.

Chapter Three. The Structure of the State

Part One. The National People's Congress

Article 57. The National People's Congress of the People's Republic of China is the highest organ of state power. Its permanent organ is the Standing Committee of the National People's Congress.

Article 58. The National People's Congress and its Standing Committee exercise state legislative power.

Article 59. The National People's Congress is composed of deputies elected by provinces, autonomous regions, municipalities directly under the Central Government, and the armed forces. All the minority nationalities are entitled to appropriate representation.

The Standing Committee of the National People's Congress presides over the election of deputies to the National People's Congress.

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

Article 60. The term of office of the National People's Congress is five years.

Two months before the term of office of a National People's Congress is due to expire, its Standing Committee must make sure that the election of deputies to the incoming National People's Congress is completed. Should exceptional circumstances prevent such an election, it may be postponed and the term of office of the sitting National People's Congress be extended if approved by a
majority vote of over two-thirds of all the member of its Standing Committee. Within one year of the termination of such exceptional circumstances, the elections for the incoming National People’s Congress must be completed.

Article 61. The National People’s Congress meets in session once a year and is convened by its Standing Committee. An extraordinary session of the National People’s Congress may be convened if its Standing Committee deems it necessary or if over one-fifth of the deputies to the National People’s Congress propose it.

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

Article 62. 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 draw up and revise basic laws concerning criminal offenses, civil affairs, the state structure, and other matters;
4. to elect the President and Vice-President of the People’s Republic of China;
5. to decide on the choice of Premier of the State Council upon the nomination of the President of the People’s Republic of China, and to decide on the choice of Vice-Premiers, State Councillors, Ministers, Chairmen of Commissions, the Chief Auditor, and the Secretary General of the State Council upon the nomination of the Premier;
6. to elect the Chairman of the Central Military Commission and, upon his nomination, decide upon the other members of the Central Military Commission;
7. to elect the President of the Supreme People’s Court;
8. to elect the Chief Procurator of the Supreme People’s Procuracy;
9. to examine and approve the plan for national economic and social development and the reports on its implementation;
10. to examine and approve the state budget and the report on its implementation;
11. to alter or rescind 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 system to be set up therein;
14. to decide on questions of war and peace; and
15. to exercise such other functions and powers as should be exercised by the highest organ of state power.

Article 63. The National People’s Congress has the power to recall or 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 Councillors, Ministers, Chairmen of Commissions, the Chief Auditor, and the Secretary General of the State Council;
3. the Chairman of the Central Military Commission and other members of the Central Military Commission;
4. the President of the Supreme People’s Court; and
5. the Chief Procurator of the Supreme People’s Procuracy.
Article 64. Amendments to the constitution should be proposed by the Standing Committee of the National People's Congress or by over one-fifth of the deputies to the National People's Congress. For such amendments to be adopted a majority vote of over two-thirds of all deputies to the National People's Congress is necessary.

Laws and resolutions require a simple majority vote of over half the deputies to the National People's Congress to be adopted.

Article 65. The Standing Committee of the National People's Congress is composed of the following members:

- the Chairman;
- the Vice-Chairmen;
- the Secretary-General; and
- other 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 all the members of its Standing Committee.

Members of the Standing Committee of the National People's Congress may not hold posts in any of the state administrative, judicial, or procuratorial organs.

Article 66. The Standing Committee of the National People's Congress is elected for the same term of office as the National People's Congress. It exercises its functions and powers until a new Standing Committee is elected by the incoming National People's Congress.

The Chairman and Vice-Chairmen shall serve no more than two consecutive terms.

Article 67. The Standing Committee of the National People's Congress exercises the following functions and powers:

1. to interpret the constitution and to 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 enact partial supplements and amendments to laws enacted by the National People's Congress when the National People's Congress is not in session on the condition that they do not contravene the basic principles of those laws;
4. to interpret laws;
5. to examine and approve, when the National People's Congress is not in session, such partial adjustments as are deemed necessary to the plan for national economic and social development and to the state budget 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 Procuracy;
7. to annul those administrative rules and regulations, decisions or orders of the State Council which contravene the constitution and 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 which contravene the constitution, the law or administrative rules and regulations;
9. to decide, when the National People's Congress is not in session, on the appointment of Ministers, Chairmen of Commissions, the Chief Auditor, and the General Secretary upon the nomination of the Premier of the State Council;
(10) to decide, when the National People's Congress is not in session, on the appointment of the members of the Central Military Commission upon the nomination of the Chairman of the Central Military Commission;

(11) to appoint and remove the Vice-Presidents and judges of the Supreme People's Court, members of its Judicial Committee, and the President of the Military Court at the proposal of the President of the Supreme People's Court;

(12) to appoint and remove the Deputy Chief Procurators, procurators of the Supreme People's Procuracy, members of its Procuratorial Committee, and the Chief Procurator of the Military Procuracy at the suggestion of the Chief Procurator of the Supreme People's Procuracy and to approve the appointment and removal of the chief procurators of the people's procuracies of provinces, autonomous regions, and municipalities directly under the Central Government;

(13) to decide on the appointment and recall of plenipotentiary representatives abroad;

(14) to decide on the ratification and abrogation of treaties and important agreements concluded with foreign states;

(15) to establish a system 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 to 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 a 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 the enactment of martial law throughout the country or in particular provinces, autonomous regions, and municipalities directly under the Central Government; and

(21) to carry out such other functions and powers as the National People's Congress may vest in it.

Article 68. The Chairman of the Standing Committee of the National People's Congress presides over the work of the Standing Committee and convenes its sessions. The Vice-Chairmen and the Secretary General help the Chairman in his work.

The Chairman, Vice-Chairmen, and the Secretary General make up the Chairmanship meetings which handle the important day-to-day work of the Standing Committee of the National People's Congress.

Article 69. The Standing Committee of the National People's Congress is responsible, and reports on its work, to the National People's Congress.

Article 70. 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 other special committees as are necessary. The special committees operate under the direction of the Standing Committee of the National People's Congress when the National People's Congress is not in session.

Under the direction of the National People's Congress and its Standing Committee, each special committee examines, discusses, and draws up the relevant bills and draft resolutions.
Article 71. When the National People's Congress and its Standing Committee deem it necessary, they may appoint committees of inquiry into specific questions and may adopt relevant resolutions in the light of their reports.

When these committees of inquiry carry out their investigations, all state organs, public organizations, and citizens concerned are obliged to supply them with the necessary information.

Article 72. 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 functions and powers of the National People's Congress and its Standing Committee.

Article 73. Deputies to the National People's Congress when it is in session and members of the Standing Committee during its meetings have the right, in accordance with the procedure prescribed by law, to address questions to the State Council or to the ministries and commissions under it. The organ receiving the question must answer it responsibly.

Article 74. Deputies to the National People's Congress may not be arrested or criminally prosecuted without the consent of the Presidium of the sitting session of the National People's Congress or, when not in session, without the consent of its Standing Committee.

Article 75. Deputies to the National People's Congress may not be subject to legal investigation as a consequence of their speeches and votes at any kind of its meetings.

Article 76. Deputies to the National People's Congress must abide by the constitution and the law in an exemplary fashion, keep state secrets, and assist in the enforcement of the constitution and the law while participating in production, work, and social activities.

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

Article 77. Deputies to the National People's Congress are subject to the supervision of the units which elected them. These electoral units have the power, through the procedures prescribed by law, to recall the deputies elected by them.

Article 78. The organization and working procedures of the National People's Congress and its Standing Committee are specified by law.

Part Two. The President of the People's Republic of China

Article 79. The President and 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 stand for election and who have reached 45 years of age are eligible to stand for election as President or Vice-President of the People's Republic of China.

The term of office for the President and Vice-President of the People's Republic of China is the same as that for the National People's Congress. They shall not serve more than two consecutive terms.
Article 80. The President of the People's Republic of China, in pursuance of decisions of the National People's Congress and its Standing Committee, promulgates laws; appoints and removes the Premier, Vice Premiers, the Chief Auditor, the Secretary General of the State Council; confers state medals and titles of honor; grants special pardons; proclaims martial law; proclaims a state of war; and issues mobilization orders.

Article 81. The President of the People's Republic of China represents the People's Republic of China in receiving foreign diplomatic envoys and, in pursuance of decisions of the Standing Committee of the National People's Congress, appoints and recalls plenipotentiary representatives abroad and ratifies and abrogates treaties and important agreements concluded with foreign states.

Article 82. 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 those parts of the President's functions and powers as the President entrusts to him.

Article 83. The President and Vice-President of the People's Republic of China exercise their functions and powers until the new President and Vice-President elected by the incoming National People's Congress assume office.

Article 84. Should the office of President of the People's Republic of China fall vacant, the Vice-President succeeds to the office of President.

Should the office of Vice-President of the People's Republic of China fall vacant, the National People's Congress shall hold a by-election to fill the post.

Should the offices of both President and Vice-President fall vacant, the National People's Congress shall hold by-elections. Prior to the by-election, the Chairman of the Standing Committee of the National People's Congress temporarily functions as the President.

Part Three. The State Council

Article 85. The State Council of the People's Republic of China, that is the Central People's Government, is the executive organ of the highest organ of state power; it is the highest organ of state administration.

Article 86. The State Council is composed of the following members:
the Premier;
the Vice-Premiers;
the State Councillors;
the Ministers;
the Chairmen of Commissions;
the Chief Auditor;
and the Secretary General.

The State Council applies the system of the Premier exercising overall responsibility for the State Council. The ministries and commissions apply the system of overall responsibility by their respective Ministers and Chairmen.

The organization of the State Council is prescribed by law.

Article 87. The term of office of the State Council is the same as that of the National People's Congress.

The Premier, Vice-Premiers, and State Councillors shall not serve more than two consecutive terms.
Article 88. The Premier directs the work of the State Council. The Vice-Premiers and State Councillors assist the Premier in his work.

The Premier, Vice-Premier, State Councillors, and the Secretary General comprise the executive meetings of the State Council.

The Premier convenes and presides over these executive meetings and plenary meetings of the State Council.

Article 89. The State Council exercises the following functions and powers:

(1) to formulate administrative measures, to enact administrative rules and regulations, and to 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 specify the tasks and responsibilities of the ministries and commissions of the State Council, to exercise unified leadership over their work, and to direct all other administrative work of a national character which does not come under the jurisdiction of the ministries and commissions;

(4) to exercise unified leadership over the work of local organs of state administration at the different levels throughout the country, and to specify the detailed division of the functions and powers between the Central Government and the organs of state administration of the provinces, autonomous regions, and municipalities directly under the Central Government;

(5) to draw up and implement the plan for national economic and social development and the state budget;

(6) to direct and administer economic work and urban and rural construction;

(7) to direct and administer the work of education, science, culture, public health, physical culture, and family planning;

(8) to direct and administer work in 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 construction of national defense;

(11) to direct and administer affairs concerning the nationalities, and to safeguard the equal rights of the minorities and the right of autonomy of the national autonomous areas;

(12) to protect the lawful rights and interests of overseas Chinese and of family members of overseas Chinese;

(13) to revise or annul inappropriate orders, directives, and regulations issued by the ministries and commissions;

(14) to revise or annul inappropriate decisions and orders issued by the local organs of state administration at the different levels;

(15) to approve the geographical division of provinces, autonomous regions, and municipalities directly under the Central Government, and to approve the establishment and geographical division of autonomous prefectures, counties, autonomous counties, and cities;

(16) to decide on the enforcement of martial law in parts of provinces, autonomous regions, and municipalities directly under the Central Government;

(17) to examine and approve the size of administrative organizations, and appoint, remove, and train administrative personnel, examine their work, and reward and punish them in accordance with the provisions of the law; and

(18) to exercise such other functions and powers as are vested in it by the National People's Congress or its Standing Committee.
Article 90. The Ministers and Chairmen of Commissions under the State Council are responsible for the work of their respective departments and convene and preside over their ministerial or commission meetings that discuss and decide on major questions of work in their respective departments.

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

Article 91. The State Council establishes an auditing body to audit and supervise the revenues and expenditures of the departments under the State Council and of the local governments at the different levels and the revenues and expenditures of the state financial and monetary organizations and of enterprises and undertakings.

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

Article 92. The State Council is responsible, and reports on its work, to the National People’s Congress or, when it is not in session, to its Standing Committee.

Part Four. The Central Military Commission

Article 93. The Central Military Commission of the People’s Republic of China directs the armed forces of the whole country.

The Central Military Commission is composed of the following persons: the Chairman; the Vice-Chairmen; and other members.

The Central Military Commission exercises the system of overall responsibility by the Chairman.

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

Article 94. The Chairman of the Central Military Commission is responsible to the National People’s Congress and its Standing Committee.

Part Five. The Local People’s Congress and the Local People’s Governments at the Different Levels

Article 95. 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 the People’s Congress and the People’s Government at the different levels is prescribed by law.

Organs of self-government are established in autonomous regions, autonomous prefectures, and autonomous counties. The organization and work of the organs of self-government are prescribed by law in accordance with the basic principles laid down in Parts Five and Six of Chapter Three of the Constitution.

Article 96. Local people’s congresses at the different levels are local organs of state power.
Standing Committees are established for local people's congresses at and above the county level.

Article 97. Deputies to the people's congresses of provinces, municipalities directly under the Central Government, and cities divided into districts are elected by people's congresses at the next lower level. Deputies to the people's congresses of counties, nationality townships, and towns are elected directly by the voters.

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

Article 98. The term of office of the people's congresses of provinces, municipalities directly under the Central Government and cities which are divided into districts is five years. The term of office for people's congresses of counties, cities which are not divided into districts, municipal districts, townships, nationality townships, and towns is three years.

Article 99. Local people's congresses at the different levels, in their respective administrative areas, ensure the observance and implementation of the constitution, the law, and administrative rules and regulations. Within the limits of their authority as prescribed by law, they adopt and issue resolutions 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 examine and approve plans for economic and social development and the budgets of their respective administrative areas, as well as reports on their implementation. They have the power to alter inappropriate decisions of their respective 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 special characteristics of the nationalities concerned.

Article 100. The people's congresses of provinces and municipalities directly under the Central Government, and their standing committees, may adopt local regulations as long as these do not contravene the constitution, the law, and administrative rules and regulations, and they shall report them to the Standing Committee of the National People's Congress for the record.

Article 101. Local people's congresses at the different levels elect and have the power to recall, at the corresponding level, governors and deputy governors, mayors and deputy mayors, heads and 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, at the corresponding level, presidents of people's courts and chief procurators of people's procuracies. The election or recall of the chief procurators of people's procuracies shall be reported to the chief procurator of the people's procuracy at the next higher level for submission to the standing committee of the people's congress at the corresponding level, for approval.

Article 102. Deputies to the people's congresses of provinces, municipalities directly under the Central Government, and cities divided into districts are subject to supervision by their electoral units. 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 voters.
The electoral units and voters which elect deputies to local people’s congresses at the different levels have the power, according to procedures prescribed by law, to recall deputies whom they elected.

Article 103. The standing committee of a local people’s congress at and above the county level is composed of the Chairman, Vice-Chairman, and other members. It is responsible, and reports on its work, to the people’s congress at the corresponding level.

Local people’s congresses at and above the county level elect and have the power to recall members of the standing committee of the people’s congress at the corresponding level.

No member of the standing committee of a local people’s congress at and above the county level shall hold any post in state administrative, judicial, and procuratorial organs.

Article 104. The standing committee of local people’s congresses at and above the county level discusses and decides on major issues in all fields of work in its administrative areas; supervises the work of the people’s government, people’s court, and people’s procuracy at the corresponding level; annuls inappropriate decisions and orders of the people’s government at the corresponding level; annuls inappropriate resolutions by the people’s congress at the next lower level; decides on the appointment and removal of functionaries of state organs within the limits of its jurisdiction as prescribed by law; and, when the people’s congress at the corresponding level is not in session, recalls individual deputies and holds by-elections for deputies to the people’s congress at the next higher level.

Article 105. Local people’s governments at the different levels are the executive organs of the local organs of state power, as well as local organs of state administration at the corresponding level.

Local people’s governments at the different levels practice the system of overall responsibility by governors, mayors, county heads, district heads, township heads, and town heads.

Article 106. The term of office of local people’s governments at the different levels is the same as that of the people’s congress at the corresponding level.

Article 107. Local people’s governments at and above the county level, within the limits of their authority as prescribed by law, conduct the administrative work concerning the economy, education, science, culture, public health, physical culture, urban and rural construction, finance, civil affairs, public security, nationalities affairs, judicial administration, supervision, family planning, and other administrative work in their respective administrative areas; issue decisions and orders; appoint, remove and train administrative personnel, examine their work, and reward and punish them.

People’s governments of townships, nationality townships, and towns carry out 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 they conduct administrative work in their respective administrative areas.

People’s governments of provinces and municipalities directly under the Central Government decide on the establishment and geographical division of townships, nationality townships and towns.
Article 108. 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 the people's governments at lower levels.

Article 109. Auditing bodies are established by local people's governments at and above the county level. Local auditing bodies at the different levels independently exercise their auditing and supervisory powers according to the provisions of 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. Local people's governments at the different levels are responsible, and report on their work, to the people's congress at the corresponding level. Local people's governments at and above the county level are responsible, and report on their work, to the standing committee of the people's congress at the corresponding level when the people's congress is not in session.

Local people's governments at the different levels are responsible, and report on their work, to the state administrative organs at the next higher level. Local people's governments throughout the country at the different levels are all state administrative organs under the unified leadership of the State Council and are all subordinate to it.

Article 111. The neighborhood 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 basis level. The chairman, vice-chairman, and members of each neighborhood or villagers' committee are elected by the residents. The relationship between the neighborhood and villagers' committees and the organs of state power at the basic level is prescribed by law.

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

Part Six. The Organs of Self-Government of National Autonomous Areas

Article 112. The organs of self-government of national autonomous areas are the people's congresses and people's governments of the autonomous regions, autonomous prefectures, and autonomous counties.

Article 113. In the people's congress of an autonomous region, autonomous prefecture, or autonomous county, in addition to the deputies of the nationality or nationalities exercising regional autonomy in the given administrative area, the other nationalities inhabiting the area are entitled to appropriate representation.

The chairmanship and vice-chairmanships of the standing committee of the people's congress of an autonomous region, autonomous prefecture, or autonomous county shall include a citizen or citizens of the nationality or nationalities exercising regional autonomy in the area concerned.

Article 114. The head of an autonomous region, autonomous prefecture, or autonomous county shall be a citizen of the nationality, or of one of the nationalities exercising regional autonomy in the area concerned.
Article 115. The organs of self-government of autonomous regions, autonomous prefectures, and autonomous counties exercise the functions and powers of local state organs as specified in Part Five of Chapter Three of the Constitution. At the same time, they exercise the right of autonomy, within the limits of their authority as prescribed by the constitution, the law of regional national autonomy and other laws, and in the light of the local situation implement the laws and policies of the state.

Article 116. People's congresses of national autonomous areas have the power to formulate regulations concerning the exercise of autonomy and also specific regulations in the light of the political, economic, and cultural characteristics of the nationality or nationalities in the area concerned. The regulations on autonomy and the specific regulations of the autonomous regions shall be submitted to the Standing Committee of the National People's Congress for approval before they become effective. Those of autonomous prefectures and autonomous counties shall be submitted to the standing committees of the people's congresses of provinces or autonomous regions for approval before they become effective and they shall be reported to the Standing Committee of the National People's Congress for the record.

Article 117. The organs of self-government of national autonomous areas have autonomous powers in the administration of finances in 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 independently.

Article 118. The organs of self-government of national autonomous areas independently arrange and administer local economic development under the guidance of state plans.

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

Article 119. The organs of self-government of national autonomous areas independently administer educational, scientific, cultural, public health, and physical culture affairs in their respective areas, they protect and sift through the cultural heritage of the nationalities, and they work for the development and flourishing of their cultures.

Article 120. The organs of self-government of the national autonomous areas may, in accordance with the military system of the state and actual local needs and with the approval of the State Council, organize local public security forces for the maintenance of public order.

Article 121. In performing their functions, the organs of self-government of the national autonomous areas, in accordance with the regulations governing the exercise of autonomy in the respective areas, employ the spoken and written language or languages commonly used in the given area.

Article 122. The state gives financial, material, technical and other kinds of aid to help each national minority to accelerate their economic and cultural development.

The state helps the national autonomous areas train large numbers of cadres of various grades and specialized personnel and skilled workers from all kinds of professions and trades from among the nationality or nationalities in the given areas.
Part Seven. The People’s Courts and the People’s Procuracies

**Article 123.** The people’s courts of the People’s Republic of China are the judicial organs of the state.

**Article 124.** The People’s Republic of China establishes the Supreme People’s Court and the local people’s court at the different levels, military courts, and other special people’s courts.

The term of office of the President of the Supreme Court is the same as that of the National People’s Congress. He may not serve more than two consecutive terms.

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

**Article 125.** All cases handled by the people’s court, except in circumstances specifically prescribed by law, shall be heard in public. The accused has the right to defense.

**Article 126.** The people’s courts exercise, in accordance with the provisions of the law, judicial authority independently and are not subject to interference by administrative organs, public organizations, and individuals.

**Article 127.** The Supreme People’s Court is the highest judicial organ.

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

**Article 128.** The Supreme People’s Court is responsible to the National People’s Congress and to its Standing Committee. Local people’s courts at the different levels are responsible to the organs of state power which created them.

**Article 129.** The people’s procuracies of the People’s Republic of China are state organs for legal supervision.

**Article 130.** The People’s Republic of China establishes the Supreme People’s Procuracy, local people’s procuracies at the different levels, military procuracies, and other special people’s procuracies.

The term of office of the Chief Procurator of the Supreme People’s Procuracy is the same as that of the National People’s Congress. He shall not serve more than two consecutive terms.

The organization of the people’s procuracies is prescribed by law.

**Article 131.** People’s procuracies exercise, in accordance with the provisions of the law, procuratorial power independently and are not subject to interference by administrative organs, public organizations, and individuals.

**Article 132.** The Supreme People’s Procuracy is the highest procuratorial organ.

The Supreme People’s Procuracy directs the work of the local people’s procuracies at the different levels and of the special people’s procuracies. People’s procuracies at higher levels direct the work of those at the lower levels.

**Article 133.** The Supreme People’s Procuracy is responsible to the National People’s Congress and its Standing Committee. Local people’s procuracies at the different levels are responsible to the organs of state power at the cor-
responding level which created them and to the people's procuracies at the higher levels.

**Article 134.** Citizens of all nationalities have the right to use their own spoken and written languages in court proceedings. The people's courts and people's procuracies are required to provide translation of the court proceedings for any person involved 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 compact community or where a number of nationalities live together, hearings should be conducted in the language commonly used in the locality. Accusations, judgments, proclamations, and other documents should be written, according to actual needs, in the language or languages in common use in the locality.

**Article 135.** The people's courts, the people's procuracies, and the public security organs shall, in handling criminal cases, divide their functions, each taking responsibility for its own work, and they shall co-ordinate with each other to ensure correct and effective application of the law.

**Chapter Four. The Flag, The National Emblem and the Capital**

**Article 136.** The national flag of the People's Republic of China is a red flag with five stars.

**Article 137.** The national emblem of the People's Republic of China is Tian An Men in the center illuminated by five stars and encircled by ears of grain and a cogwheel.

**Article 138.** The capital of the People's Republic of China is Beijing.

**Translator's Notes**

1. In the translation of the draft of the Constitution which was published in April 1982, this was translated as Chairman. Chairman would, in fact, be a more usual translation of the Chinese term Zhuxi, the normal Chinese term for President being Zongtong. Presumably, the term President has been used by the Chinese to suggest that the post carries those functions normally associated with a head of state. However, Zhuxi is also used, for example, to refer to the President of the United Nations General Assembly.

2. The terms self-government and autonomy should not be taken at their face value as in reality they have very little substance. Following the Soviet example, the Chinese adopted a policy of formally granting autonomy to the minority nationalities while at the same time working to bind them into the state. The degree of autonomy has varied over time and has, on occasion, amounted to not much more than being able to wear one's national costume. Current policy has re-emphasized the need to give greater reality to this theoretical autonomy. However, in the past even when this has been stressed the autonomy appears to have meant very little to the minority peoples in practical terms. Some relaxation of central policy is granted to accord with local conditions and the policy of encouraging the teaching and the use of the minority language is promoted. This often includes the requirement that Han Chinese cadres posted to the areas learn the local language. Areas granted the legal status of autonomy are autonomous regions (equivalent to a province), autonomous prefectures, and counties. In practice, there is little administrative difference be-
tween these autonomous units and their non-autonomous counter-points. The autonomous regions are no more independent of central control than are any of the other non-central administrative units in China.

3. The term *Guo* can be translated into English as either country, state, or nation, depending on the context in which it is used. Not surprisingly, this can lead to confusion and lack of precision. Throughout the translation, the most appropriate English equivalent has been used.

4. Public organizations would include those such as Women's Federations, Trade Unions, organizations for children and young people like the Communist Youth League, and organizations for the old and the retired. Their prime function is one of mobilization to promote knowledge of and enthusiasm for Party policy. Although they have large memberships and are organized along the lines of specialized interests, their role as articulators of interest is very limited.

5. The Chinese have translated the term *Fenlie* as secession. In fact, the English secession gives a far stronger meaning than is implied in the Chinese *Fenlie*. The Chinese implies the promotion of splits or splittism rather than secession. Unlike the Soviet Constitution, the Chinese make no reference to the right to freely secede. Indeed, the very idea would be anathema to the central leadership.

6. The term *Ziliudi* has been translated by the Chinese as private plots. This is misleading as it implies that the land is privately-owned. As Article 10 of the Constitution makes clear, this is not the case; the plots are privately-worked but are owned by the collective. Consequently, the term *Ziliudi* has been translated here as plots of land for private use as this more clearly renders the meaning in the Chinese language. "Household sideline plots" corresponds to the Soviet usage of the term "household subsidiary production" (*podsobnoe domashnee khoziaistvo*). It is an umbrella term which can incorporate not only the cultivation of land for private use and the raising of privately-owned livestock, but also includes such things as handicraft production, collecting medicinal herbs, fishing, raising silkworms, or growing fruit trees.

7. The translation here follows the standard Russian translation of Common Speech for the Chinese *Putonghua*. This is the language, based on the Beijing pronunciation, which the Communist Party have promoted for nationwide use.

8. The 12th Party Congress (September 1982) designated the building of socialist spiritual civilization as one of the strategic tasks for the future. Essentially, it is seen as a way to offset the emphasis on a material focus by encouraging the inculcation of values seen as conducive to socialism. Broadly speaking, it is seen as the building of a socialist culture and ethical system. It is composed of two parts: first, the development of general aspects such as education, culture, science, and public health; and secondly, the strengthening of ideological commitment and adherence to communist ideals and moral values.

9. The Chinese have translated the term *Jiating Chushen* as family background whereas the translation preferred here is family origin. The categorization of one's status or origin has been a confusing affair in PRC history and has been a question of political controversy. In 1950, the Party embarked on a nationwide program to classify Chinese citizens in accordance with their class status (*Jieji Chengfen*). However, this was not applied to people under 18 years of age: these people did not have a *Jieji Chengfen* attached to them but were to have their family origin (*Jiating Chushen*) assessed on the basis of their parents' *Jieji Chengfen*. These two categories
were supposed to be separate but in practice the distinction was often blurred and the two terms equated. The problem was further complicated by Mao's thinking on class during the early 1960s. In addition to the old socio-economic based categories, attitude and political behavior were used in defining class status. Thus, it was entirely possible for a person with class status or family origin of a worker to be considered to be a representative of the bourgeoisie when assessed on attitudinal criteria. The present leadership have rejected Mao's later ideas on class and have moved back to the mid-1950s views of classes and class struggle. Now, class status at the time of liberation is no longer considered important, especially as most people were born after 1949 or were under 18 in 1949, and the term used is family origin. The way in which one is classified in the PRC according to these criteria is of more than academic importance as it has serious consequences for the way in which one is treated. This is an area which has been much ignored in western scholarship on the PRC. There are, however, some exceptions. For example, for an excellent discussion of the political implications of the Chinese lack of precision when using these terms see G. White, *The Politics of Class and Class Origin: The Case of the Cultural Revolution*, Australian National University, Canberra 1976.

10. The term *Huaqiao* has been translated using the more common term overseas Chinese. The phrase Chinese residents abroad, used in the Chinese translation, suggests a formality which is not present in the Chinese. *Huaqiao* suggests a certain emotional appeal and it is unclear whether it provides a legal definition, a racial definition or something else. In 1980, the People's Republic passed its first ever Nationality Law. Significantly, it does not recognize dual nationality for any Chinese national. The previous confusion led to Chinese living in other South-East Asian countries being regarded with suspicion and sometimes being regarded as a "fifth column" for the People's Republic. However, the Nationality Law does provide for the restoration or acquisition of Chinese nationality for those Chinese residing abroad or their children wishing to return to China. Nationality is defined on the principles of *jus sanguinis* and *jus soli*.

11. The phrase "exercising overall responsibility" essentially means that the Premier is responsible for taking decisions after collective discussions have taken place. It is an attempt to combine the post-Mao stress on collective decision-making with ensuring that there is also individual responsibility.

12. The Chinese *Yijian*, in fact, suggests something rather stronger than one would mean by the English word opinion; often it is a "differing" opinion.