

*The following translation is based on the official English translation of the P.R.C. Constitution as amended in 2004.*

# **CONSTITUTION OF THE PEOPLE'S REPUBLIC OF CHINA**

(Adopted at the Fifth Session of the Fifth National People's Congress and promulgated for implementation by the Announcement of the National People's Congress on December 4, 1982

Amended in accordance with the *Amendments to the Constitution of the People's Republic of China* adopted respectively at the First Session of the Seventh National People's Congress on April 12, 1988, the First Session of the Eighth National People's Congress on March 29, 1993, the Second Session of the Ninth National People's Congress on March 15, 1999, the Second Session of the Tenth National People's Congress on March 14, 2004, and the First Session of the Thirteenth National People's Congress on March 11, 2018)

## **TABLE OF CONTENTS**

PREAMBLE

CHAPTER I: GENERAL PRINCIPLES

CHAPTER II: THE FUNDAMENTAL RIGHTS AND DUTIES OF CITIZENS

CHAPTER III: THE STRUCTURE OF THE STATE

Section 1: The National People's Congress

Section 2: The President of the People's Republic of China

Section 3: The State Council

Section 4: The Central Military Commission

Section 5: The Local People's Congresses and Local People's Governments at Various Levels

Section 6: The Organs of Self-Government of Ethnic Autonomous Areas

Section 7: The Supervision Commissions

Section 8: The People's Courts and the People's Procuratorates

CHAPTER IV: THE NATIONAL FLAG, THE NATIONAL ANTHEM, THE NATIONAL EMBLEM, AND THE CAPITAL

## **PREAMBLE**

China is a country with one of the longest histories in the world. The people of all of China's ethnicities have jointly created a culture of grandeur and have a glorious revolutionary tradition.

After 1840, feudal China was gradually turned into a semi-colonial and semi-feudal country. The Chinese people waged many successive heroic struggles for national independence and liberation and for democracy and freedom.

Great and earth-shaking historical changes have taken place in China in the 20th century.

The Revolution of 1911, led by Dr. Sun Yat-sen, abolished the feudal monarchy and gave birth to the Republic of China. But the historic mission of the Chinese people to overthrow imperialism and feudalism remained unaccomplished.

After waging protracted and arduous struggles, armed and otherwise, along a zigzag course, the Chinese people of all ethnicities led by the Communist Party of China with Chairman Mao Zedong as its leader ultimately, in 1949, overthrew the rule of imperialism, feudalism, and bureaucrat-capitalism, won a great victory in the New-Democratic Revolution and founded the People's Republic of China. Since then the Chinese people have taken control of State power and become masters of the country.

After the founding of the People's Republic, China gradually achieved its transition from a New-Democratic to a socialist society. The socialist transformation of the private ownership of the means of production has been completed, the system of exploitation of man by man abolished, and the socialist system established. The people's democratic dictatorship led by the working class and based on the alliance of workers and peasants, which is in essence the dictatorship of the proletariat, has been consolidated and developed. The Chinese people and the Chinese People's Liberation Army have defeated imperialist and hegemonist aggression, sabotage, and armed provocations and have thereby safeguarded China's national independence and security, and strengthened its national defense. Major successes have been achieved in economic development; an independent and relatively comprehensive socialist system of industry has basically been established; and there has been a marked increase in agricultural production. Significant advances have been made in educational, scientific, and cultural undertakings, while education in socialist ideology has produced noteworthy results. The life of the people has improved considerably.

The victory in China's New-Democratic Revolution and the successes in its socialist cause have been achieved by the Chinese people of all ethnicities, under the leadership of the Communist Party of China and the guidance of Marxism-Leninism and Mao Zedong Thought, by upholding truth, correcting errors, and surmounting numerous difficulties and hardships. China will be in the primary stage of socialism for a long time to come. The basic task of the nation is to concentrate its effort on socialist modernization along the road of socialism with Chinese characteristics. Under the leadership of the Communist Party of China and the guidance of Marxism-Leninism, Mao Zedong Thought, Deng Xiaoping Theory, the important thought of Three Represents, the Scientific Outlook on Development, and the Xi Jinping Thought on Socialism with Chinese Characteristics for a New Era, the Chinese people of all ethnicities will continue to adhere to the people's

democratic dictatorship and the socialist road, persevere in reform and opening to the outside world, steadily improve socialist institutions, develop the socialist market economy, develop socialist democracy, improve the socialist rule of law, apply a new vision of development, and work hard and self-reliantly to modernize the country's industry, agriculture, national defense, and science and technology step by step, to promote the coordinated development of the material, political, spiritual, social, and ecological civilizations, to turn China into a strong modern socialist country that is prosperous, democratic, culturally advanced, harmonious, and beautiful, and to realize the great rejuvenation for the Chinese nation.

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

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

In building socialism, it is essential to rely on workers, peasants, and intellectuals and to unite all forces that can be united. In the long years of revolution, construction, and reform, there has been formed under the leadership of the Communist Party of China a broad patriotic united front that is composed of the democratic parties and people's organizations and that embraces all socialist working people, all builders of socialism, all patriots who support socialism, and all patriots who stand for the reunification of the motherland and endeavor to revitalize the Chinese nation; this united front will continue to be consolidated and developed. The Chinese People's Political Consultative Conference, a broadly based representative organization of the united front that has played a significant historical role, will play a still more important role in the country's political and social life, in promoting friendship with other countries, and in the struggle for socialist modernization and for the reunification and unity of the country. The system of the multi-party cooperation and political consultation led by the Communist Party of China will exist and develop for a long time to come.

The People's Republic of China is a unitary multi-ethnic State created jointly by the people of all its ethnicities. Socialist relations of equality, unity, mutual assistance, and harmony have been established among the ethnicities and will continue to be strengthened. In the struggle to safeguard the unity of the ethnicities, it is necessary to combat big-ethnicity chauvinism, mainly Han chauvinism, and to combat local ethnic chauvinism. The State will do its utmost to promote the common prosperity of all the ethnicities.

China's achievements in revolution, construction, and reform are inseparable from the support of the people of the world. The future of China is closely linked to the future of the world. China adheres to an independent foreign policy, adheres to 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 coexistence, adheres to a path of peaceful development, and adheres to a mutually beneficial strategy of opening up in developing diplomatic relations and economic and cultural exchanges with other countries and in working to build a

community with a shared future for mankind; and consistently opposes imperialism, hegemonism, and colonialism, works to strengthen unity with the people of other countries, supports the oppressed nations and the developing countries in their just struggle to win and preserve national independence and develop their national economies, and strives to safeguard world peace and promote the cause of human progress.

This Constitution, in legal form, affirms the achievements of the struggles of the Chinese people of all ethnicities and defines the basic system and basic tasks of the State; it is the fundamental law of the State and has supreme legal authority. The people of all ethnicities, all State organs and armed forces, all political parties and social groups, and all enterprises and institutions in the country must take the Constitution as the basic standard of conduct and have the duty to uphold the dignity of the Constitution and to ensure its implementation.

## CHAPTER I: 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. The defining feature of socialism with Chinese characteristics is the leadership of the Communist Party of China. Disruption 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 National People's Congress and the local people's congresses at various levels are the organs through which the people exercise State power. The people administer State affairs and manage economic and cultural undertakings and social affairs through various channels and in various ways in accordance with the provisions of law.

**Article 3:** The State organs of the People's Republic of China apply the principle of democratic centralism. The National People's Congress and the local people's congresses at various levels are constituted through democratic elections, are responsible to the people, and are subject to their oversight. All administrative, supervisory, adjudicatory, and procuratorial organs of the State are created by the people's congresses, to which they are responsible and by which they are overseen. The division of functions and powers between the central and local State organs is guided by the principle of giving full scope to the initiative and enthusiasm of the local authorities under the unified leadership of the central authorities.

**Article 4:** All ethnicities in the People's Republic of China are equal. The State protects the lawful rights and interests of the minority ethnicities and upholds and develops a relationship of equality, unity, mutual assistance, and harmony among all of China's ethnicities. Discrimination against and oppression of any ethnicity are prohibited; any act that undermines the unity of the ethnicities or instigates division is prohibited. The State assists areas inhabited by minority ethnicities in accelerating their economic and cultural development according to the characteristics and needs of the various minority ethnicities.

Regional autonomy is practiced in areas where people of minority ethnicities live in concentrated communities; in these areas organs of self-government are established to exercise the power of autonomy. All ethnic autonomous areas are integral parts of the People's Republic of China. All ethnicities have the freedoms to use and develop their own spoken and written languages and to preserve or reform their own folkways and customs.

**Article 5:** The People's Republic of China governs the country according to law and makes it a socialist country under rule of law.

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

No laws, administrative regulations, or local regulations may contravene the Constitution.

All State organs and armed forces, all political parties and social groups, and all enterprises and institutions must abide by the Constitution and other laws. All acts in violation of the Constitution or other laws must be investigated.

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

**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, namely, ownership by the whole people and collective ownership by the working people. The system of socialist public ownership supersedes the system of exploitation of man by man and applies the principle of "from each according to his ability, to each according to his work."

In the primary stage of socialism, the State upholds the basic economic system in which the public ownership is dominant and diverse forms of ownership develop side by side and keeps to the distribution system in which distribution according to work is dominant and diverse modes of distribution coexist.

**Article 7:** The State-owned economy, namely, the socialist economy under ownership by the whole people, is the leading force in the national economy. The State ensures the consolidation and growth of the State-owned economy.

**Article 8:** The rural collective economic organizations apply the dual operation system characterized by the combination of centralized operation with decentralized operation on the basis of operation by households under a contract. In rural areas, all forms of cooperative economy, such as producers', supply and marketing, credit, and consumers' cooperatives, belong to the sector of socialist economy under collective ownership by the working people. Working people who are members of rural collective economic organizations have the right, within the limits prescribed by law, to farm plots of cropland and hilly land allotted for their private use, to engage in household sideline production, and to raise privately owned livestock.

All forms of cooperative economy in cities and towns, in such trades as handicraft, industry, construction, transportation, commerce, and service, all belong to the sector of socialist economy under collective ownership by the working people.

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

**Article 9:** All mineral resources, waters, forests, mountains, grasslands, unreclaimed land, beaches, and other natural resources are owned by the State, that is, by the whole people, except the forests,

mountains, grasslands, unreclaimed land, and beaches that are owned by collectives as prescribed by law.

The State ensures the rational use of natural resources and protects rare animals and plants. Appropriation of or damage to natural resources by any organization or 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 collectives except for those portions that belong to the State as prescribed by law; house sites and plots of cropland and hilly land allotted for private use are also owned by collectives.

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

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

All organizations and individuals using land must use land rationally.

**Article 11:** The non-public sectors of the economy such as the individual and private sectors of the economy, operating within the limits prescribed by law, constitute an important component of the socialist market economy.

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

**Article 12:** Socialist public property is sacred and inviolable.

The State protects socialist public property. Appropriation of or damage to State or collective property by any organization or individual by whatever means is prohibited.

**Article 13** Citizens' lawful private property is inviolable.

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

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

**Article 14:** The State continuously raises labor productivity, enhances economic performance, and develops the social productive forces by elevating the enthusiasm of the working people and their level of technical skill, promoting advanced science and technology, improving the systems of economic administration and enterprise operation and management, instituting the socialist system of responsibility in various forms and, improving the organization of work.

The State practices strict economy and combats waste.

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

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

**Article 15:** The State practices socialist market economy.

The State strengthens economic legislation and improves macro-regulation and control.

The State prohibits in accordance with law any organization or individual from disturbing the socio-economic order.

**Article 16:** State-owned enterprises have the right to operate autonomously within the limits prescribed by law.

State-owned enterprises practice democratic management through congresses of workers and staff and in other ways in accordance with law.

**Article 17:** Collective economic organizations have the right to conduct independent economic activities, on condition that they abide by the relevant laws.

Collective economic organizations practice democratic management and, in accordance with the provisions of law, elect or remove their managerial personnel and decide on major issues concerning operation and management.

**Article 18:** The People's Republic of China permits foreign enterprises and other economic organizations or individuals to invest in China and to enter into various forms of economic cooperation with Chinese enterprises or other economic organizations in accordance with the provisions of the laws of the People's Republic of China.

All foreign enterprises, other foreign economic organizations as well as Chinese-foreign joint ventures within Chinese territory must abide by the laws of the People's Republic of China. Their lawful rights and interests are protected by the laws 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 establishes and administers schools of various types, universalizes compulsory primary education, and promotes secondary, vocational, and higher education as well as pre-school education.

The State develops all types of educational facilities to eliminate illiteracy and to educate workers, peasants, State functionaries, and other working people on politics, science, technology, and professional work, and encourages people to become talented through self-study.

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

The State promotes the nationwide use of Putonghua.

**Article 20:** The State promotes the development of the natural and social sciences, disseminates knowledge of science and technology, and commends and rewards achievements in scientific research as well as technological innovations and inventions.

**Article 21:** The State develops medical and health services, promotes modern medicine and traditional Chinese medicine, encourages and supports the setting up of various medical and health facilities by the rural collective economic organizations, State enterprises and institutions and neighborhood organizations, and promotes mass health activities, all for the protection of the people's health.

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

**Article 22:** The State promotes the development of art and literature, press, radio, and television, publishing and distribution services, libraries, museums, and cultural centers, and other cultural undertakings that serve the people and socialism, and sponsors mass cultural activities.

The State protects sites of scenic and historical interest, valuable cultural relics, and other significant historical and cultural heritage.

**Article 23:** The State trains specialized personnel in all fields who serve socialism, expands the ranks of intellectuals, and creates conditions to give full scope to their role in socialist modernization.

**Article 24:** The State strengthens the building of a socialist spiritual civilization by promoting education in high ideals, ethics, culture, and discipline and the legal system, and by promoting the formulation and observance of rules of conduct and common pledges by various sections of the people in urban and rural areas.

The State champions core socialist values, advocates the civic virtues of loving the motherland, the people, labor, science, and socialism, and conducts education among the people in patriotism and collectivism, in internationalism and communism, and in dialectical and historical materialism, to combat capitalist, feudal, and other decadent ideas.

**Article 25:** The State promotes family planning so that population growth fits the plans for economic and social development.

**Article 26:** The State protects and improves the living environment and the ecological environment, and prevents and controls pollution and other public hazards.

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

**Article 27:** All State organs carry out the principle of simple and efficient administration, the system of responsibility for work, and the system of training functionaries and appraising their performance in order to constantly improve the quality of work and efficiency and to combat bureaucratism.

All State organs and functionaries must rely on the support of the people, keep in close touch with them, heed their opinions and suggestions, accept their oversight, and do their best to serve them. State functionaries shall take a public oath of allegiance to the Constitution when assuming office.

**Article 28:** The State maintains public order, suppresses treasonable and other criminal activities that endanger State security, penalizes activities that endanger public security or disrupt the socialist economy as well as 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 strengthen national defense, resist aggression, defend the motherland, safeguard the people's peaceful labor, participate in national development, and do their best to serve the people.

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

**Article 30:** The administrative division of the People's Republic of China is as follows:

(1) The country is divided into provinces, autonomous regions, and directly governed municipalities;

(2) Provinces and autonomous regions are divided into autonomous prefectures, counties, autonomous counties, and cities; and

(3) Counties and autonomous counties are divided into townships, ethnic townships, and towns. Directly governed municipalities and larger cities are divided into districts and counties. Autonomous prefectures are divided into counties, autonomous counties, and cities.

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

**Article 31:** The State may establish special administrative regions when necessary. The systems to be instituted in special administrative regions are to be prescribed by the laws enacted by the National People's Congress in the light of specific conditions.

**Article 32:** The People's Republic of China protects the lawful rights and interests of foreigners within Chinese territory; foreigners on Chinese territory must abide by the laws of the People's Republic of China.

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

## **CHAPTER II: THE FUNDAMENTAL RIGHTS AND DUTIES OF CITIZENS**

**Article 33:** All persons holding the nationality of the People's Republic of China are citizens of the People's Republic of China.

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

The State respects and preserves human rights.

Every citizen enjoys the rights prescribed by the Constitution and other laws and at the same time must perform the duties prescribed by the Constitution and other laws.

**Article 34:** All citizens of the People's Republic of China who have reached the age of 18 have the right to vote and stand for election, regardless of ethnicity, race, sex, occupation, family background, religious belief, education, property status, or length of residence, except persons deprived of political rights according to law.

**Article 35:** Citizens of the People's Republic of China have the freedom of speech, of the press, of assembly, of association, of procession, and of demonstration.

**Article 36:** Citizens of the People's Republic of China have the freedom of religious belief.

No State organ, social group, or individual may compel citizens to believe in, or to not believe in, any religion, or discriminate against citizens who believe in, or do not believe in, any religion.

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

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

**Article 37:** The freedom of the person of citizens of the People's Republic of China is inviolable. No citizen may be arrested except with the approval or by decision of a people's procuratorate or by decision of a people's court, and arrests must be made by a public security organ. Unlawful detention or deprivation or restriction of citizens' freedom of the person by other means is prohibited, and unlawful search of the person of citizens is prohibited.

**Article 38:** The personal dignity of citizens of the People's Republic of China is inviolable. Insult, libel, false accusation, or false incrimination directed against citizens by any means is prohibited.

**Article 39:** The residences of citizens of the People's Republic of China are inviolable. Unlawful search of, or intrusion into, a citizen's residence is prohibited.

**Article 40:** The freedom and privacy of correspondence of citizens of the People's Republic of China are protected by law. No organization or individual may, on any ground, infringe upon citizens' freedom and privacy of correspondence, except in cases where, to meet the needs of State security or of criminal investigation, public security or procuratorial organs are permitted to examine correspondence in accordance with the procedures prescribed by law.

**Article 41:** Citizens of the People's Republic of China have the right to criticize and make suggestions regarding any State organ or functionary and have the right to make to relevant State organs complaints or charges against, or exposures of, any State organ or functionary for violation of law or dereliction of duty, but must not fabricate or distort facts for purposes of libel or false incrimination.

The State organ concerned must ascertain the facts and deal with the complaints, charges, or exposures made by citizens. No one may suppress such complaints, charges, and exposures or retaliate against the citizens making them.

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

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

Through various channels, the State creates conditions for labor and employment, enhances labor protection, improves working conditions, and, on the basis of expanded production, increases labor remuneration and welfare benefits.

Work is a matter of honor for every citizen who is able to work. All working people in State-owned enterprises and in urban and rural collective economic organizations shall approach their work as the masters of the country that they are. The State promotes socialist labor emulation, and commends and rewards model and advanced workers. The State encourages citizens to take part in voluntary labor.

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

**Article 43:** Working people in the People's Republic of China have the right to rest.

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

**Article 44:** The State implements the system of retirement for workers and staff members of enterprises and institutions and for functionaries of State organs according to law. The livelihood of retired persons is ensured by the State and society.

**Article 45:** Citizens of the People's Republic of China have the right to material assistance from the State and society when they are old or ill or lose the ability to work. The State develops social insurance, social relief, and medical and health services that are required for citizens to enjoy this right.

The State and society ensure the livelihood of disabled military personnel, provide pensions to the families of martyrs, and give preferential treatment to the families of military personnel.

The State and society help plan the work, livelihood, and education of blind, deaf, non-verbal, and other disabled citizens.

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

The State promotes the all-around development of children and young people in character, intellect, constitution, and other respects.

**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 assists creative endeavors conducive to the interests of the people that are made by citizens engaged in education, science, technology, literature, art, and other cultural work.

**Article 48:** Women in the People's Republic of China enjoy equal rights with men in all spheres of life, including in political, economic, cultural, social, and family life.

The State protects the rights and interests of women, implements equal pay for equal work irrespective of sex, and trains and selects female cadres.

**Article 49:** Marriage, families, mothers, and children are protected by the State.

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

Parents have the duty to rear and educate their minor children, and adult children have the duty to support and assist their parents.

Violation of the freedom of marriage is prohibited and the abuse of the elderly, women, and children is prohibited.

**Article 50:** The People's Republic of China protects the legitimate rights and interests of Chinese nationals residing abroad and protects the lawful rights and interests of returned overseas Chinese and of the family members of Chinese nationals residing abroad.

**Article 51:** Citizens of the People's Republic of China, in exercising their freedoms and rights, must not infringe upon the interests of the State, of society, or of the collective, or upon the lawful freedoms and rights of other citizens.

**Article 52:** Citizens of the People's Republic of China have the duty to safeguard the unification of the country and the unity of all its ethnicities.

**Article 53:** Citizens of the People's Republic of China must abide by the Constitution and other laws, keep State secrets, protect public property, observe labor discipline, observe 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 and must not commit acts detrimental to the security, honor, and interests of the motherland.

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

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

**Article 56:** Citizens of the People's Republic of China have the duty pay taxes in accordance with law.

## **CHAPTER III: THE STRUCTURE OF THE STATE**

### **Section 1: 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 body is the Standing Committee of the National People's Congress.

**Article 58:** The National People's Congress and its Standing Committee exercise the legislative power of the State.

**Article 59:** The National People's Congress is composed of delegates elected from the provinces, autonomous regions, directly governed municipalities, special administrative regions, and the armed forces. All minority ethnicities are entitled to appropriate representation.

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

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

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

The Standing Committee of the National People's Congress must complete the election of delegates to the succeeding National People's Congress two months before the expiration of the term of office of the current National People's Congress. Should extraordinary circumstances prevent such an election, it may be postponed and the term of office of the current National People's Congress extended by the decision of a majority of more than two-thirds of all constituent members of the Standing Committee of the current National People's Congress. The election of delegates to the succeeding National People's Congress must be completed within one year after the termination of such extraordinary circumstances.

**Article 61** The National People's Congress holds one session per year and is convened by its Standing Committee. An interim session of the National People's Congress may be convened if its Standing Committee deems it necessary or when more than one-fifth of the delegates to the National People's Congress so propose.

When the National People's Congress holds a session, it is to elect a Presidium to preside over the session.

**Article 62:** The National People's Congress exercises the following functions and powers:

- (1) to amend the Constitution;
- (2) to oversee the implementation of the Constitution;
- (3) to enact and amend basic criminal and civil laws, basic laws governing the State organs, and other basic laws;
- (4) to elect the President and the Vice President of the People's Republic of China;
- (5) to decide on the choice of the Premier of the State Council upon nomination by the President of the People's Republic of China, and on the choice of the Vice Premiers, the State Councilors, the ministers of the various ministries, the chairpersons of the various commissions, the Auditor General, and the Secretary General of the State Council upon nomination by the Premier;
- (6) to elect the Chairperson of the Central Military Commission and, upon nomination by the Chairperson, to decide on the choice of other constituent members of the Central Military Commission;
- (7) to elect the Chairperson of the State Supervision Commission;
- (8) to elect the President of the Supreme People's Court;
- (9) to elect the Procurator General of the Supreme People's Procuratorate;
- (10) to review and approve the plan for national economic and social development and the report on its implementation;
- (11) to review and approve the State budget and the report on its implementation;
- (12) to alter or annul inappropriate decisions of the Standing Committee of the National People's Congress;
- (13) to approve the establishment of provinces, autonomous regions, and directly governed municipalities;
- (14) to decide on the establishment of special administrative regions and their systems;
- (15) to decide on questions of war and peace; and
- (16) to exercise such other functions and powers that should be exercised by the highest organ of State power.

**Article 63:** The National People's Congress has the power to remove from office the following persons:

- (1) the President and the Vice President of the People's Republic of China;
- (2) the Premier, the Vice Premiers, the State Councilors, the ministers of the various ministries, the chairpersons of the various commissions, the Auditor General, and the Secretary General of the State Council;
- (3) the Chairperson of the Central Military Commission and other constituent members of the Central Military Commission;
- (4) the Chairperson of the State Supervision Commission;
- (5) the President of the Supreme People's Court; and
- (6) the Procurator General of the Supreme People's Procuratorate.

**Article 64:** Amendments to the Constitution are to be proposed by the Standing Committee of the National People's Congress or by more than one-fifth of the delegates to the National People's Congress and adopted by a majority of more than two-thirds of all delegates to the National People's Congress.

Laws and other bills are to be adopted by a majority of all delegates to the National People's Congress.

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

a Chairperson;  
several Vice Chairpersons;  
a Secretary General; and  
several members.

The constituent members of the Standing Committee of the National People's Congress shall include an appropriate number of delegates of minority ethnicities.

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

No constituent member of the Standing Committee of the National People's Congress may hold office in the administrative, supervisory, judicial, or procuratorial organ of the State.

**Article 66:** The term of office of the Standing Committee of the National People's Congress is the same as that of the National People's Congress, and it is to exercise its functions and powers until the succeeding National People's Congress elects a new Standing Committee.

The Chairperson and the Vice Chairpersons of the Standing Committee must not serve 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 oversee its implementation;
- (2) to enact and amend laws other than those that shall be enacted by the National People's Congress;
- (3) to partially supplement and amend, when the National People's Congress is not in session, laws enacted by the National People's Congress, provided that the basic principles of these laws are not contravened;
- (4) to interpret laws;
- (5) to review and approve, when the National People's Congress is not in session, plans of partial adjustments that must be made to the plan for national economic and social development or to the State budget in the course of their implementation;
- (6) to oversee the work of the State Council, the Central Military Commission, the State Supervision Commission, the Supreme People's Court, and the Supreme People's Procuratorate;
- (7) to annul those administrative regulations, decisions, or orders formulated by the State Council that contravene the Constitution or other laws;
- (8) to annul those local regulations or resolutions formulated by the organs of State power of provinces, autonomous regions, and directly governed municipalities that contravene the Constitution, other laws, or administrative regulations;

- (9) to decide, when the National People's Congress is not in session, on the choice of the ministers, the chairpersons of commissions, the Auditor General, or the Secretary General upon nomination by the Premier of the State Council;
- (10) to decide, when the National People's Congress is not in session, on the choice of other constituent members of the Central Military Commission upon nomination by the Chairperson of the Central Military Commission;
- (11) to appoint or remove, at the recommendation of the Chairperson of the State Supervision Commission, the Vice Chairpersons and members of the State Supervision Commission;
- (12) to appoint or remove, at the recommendation of the President of the Supreme People's Court, the Vice Presidents, adjudicators, and members of the Adjudicatory Committee of the Supreme People's Court and the President of the Military Court;
- (13) to appoint or remove, at the recommendation of the Procurator General of the Supreme People's Procuratorate, the Deputy Procurators General, procurators, and members of the Procuratorial Committee of the Supreme People's Procuratorate and the Procurator General of the Military Procuratorate, and to approve the appointment or removal of the procurators general of the people's procuratorates of provinces, autonomous regions, and directly governed municipalities;
- (14) to decide on the appointment or removal of plenipotentiary representatives abroad;
- (15) to decide on the ratification or abrogation of treaties and important agreements concluded with foreign states;
- (16) to institute systems of titles and ranks for military and diplomatic personnel and of other special titles and ranks;
- (17) to institute and decide on the conferment of State medals and honorary titles;
- (18) to decide on special pardons;
- (19) 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 fulfilment of international treaty obligations concerning common defense against aggression;
- (20) to decide on general or partial mobilization;
- (21) to decide on entering the state of emergency throughout the country or in particular provinces, autonomous regions, or directly governed municipalities; and
- (22) to exercise other functions and powers granted by the National People's Congress.

**Article 68:** The Chairperson of the Standing Committee of the National People's Congress directs the work of the Standing Committee and convenes its session. The Vice Chairpersons and the Secretary General assist the Chairperson in his or her work.  
The Chairperson, the Vice Chairpersons, and the Secretary General constitute the Council of Chairpersons, which handles the important daily work of the Standing Committee of the National People's Congress.

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

**Article 70:** The National People's Congress establishes an Ethnic Affairs Committee, a Constitution and Law Committee, a Finance and Economic Affairs Committee, an Education, Science, Culture, and Public Health Committee, a Foreign Affairs Committee, an Overseas Chinese Affairs Committee, and other special committees that need to be established. The various

special committees work under the direction of the Standing Committee of the National People's Congress when the National People's Congress is not in session.

The special committees research, deliberate, and draft relevant bills under the direction of the National People's Congress and its Standing Committee.

**Article 71:** The National People's Congress and its Standing Committee may, when they deem it necessary, organize investigation committees concerning specific questions and adopt relevant resolutions in the light of their reports.

When the investigation committees conduct investigations, all relevant State organs, social groups, and citizens concerned have the duty to provide them with the necessary materials.

**Article 72:** Delegates to the National People's Congress and constituent members of its Standing Committee have the right, in accordance with procedures prescribed by law, to submit bills within the scope of the respective functions and powers of the National People's Congress and its Standing Committee.

**Article 73:** Delegates to the National People's Congress and constituent members of its Standing Committee have the right, during the respective sessions of the National People's Congress and its Standing Committee, to submit bills of questioning, in accordance with procedures prescribed by law, against the State Council or the various ministries and commissions under the State Council. The organs questioned must respond responsibly.

**Article 74:** No delegate to the National People's Congress may be arrested or placed on criminal trial without the consent of the Presidium of the current session of the National People's Congress or, when the National People's Congress is not in session, without the consent of its Standing Committee.

**Article 75:** Delegates to the National People's Congress may not be held legally liable for their speeches or votes at its various meetings.

**Article 76:** Delegates to the National People's Congress must play an exemplary role in abiding by the Constitution and other laws and in keeping State secrets and, in the production, work, and social activities in which they participate, assist in the implementation of the Constitution and other laws.

Delegates to the National People's Congress shall maintain close contact with their electoral units and with the people, hear and convey the opinions and demands of the people, and work hard to serve them.

**Article 77:** Delegates to the National People's Congress are subject to oversight by their electoral units. The electoral units have the power to remove the delegates they elected in accordance with procedures prescribed by law.

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

## Section 2: 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 to stand for election and who have reached the age of 45 are eligible for election as President or Vice President of the People's Republic of China.

The term of office of the President and Vice President of the People's Republic of China is the same as that of the National People's Congress.

**Article 80:** The President of the People's Republic of China, in accordance with decisions of the National People's Congress and its Standing Committee, promulgates laws; appoints or removes the Premier, the Vice Premiers, the State Councilors, the ministers of the ministries, the chairpersons of the commissions, the Auditor General, and the Secretary-General of the State Council; confers State medals and titles of honor; issues orders of special pardons; proclaims the entering of a state of emergency; proclaims a state of war; and issues mobilization orders.

**Article 81:** The President of the People's Republic of China, on behalf of the People's Republic of China, engages in activities involving State affairs and receives foreign diplomatic representatives; and, in accordance with the decisions of the Standing Committee of the National People's Congress, appoints or recalls plenipotentiary representatives abroad, and ratifies or abrogates treaties and important agreements concluded with foreign states.

**Article 82:** The Vice President of the People's Republic of China assists the President in his or her work.

The Vice President of the People's Republic of China may exercise part of the functions and powers of the President as entrusted by the President.

**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 succeeding National People's Congress assume office.

**Article 84:** In the event that the office of the President of the People's Republic of China falls vacant, the Vice President succeeds to the office of the President.

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

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

## Section 3: 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 body of the highest organ of State power and is the highest organ of State administration.

**Article 86:** The State Council is composed of the following:

a Premier;  
several Vice Premiers;  
several State Councilors;  
ministers of the various ministries;  
chairpersons of the various commissions;  
an Auditor General; and  
a Secretary General.

The Premier assumes overall responsibility for the work of the State Council. The ministers and chairpersons assume overall responsibility for the work of their respective ministries and commissions.

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 Councilors must not serve more than two consecutive terms.

**Article 88:** The Premier directs the work of the State Council. The Vice Premiers and State Councilors assist the Premier in his or her work.

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

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

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

- (1) to adopt administrative measures, formulate administrative regulations, and issue decisions and orders in accordance with the Constitution and other laws;
- (2) to submit bills to the National People's Congress or its Standing Committee;
- (3) to prescribe the tasks and responsibilities of the various ministries and commissions, to exercise unified leadership over the work of the ministries and commissions, and to direct all other administrative work of a national character that does not fall within the jurisdiction of the ministries and commissions;
- (4) to exercise unified leadership over the work of local organs of State administration at various levels throughout the country, and to prescribe the detailed division of functions and powers between the Central Government and the organs of State administration of provinces, autonomous regions, and directly governed municipalities;
- (5) to draw up and implement the plan for national economic and social development and the State budget;
- (6) to direct and administer economic affairs and urban and rural development, as well as the building of an ecological civilization;
- (7) to direct and administer the affairs of education, science, culture, public health, sports, and family planning;
- (8) to direct and administer civil affairs, public security, judicial administration, and such other matters;
- (9) to administer foreign affairs and conclude treaties and agreements with foreign states;

- (10) to direct and administer the building of national defense;
- (11) to direct and administer ethnic affairs and to safeguard the equal rights of minority ethnicities and the right to autonomy of the ethnic autonomous areas;
- (12) to protect the legitimate rights and interests of Chinese nationals residing abroad and protect the lawful rights and interests of returned overseas Chinese and of the family members of Chinese nationals residing abroad;
- (13) to alter or annul inappropriate orders, directives, and rules issued by the various ministries or commissions;
- (14) to alter or annul inappropriate decisions and orders issued by local organs of State administration at various levels;
- (15) to approve the geographic division of provinces, autonomous regions, and directly governed municipalities, and to approve the establishment and geographic division of autonomous prefectures, counties, autonomous counties, and cities;
- (16) in accordance with the provisions of law, to decide on entering into a state of emergency in parts of provinces, autonomous regions, or directly governed municipalities;
- (17) to review and decide on the staffing of administrative organs and, in accordance with the provisions of law, to appoint or remove, train, evaluate, and reward or punish administrative personnel; and
- (18) to exercise other functions and powers granted by as the National People's Congress or its Standing Committee.

**Article 90:** Ministers of the various ministries and chairpersons of the various commissions of the State Council are responsible for the work of their respective departments and convene and preside over ministerial meetings or general and executive meetings of the commissions to discuss and decide on major issues in the work of their respective departments.

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

**Article 91:** The State Council establishes an auditing body to oversee through auditing the revenue and expenditure of the various departments under the State Council and of the local governments at various levels, and the revenue and expenditure of the financial and monetary organizations as well as the enterprises and institutions of the State.

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

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

#### Section 4: The Central Military Commission

**Article 93:** The Central Military Commission of the People's Republic of China directs the armed forces of the country.

The Central Military Commission is composed of the following:  
a Chairperson;

several Vice Chairpersons; and  
several members.

The Chairperson assumes overall responsibility for the work of the Central Military Commission. The term of office of the Central Military Commission is the same as that of the National People's Congress.

**Article 94:** The Chairperson of the Central Military Commission is responsible to the National People's Congress and its Standing Committee.

## Section 5: The Local People's Congresses and Local People's Government at Various Levels

**Article 95:** People's congresses and people's governments are established in provinces, directly governed municipalities, counties, cities, municipal districts, townships, ethnic townships, and towns.

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

Organs of self-government are established in autonomous regions, autonomous prefectures, and autonomous counties. The organization and work of organs of self-government are prescribed by law in accordance with the basic principles set forth in Sections 5 and 6 of Chapter III of the Constitution.

**Article 96:** Local people's congresses at various levels are local organs of State power. Local people's congresses at or above the county level establish standing committees.

**Article 97:** Delegates to the people's congresses of provinces, directly governed municipalities, and cities divided into districts are elected by the people's congresses at the next lower level; delegates to the people's congresses of counties, cities not divided into districts, municipal districts, townships, ethnic townships, and towns are elected directly by their constituencies.

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

**Article 98:** The term of office of local people's congresses at various levels is five years.

**Article 99:** Local people's congresses at various levels ensure the observance and implementation of the Constitution, other laws, and administrative regulations in their respective administrative regions; and, within the scope of their authority as prescribed by law, adopt and issue resolutions and review and decide on plans for the development of local economy, culture, and public services. Local people's congresses at or above the county level are to review and approve the plans for economic and social development and the budgets of their respective administrative regions as well as the reports on their implementation and have the power to alter or annul inappropriate decisions of their own standing committees.

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

**Article 100:** The people's congresses of provinces and directly governed municipalities, and their standing committees may formulate local regulations and report them to the Standing Committee of the National People's Congress for the record, provided that they do not contravene the Constitution, other laws, or administrative regulations.

The people's congresses of cities divided into districts and their standing committees may, in accordance with the provisions of law, formulate local regulations, which are to take effect after being reported to and approved by the standing committees of the people's congresses of the corresponding provinces or autonomous regions, provided that such regulations do not contravene the Constitution, laws, administrative regulations, or the local regulations of the corresponding provinces or autonomous regions.

**Article 101:** Local people's congresses at various levels separately elect, and have the power to remove, the governors and deputy governors, mayors and deputy mayors, heads and deputy heads of counties, heads and deputy heads of districts, heads and deputy heads of townships, or heads and deputy heads of towns of the people's governments at their respective levels.

Local people's congresses at or above the county level elect, and have the power to remove, chairpersons of the supervision commissions, presidents of the people's courts, and procurators general of the people's procuratorates at their respective levels. The election or removal of procurators general of people's procuratorates must be reported to the procurators general of the people's procuratorates at the next higher level for submission to the standing committees of the people's congresses at their respective levels for approval.

**Article 102:** Delegates to the people's congresses of provinces, directly governed municipalities, and cities divided into districts are subject to oversight by their electoral units; delegates to the people's congresses of counties, cities not divided into districts, municipal districts, townships, ethnic townships, and towns are subject to oversight by their constituencies.

The electoral units or constituencies of delegates to local people's congresses at various levels have the power to remove the delegates they elected in accordance with procedures prescribed by law.

**Article 103:** The standing committee of a local people's congress at or above the county level is composed of a chairperson, several vice chairpersons, and several members, and is responsible and reports its work to the people's congress at the same level.

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

No constituent member of the standing committee of a local people's congress at or above the county level may hold office in the administrative, supervisory, judicial, or procuratorial organs of the State.

**Article 104:** The standing committee of a local people's congress at or above the county level discusses and decides on major issues in all fields of work in its administrative regions; oversees the work of the people's government, supervision commission, people's court, and people's procuratorate at the same level; annuls inappropriate decisions and orders of the people's government at the same level; annuls inappropriate resolutions of the people's congress at the next lower level; decides on the appointment or removal of functionaries of State organs within the scope of its authority as prescribed by law; and, when the people's congress at the same level is

not in session, removes individual delegates to the people's congress at the next higher level and elects individual delegates to fill vacancies in that people's congress.

**Article 105:** Local people's governments at various levels are the executive bodies of local organs of State power at various levels and are the local organs of State administration at the various levels.

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

**Article 106:** The term of office of local people's governments at various levels is the same as that of the people's congresses at their respective levels.

**Article 107:** Local people's governments at or above the county level, within the scope of their authority as prescribed by law, administers the affairs of economy, education, science, culture, public health, sports, and urban and rural development as well as finance, civil affairs, public security, ethnic affairs, judicial administration, and family planning, such other administrative work in their respective administrative regions; issue decisions and orders; and appoint or remove, train, evaluate, and reward or punish administrative functionaries.

People's governments of townships, ethnic townships, and towns execute the resolutions of the people's congresses at their respective levels as well as the decisions and orders of the organs of State administrative at the next higher level and administer the administrative work in their respective administrative regions.

People's governments of provinces and directly governed municipalities decide on the establishment and geographic division of townships, ethnic townships, and towns.

**Article 108:** Local people's governments at or above the county level direct the work of their subordinate departments and the people's governments at lower levels, and have the power to alter or annul inappropriate decisions of their subordinate departments and the people's governments at lower levels.

**Article 109:** Local people's governments at or above the county level establish auditing bodies. Local auditing bodies at various levels independently exercise their power of oversight through auditing in accordance with the provisions of law, and are responsible to the people's government at their respective levels and to the auditing bodies at the next higher level.

**Article 110:** Local people's governments at various levels are responsible and report their work to the people's congresses at their respective levels. Local people's governments at or above the county level are responsible and report their work to the standing committees of the people's congresses at their respective levels when the congresses are not in session.

Local people's governments at various levels are responsible and report their work to the organs of State administration at the next higher level. Local people's governments at various levels throughout the country are all organs of State administration under the unified leadership of the State Council and are all subordinate to the State Council.

**Article 111:** The residents' committees and villagers' committees established in urban and rural area on the basis of the residents' place of residence are mass organizations of self-government at

the grass-roots level. The chairperson, vice chairpersons, and members of each residents' or villagers' committee are elected by the residents. The relationship between the residents' and villagers' committees and the grass-roots political authorities is prescribed by law.

The residents' and villagers' committees establish subcommittees for people's mediation, public security, public health, and other matters in order to handle the public affairs and public welfare in their respective residential areas, mediate civil disputes, help maintain public order, and convey residents' opinions and demands and make suggestions to the people's governments.

## Section 6: The Organs of Self-Government of Ethnic Autonomous Areas

**Article 112** The organs of self-government of ethnic autonomous areas are the people's congresses and people's governments of 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 delegates of the ethnicity or ethnicities exercising regional autonomy, the other ethnicities inhabiting the administrative area shall also have appropriate representation.

Among the chairperson and vice chairpersons of the standing committee of the people's congress of an autonomous region, autonomous prefecture, or autonomous county, there shall be one or more citizens of the ethnicity or ethnicities exercising regional autonomy.

**Article 114:** The chairperson of an autonomous region, the prefect of an autonomous prefecture, or the head of an autonomous county shall be a citizen of the ethnicity exercising regional autonomy.

**Article 115:** The organs of self-government of autonomous regions, autonomous prefectures, and autonomous counties exercise the functions and powers of local organs of State as specified in Section 5 of Chapter III of the Constitution and at the same time exercise the power of autonomy within the scope prescribed by the Constitution, the Regional Ethnic Autonomy Law, and other laws to implement the laws and policies of the State in the light of their respective actual local situations.

**Article 116:** The people's congresses of ethnic autonomous areas have the power to formulate autonomous regulations and separate regulations in the light of the political, economic, and cultural characteristics of the ethnicity or ethnicities in the respective areas. The autonomous regulations and separate regulations of autonomous regions are to take effect after being reported to and approved by the Standing Committee of the National People's Congress. Those of autonomous prefectures and counties are to take effect after being reported to and approved by the standing committees of the people's congresses of provinces or autonomous regions, and are to be reported to the Standing Committee of the National People's Congress for the record.

**Article 117:** The organs of self-government of the ethnic autonomous areas have the power of autonomy in administering local finances. All revenues accruing to the ethnic autonomous areas under the financial system of the State shall be arranged for use by the organs of self-government of those areas on their own.

**Article 118:** The organs of self-government of the ethnic autonomous areas independently arrange for and administer local economic development under the guidance of State plans.

In exploiting natural resources and building enterprises in the ethnic autonomous areas, the State shall accommodate the interests of those areas.

**Article 119:** The organs of self-government of the ethnic autonomous areas independently administer educational, scientific, cultural, public health, and sportive affairs in their respective areas, protect and organize the cultural heritage of the ethnicities, and develop and make prosper ethnic cultures.

**Article 120:** The organs of self-government of the ethnic autonomous areas may, according to 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 ethnic autonomous areas, in accordance with the provisions of the autonomous regulations of their respective areas, are to employ one or more local spoken and written languages in common use.

**Article 122:** The State helps the various minority ethnicities accelerate the development of economy and culture from such aspects as finance, materials, and technology.

The State helps the ethnic autonomous areas train large numbers of cadres at various levels and specialized personnel and skilled workers of various professions and trades from among the ethnicity or ethnicities in those areas.

## Section 7: The Supervision Commissions

**Article 123:** The supervision commissions of the People's Republic of China at various levels are the supervisory organs of the State.

**Article 124:** The People's Republic of China establishes the State Supervision Commission and local supervision commissions at various levels.

A supervision commission is composed of the following:

a chairperson;

several vice chairpersons; and

several members.

The term of office of the chairperson of a supervision commission is the same as that of the people's congress at the same level. The Chairperson of the State Supervision Commission must not serve more than two consecutive terms.

The organization and functions and powers of the supervision commissions are prescribed by law.

**Article 125:** The State Supervision Commission of the People's Republic of China is the highest supervisory organ.

The State Supervision Commission directs the work of local supervision commissions at various levels, and supervision commissions at higher levels direct the work of those at lower levels.

**Article 126:** The State Supervision Commission is responsible to the National People's Congress and its Standing Committee. Local supervision commissions at various levels are responsible to the organs of State power that created them and to the supervision commissions at the next higher level.

**Article 127:** The supervision commissions exercise supervisory power independently in accordance with the provisions of law, not subject to interference by any administrative organ, social group, or individual.

In handling cases of illegal or criminal abuse of public office, the supervisory organs shall mutually cooperate with and mutually check adjudicatory organs, procuratorial organs, and law enforcement departments.

## Section 8: The People's Courts and the People's Procuratorates

**Article 128:** The people's courts of the People's Republic of China are the adjudicatory organs of the State.

**Article 129:** The People's Republic of China establishes the Supreme People's Court, local people's courts at various levels, and military courts and other special people's courts.

The term of office of the President of the Supreme People's Court is the same as that of the National People's Congress, and the President must not serve more than two consecutive terms.

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

**Article 130:** Except in special circumstances specified by law, all cases in the people's courts are to be heard in public. The defendants have the right to a defense.

**Article 131** The people's courts exercise adjudicatory power independently in accordance with the provisions of law, not subject to interference by any administrative organ, social group, or individual.

**Article 132:** The Supreme People's Court is the highest adjudicatory organ.

The Supreme People's Court oversees the adjudicatory work of local people's courts at various levels and of the special people's courts, and people's courts at higher levels oversee the adjudicatory work those at lower levels.

**Article 133** The Supreme People's Court is responsible to the National People's Congress and its Standing Committee. Local people's courts at various levels are responsible to the organs of State power that created them.

**Article 134:** The people's procuratorates of the People's Republic of China are the organs for legal oversight of the State.

**Article 135:** The People's Republic of China establishes the Supreme People's Procuratorate, local people's procuratorates at various levels, and military procuratorates and other special people's procuratorates.

The term of office of the Procurator General of the Supreme People's Procuratorate is the same as that of the National People's Congress; the Procurator General must not serve more than two consecutive terms.

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

**Article 136:** The people's procuratorates exercise procuratorial power independently in accordance with the provisions of law, not subject to interference by any administrative organ, social group, or individual.

**Article 137** The Supreme People's Procuratorate is the highest procuratorial organ. The Supreme People's Procuratorate directs the work of local people's procuratorates at various levels and of the special people's procuratorates, and people's procuratorates at higher levels direct the work of those at lower levels.

**Article 138:** The Supreme People's Procuratorate is responsible to the National People's Congress and its Standing Committee. Local people's procuratorates at various levels are responsible to the organs of State power that created them and to the people's procuratorates at higher levels.

**Article 139:** Citizens of all ethnicities have the right to use their ethnic spoken and written languages in litigation. The people's courts and people's procuratorates shall provide translation for any party to a litigation who is not familiar with the local spoken or written languages in common use.

In an area where people of a minority ethnicity live in a concentrated community or where a number of ethnicities live together, court hearings shall be conducted in the local language or languages in common use; indictments, verdicts, notices, and other documents shall be written, according to actual needs, in one or more local languages in common use.

**Article 140:** In handling criminal cases, the people's courts, the people's procuratorates, and the public security organs shall divide their functions, each responsible for its own work, and mutually cooperate with and check each other to ensure the correct and effective implementation of laws.

## **CHAPTER IV: THE NATIONAL FLAG, THE NATIONAL ANTHEM, THE NATIONAL EMBLEM, AND THE CAPITAL**

**Article 141:** The national flag of the People's Republic of China is a red flag with five stars. The national anthem of the People's Republic of China is the *March of the Volunteers*.

**Article 142:** The national emblem of the People's Republic of China consists of an image of Tian'anmen in its center illuminated by five stars and encircled by ears of grain and a cogwheel.

**Article 143:** The capital of the People's Republic of China is Beijing.