Constitution of the People's Republic of China

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Preamble

China is one of the countries with the longest histories in the world. The Chinese people of all ethnic groups jointly created its magnificent culture and have a proud revolutionary tradition.

After 1840, feudal China gradually became a semi-colonial, semi-feudal country. The Chinese people, wave upon wave, waged heroic struggles for national independence and liberation and for democracy and freedom.

In the 20th century, momentous historical changes took place in China.

The Revolution of 1911, led by Dr. Sun Yat-sen, abolished the feudal monarchy and gave birth to the Republic of China. However, the historic mission of the Chinese people to oppose imperialism and feudalism was not yet accomplished.

In 1949, after engaging in protracted, arduous and tortuous struggles, armed and in other forms, the Chinese people of all ethnic groups led by the Communist Party of China with Chairman Mao Zedong as its leader finally 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. The Chinese people thus secured power and became masters of their own country.

After the founding of the People's Republic of China, our country gradually achieved the transition from a new democratic society to a socialist society. The socialist transformation of private ownership of the means of production has been completed, the system of exploitation of man by man abolished, and a socialist system established. The people's democratic dictatorship led by the working class and based on an alliance of workers and peasants, which in essence is a 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, safeguarded national independence and security, and strengthened national defense. Major achievements have been made in economic development. An independent and relatively complete socialist industrial system has now basically been established, and agricultural output has markedly increased. Significant advances have been made in education, science, culture and other fields, and education about socialist thought has made notable progress. The lives of the people have been considerably improved.

Both the victory in China's New Democratic Revolution and the successes in its socialist cause have been achieved by the Chinese people of all ethnic groups 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 many difficulties and obstacles. Our country will long remain in the primary stage of socialism. The fundamental task for our country is to concentrate on achieving socialist

modernization along the road of socialism with Chinese characteristics. We the Chinese people of all ethnic groups will continue, under the leadership of the Communist Party of China and the guidance of Marxism-Leninism, Mao Zedong Thought, Deng Xiaoping Theory, the Theory of Three Represents, the Scientific Outlook on Development and Xi Jinping Thought on Socialism with Chinese Characteristics for a New Era, to uphold the people's democratic dictatorship, stay on the socialist road, carry out reform and opening up, steadily improve the socialist institutions, develop the socialist market economy and socialist democracy, improve socialist rule of law, apply the new development philosophy, and work hard in a spirit of self-reliance to modernize step by step the country's industry, agriculture, national defense, and science and technology and promote coordinated material, political, cultural-ethical, social and ecological advancement, in order to build China into a great modern socialist country that is prosperous, strong, democratic, culturally advanced, harmonious and beautiful, and realize the great rejuvenation of the Chinese nation.

In our country the exploiting class, as a class, has been eliminated, but class struggle will continue to exist within a certain scope for a long time to come. The people of China must fight against those domestic and foreign forces and elements that are hostile to and undermine our country's socialist system.

Taiwan is part of the sacred territory of the People's Republic of China. It is the sacred duty of all the Chinese people, including our fellow Chinese in Taiwan, to achieve the great reunification of the motherland.

The cause of building socialism must rely on workers, peasants and intellectuals and unite all forces that can be united. Through the long process of revolution, development and reform, a broad patriotic united front has formed under the leadership of the Communist Party of China, with the participation of other political parties and people's organizations and including all socialist working people, people involved in building socialism, patriots who support socialism, and patriots who support China's reunification and are dedicated to the rejuvenation of the Chinese nation. 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, and has played a significant historical role. In the future, it will play an even more important role in the country's political and social life and its friendly foreign activities, in socialist modernization and in safeguarding the unity and solidarity of the country. The system of multiparty cooperation and political consultation under the leadership of the Communist Party of China will continue and develop long into the future.

The People's Republic of China is a unified multiethnic state founded by the Chinese people of all ethnic groups. Socialist ethnic relations of equality, unity, mutual assistance and harmony are established and will continue to be strengthened. In the struggle to safeguard ethnic unity, we should oppose major ethnic group chauvinism, which mainly refers to Han chauvinism, and local ethnic chauvinism. The state makes every effort to promote the shared prosperity of all the country's ethnic groups.

The achievements of China's revolution, development and reform would have been impossible without the support of the world's people. The future of China is closely bound up with the future of the world. China pursues an independent foreign policy, observes the five principles of mutual respect for sovereignty and territorial integrity, mutual nonaggression, mutual noninterference in internal affairs, equality and mutual

benefit, and peaceful coexistence, keeps to a path of peaceful development, follows a mutually beneficial strategy of opening up, works to develop diplomatic relations and economic and cultural exchanges with other countries, and promotes the building of a human community with a shared future. China consistently opposes imperialism, hegemonism and colonialism, works to strengthen its solidarity with the people of all other countries, supports oppressed peoples and other developing countries in their just struggles to win and safeguard their independence and develop their economies, and strives to safeguard world peace and promote the cause of human progress.

This Constitution affirms, in legal form, the achievements of the struggles of the Chinese people of all ethnic groups and stipulates the fundamental system and task of the state. It is the fundamental law of the state and has supreme legal force. The people of all ethnic groups, all state organs and armed forces, all political parties and social organizations, and all enterprises and public institutions in the country must treat the Constitution as the fundamental standard of conduct; they have a duty to uphold the sanctity of the Constitution and ensure its compliance.

Chapter I
General Principles

Article 1 The People's Republic of China is a socialist state governed by a people's democratic dictatorship that is led by the working class and based on an alliance of workers and peasants.

The socialist system is the fundamental system of the People's Republic of China. Leadership by the Communist Party of China is the defining feature of socialism with Chinese characteristics. It is prohibited for any organization or individual to damage the socialist system.

Article 2 All power in the People's Republic of China belongs to the people.

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

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

Article 3 The state institutions of the People's Republic of China shall practice the principle of democratic centralism.

The National People's Congress and the local people's congresses at all levels shall be created through democratic election and shall be responsible to the people and subject to their oversight.

All administrative, supervisory, adjudicatory and procuratorial organs of the state shall be created by the people's congresses and shall be responsible to them and subject to their oversight.

The division of functions and powers between the central and local state institutions shall honor the principle of giving full play to the initiative and motivation of local authorities under the unified leadership of the central authorities.

Article 4 All ethnic groups of the People's Republic of China are equal. The state shall protect the lawful rights and interests of all ethnic minorities and uphold and promote relations of equality, unity, mutual assistance and harmony among all ethnic groups. Discrimination against and oppression of any ethnic group are prohibited; any act that undermines the unity of ethnic groups or creates divisions among them is prohibited.

The state shall, in light of the characteristics and needs of all ethnic minorities, assist all ethnic minority areas in accelerating their economic and cultural development.

All areas inhabited by ethnic minorities shall practice regional autonomy, establish autonomous organs, and exercise the power to self-govern. All ethnic autonomous areas are inseparable parts of the People's Republic of China.

All ethnic groups shall have the freedom to use and develop their own spoken and written languages and to preserve or reform their own traditions and customs.

Article 5 The People's Republic of China shall practice law-based governance and build a socialist state under the rule of law.

The state shall safeguard the unity and sanctity of the socialist legal system.

No law, administrative regulation or local regulation shall be in conflict with the Constitution.

All state organs and armed forces, all political parties and social organizations, and all enterprises and public institutions must abide by the Constitution and the law. Accountability must be enforced for all acts that violate the Constitution or laws.

No organization or individual shall have any privilege beyond the Constitution or the law.

Article 6 The foundation 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 eradicated the system of exploitation of man by man, and practices the principle of "from each according to his ability, to each according to his work."

In the primary stage of socialism, the state shall uphold a fundamental economic system under which public ownership is the mainstay and diverse forms of ownership develop together, and shall uphold an income distribution system under which distribution according to work is the mainstay, while multiple forms of distribution exist alongside it.

Article 7 The state sector of the economy, that is, the sector of the socialist economy under ownership by the whole people, shall be the leading force in the economy. The state shall ensure the consolidation and development of the state sector of the economy.

Article 8 Rural collective economic organizations shall practice a two-tiered system of both unified and separate operations with household contract management as its basis. Rural economic cooperatives — producer, supply and marketing, credit and consumer cooperatives — are part of the socialist economy under collective ownership by the working people. Working people who belong to rural collective economic organizations shall have the right, within the scope prescribed by law, to farm cropland and hillsides

allotted to them for their private use, engage in household sideline production, and raise privately owned livestock.

The various forms of cooperative economic activities in cities and towns, such as those in the handicraft, industrial, building, transport, commercial and service trades, shall all be part of the socialist economy under collective ownership by the working people.

The state shall protect the lawful rights and interests of urban and rural collective economic organizations and shall encourage, guide and assist the growth of the collective sector of the economy.

Article 9 All mineral resources, waters, forests, mountains, grasslands, unreclaimed land, mudflats and other natural resources are owned by the state, that is, by the whole people, except for the forests, mountains, grasslands, unreclaimed land and mudflats that are owned by collectives as prescribed by law.

The state shall ensure the rational use of natural resources and protect rare animals and plants. It is prohibited for any organization or individual to seize or damage natural resources by any means.

Article 10 Land in cities is owned by the state.

Land in rural and suburban areas is owned by collectives except for that which belongs to the state as prescribed by law; housing sites and cropland and hillsides allotted for private use are also owned by collectives.

The state may, in order to meet the demands of the public interest and in accordance with the provisions of law, expropriate or requisition land and furnish compensation.

No organization or individual shall unlawfully transfer land through seizure, sale and purchase, or in any other form. Land-use rights may be transferred in accordance with the provisions of law.

All organizations and individuals using land must use it in an appropriate manner.

Article 11 Non-public economic sectors that are within the scope prescribed by law, such as individually owned and private businesses, are an important component of the socialist market economy.

The state shall protect the lawful rights and interests of non-public economic sectors such as individually owned and private businesses. The state shall encourage, support and guide the development of non-public economic sectors and exercise oversight and regulation over non-public economic sectors in accordance with law.

Article 12 Socialist public property is sacred and inviolable.

The state shall protect socialist public property. It is prohibited for any organization or individual to seize or damage state or collective property by any means.

Article 13 Citizens' lawful private property is inviolable.

The state shall protect the right of citizens to own and inherit private property in accordance with the provisions of law.

The state may, in order to meet the demands of the public interest and in accordance with the provisions of law, expropriate or requisition citizens' private property and furnish compensation.

Article 14 The state shall continually raise labor productivity and improve economic performance to develop productive forces by increasing working people's motivation and level of technical skill, promoting advanced science and technology, improving the systems of economic management and enterprise operation and management, practicing different forms of socialist responsibility system and improving the organization of work.

The state shall practice strict economy and combat waste.

The state shall appropriately handle accumulation and consumption, give due consideration at once to the interests of the state, collectives and individuals and, based on the development of production, gradually improve the material and cultural wellbeing of the people.

The state shall establish a sound social security system compatible with the level of economic development.

Article 15 The state shall practice a socialist market economy.

The state shall strengthen economic legislation and improve macro regulation.

The state shall, in accordance with law, prohibit disruption of the socioeconomic order by any organization or individual.

Article 16 State-owned enterprises shall, within the scope prescribed by law, have the right to operate autonomously.

State-owned enterprises shall, in accordance with the provisions of law, practice democratic management through employee congresses and other means.

Article 17 Collective economic organizations shall, on the condition that they abide by relevant laws, have the autonomy to independently conduct economic activities.

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

Article 18 The People's Republic of China shall permit foreign enterprises, other economic organizations and 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 law of the People's Republic of China.

All foreign enterprises, other foreign economic organizations and Chinese-foreign joint ventures in the territory of China shall abide by the law of the People's Republic of China. Their lawful rights and interests shall be protected by the law of the People's Republic of China.

Article 19 The state shall develop socialist education to raise the scientific and cultural level of the whole nation.

The state shall run schools of all types, provide universal compulsory primary education, develop secondary, vocational and higher education, and also develop

preschool education.

The state shall develop different types of educational facilities, eliminate illiteracy, provide political, cultural, scientific, technical and field-specific education for workers, peasants, state employees and other working people, and encourage people to become accomplished individuals through self-study.

The state shall encourage collective economic organizations, state enterprises, public institutions and other social actors to run education programs of various types in accordance with the provisions of law.

The state shall promote the common speech — *putonghua* — used nationwide.

Article 20 The state shall develop the natural and social sciences, disseminate scientific and technological knowledge, and commend and award research achievements and technological discoveries and inventions.

Article 21 To protect the people's health, the state shall develop medical and health care, develop modern medicine and traditional Chinese medicine, encourage and support the running of various medical and health facilities by rural collective economic organizations, state enterprises, public institutions and neighborhood organizations, and promote public health activities.

To improve the people's physical fitness, the state shall develop sports and promote public sports activities.

Article 22 The state shall develop art and literature, the press, radio and television broadcasting, publishing, libraries, museums and cultural centers, and other cultural undertakings that serve the people and socialism; and shall promote public cultural activities.

The state shall protect places of scenic beauty and historical interest, valuable cultural relics and other forms of important historical and cultural heritage.

Article 23 The state shall train all kinds of specialized personnel to serve socialism, expand the ranks of intellectuals, and create the conditions for giving full play to their role in socialist modernization.

Article 24 The state shall promote socialist cultural-ethical advancement through widely accessible education on ideals, morality, culture, discipline and law, and through the formulation and observance of different forms of rules of conduct and public pledges among different urban and rural populations.

The state shall champion core socialist values; advocate the civic virtues of love for the motherland, for the people, for work, for science and for socialism; educate the people in patriotism and collectivism, in internationalism and communism, and in dialectical and historical materialism; and combat capitalist, feudal and other forms of decadent thought.

Article 25 The state shall promote family planning to see that population growth is consistent with economic and social development plans.

Article 26 The state shall protect and improve living environments and the ecological environment, and prevent and control pollution and other public hazards.

The state shall organize and encourage afforestation and protect forests.

Article 27 All state organs shall practice the principle of lean and efficient administration, a work responsibility system, and a system of employee training and evaluation in order to keep improving the quality and efficiency of their work and combat bureaucratism.

All state organs and state employees must rely on the support of the people, stay engaged with them, listen to their opinions and suggestions, accept their oversight, and work hard to serve them.

State employees, when assuming office, should make a public pledge of allegiance to the Constitution in accordance with the provisions of law.

Article 28 The state shall maintain public order, suppress treason and other criminal activities that jeopardize national security, punish criminal activities, including those that endanger public security or harm the socialist economy, and punish and reform criminals.

Article 29 The armed forces of the People's Republic of China belong to the people. Their missions are to strengthen national defense, resist aggression, defend the motherland, safeguard the people's peaceful work, participate in national development, and work hard to serve the people.

The state shall make the armed forces more revolutionary, more modernized and better regulated in order to strengthen national defense capabilities.

Article 30 The administrative areas of the People's Republic of China shall be delineated as follows:

(1) The country consists of provinces, autonomous regions and cities directly under central government jurisdiction;

(2) Provinces and autonomous regions consist of autonomous prefectures, counties, autonomous counties and cities; and

(3) Counties and autonomous counties consist of townships, ethnic townships and towns.

Cities directly under central government jurisdiction and other large cities consist of districts and counties. Autonomous prefectures consist of 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 instituted in special administrative regions shall, in light of specific circumstances, be prescribed by laws enacted by the National People's Congress.

Article 32 The People's Republic of China shall protect the lawful rights and interests of foreigners in the territory of China; foreigners in the territory of China must abide by the law of the People's Republic of China.

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

Chapter II
Fundamental Rights and Obligations 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 shall respect and protect human rights.

Every citizen shall enjoy the rights prescribed by the Constitution and the law and must fulfill the obligations prescribed by the Constitution and the law.

Article 34 All citizens of the People's Republic of China who have reached the age of 18, regardless of ethnicity, race, gender, occupation, family background, religious belief, level of education, property status or length of residence, shall have the right to vote and stand for election; persons deprived of political rights in accordance with law shall be an exception.

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

Article 36 Citizens of the People's Republic of China shall enjoy freedom of religious belief.

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

The state shall protect normal religious activities. No one shall use religion to engage in activities that disrupt public order, impair the health of citizens or interfere with the state's education system.

Religious groups and religious affairs shall not be subject to control by foreign forces.

Article 37 The personal freedom of citizens of the People's Republic of China shall not be violated.

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

Unlawful detention, or the unlawful deprivation or restriction of a citizen's personal freedom by other means, is prohibited; the unlawful search of a citizen's person is prohibited.

Article 38 The personal dignity of citizens of the People's Republic of China shall not be violated. It is prohibited to use any means to insult, libel or falsely accuse citizens.

Article 39 The homes of citizens of the People's Republic of China are inviolable. The unlawful search of or unlawful intrusion into a citizen's home is prohibited.

Article 40 Freedom and confidentiality of correspondence of citizens of the People's Republic of China shall be protected by law. Except in cases necessary for national security or criminal investigation, when public security organs or procuratorial organs shall examine correspondence in accordance with procedures prescribed by law,

no organization or individual shall infringe on a citizen's freedom and confidentiality of correspondence for any reason.

Article 41 Citizens of the People's Republic of China shall have the right to criticize and make suggestions regarding any state organ or state employee, and have the right to file with relevant state organs complaints, charges or reports against any state organ or state employee for violations of the law or dereliction of duty, but they shall not fabricate or distort facts to make false accusations.

The state organ concerned must ascertain the facts concerning the complaints, charges or reports made by citizens and take responsibility for their handling. No one shall suppress such complaints, charges or reports or take retaliatory action.

Persons who have suffered losses resulting from infringement of their civil rights by any state organ or state employee shall have the right to receive compensation in accordance with the provisions of law.

Article 42 Citizens of the People's Republic of China shall have the right and the obligation to work.

The state shall, in various ways, create employment opportunities, strengthen worker protections, improve working conditions and, based on the development of production, increase remuneration for work and work-related benefits.

Work is an honorable duty for every citizen who is able to work. All working people in state owned enterprises and in urban and rural collective economic organizations should approach their own work as masters of their country. The state shall encourage socialist work contests and commend and award model workers and advanced workers. The state shall encourage citizens to participate in voluntary work.

The state shall provide necessary pre-employment training for its citizens.

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

The state shall develop rest and recuperation facilities for working people and stipulate systems for employee working hours and vacations.

Article 44 The state shall, in accordance with the provisions of law, implement a retirement system for employees of enterprises, public institutions and state organs. The livelihood of retirees shall be ensured by the state and society.

Article 45 Citizens of the People's Republic of China shall have the right to material assistance from the state and society when they are aged, ill or have lost the capacity to work. The state shall develop the social insurance, social relief, and medical and health services necessary for citizens to enjoy this right.

The state and society shall guarantee the livelihood of disabled military personnel, provide pensions to the families of martyrs, and give preferential treatment to the family members of military personnel.

The state and society shall assist arrangements for the work, livelihood and education of citizens who are blind, deaf, mute or have other disabilities.

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

The state shall foster the all-round moral, intellectual and physical development of young adults, youths and children.

Article 47 Citizens of the People's Republic of China shall enjoy the freedom to engage in scientific research, literary and artistic creation, and other cultural pursuits. The state shall encourage and assist creative work that is beneficial to the people of citizens engaged in education, science, technology, literature, art and other cultural activities.

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

The state shall protect the rights and interests of women, implement a system of equal pay for equal work, and train and select female officials.

Article 49 Marriage, families, mothers and children shall be protected by the state.

Both husband and wife shall have the obligation to practice family planning.

Parents shall have the obligation to raise and educate their minor children; adult children shall have the obligation to support and assist their parents.

Infringement of the freedom of marriage is prohibited; mistreatment of senior citizens, women and children is prohibited.

Article 50 The People's Republic of China shall protect the legitimate rights and interests of Chinese nationals overseas as well as the lawful rights and interests of Chinese nationals who have returned from overseas and of the family members in China of Chinese nationals overseas.

Article 51 When exercising their freedoms and rights, citizens of the People's Republic of China shall not undermine the interests of the state, society or collectives, or infringe upon the lawful freedoms and rights of other citizens.

Article 52 Citizens of the People's Republic of China shall have the obligation to safeguard national unity and the solidarity of all the country's ethnic groups.

Article 53 Citizens of the People's Republic of China must abide by the Constitution and the law, keep state secrets, protect public property, observe discipline in the workplace, observe public order, and respect social morality.

Article 54 Citizens of the People's Republic of China shall have the obligation to safeguard the security, honor and interests of the motherland; they must not behave in any way that endangers the motherland's security, honor or interests.

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 an honorable obligation of citizens of the People's Republic of China to perform military service or join the militia in accordance with law.

Article 56 Citizens of the People's Republic of China shall have the obligation to pay taxes in accordance with law.

Chapter III
State Institutions

Section 1
The National People's Congress

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

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

Article 59 The National People's Congress shall be composed of deputies elected from the provinces, autonomous regions, cities directly under central government jurisdiction, special administrative regions and armed forces. All ethnic minorities should have an appropriate number of deputies.

The election of deputies to the National People's Congress shall be presided over by the National People's Congress Standing Committee.

The number of deputies to the National People's Congress and the procedures for their election shall be prescribed by law.

Article 60 Each National People's Congress shall have a term of five years.

The National People's Congress Standing Committee must complete the election of deputies to the next National People's Congress two months prior to the completion of the term of office of the current National People's Congress. If extraordinary circumstances prevent an election from going ahead, the election may be postponed and the term of office of the current National People's Congress may be extended by a resolution supported by at least two-thirds of the members of the current National People's Congress Standing Committee. The election of deputies to the next National People's Congress must be completed within one year of said extraordinary circumstances coming to an end.

Article 61 A session of the National People's Congress shall be held once every year and shall be convened by the National People's Congress Standing Committee. If the National People's Congress Standing Committee deems it necessary, or one-fifth or more of National People's Congress deputies so propose, a session of the National People's Congress may be convened in the interim.

When the National People's Congress holds a session, it shall elect a presidium to conduct that session.

Article 62 The National People's Congress shall exercise the following functions and powers:

(1) amending the Constitution;

(2) overseeing the enforcement of the Constitution;

(3) enacting and amending criminal, civil, state institutional and other basic laws;

(4) electing the president and the vice president of the People's Republic of China;

(5) deciding, based on nomination by the president of the People's Republic of China, on the successful candidate for the premier of the State Council; deciding, based on

nominations by the premier of the State Council, on the successful candidates for vice premiers, state councilors, ministers of ministries, ministers of commissions, the auditor general and the secretary general of the State Council;

(6) electing the chairperson of the Central Military Commission and deciding, based on nominations by the chairperson of the Central Military Commission, on the successful candidates for other members of the Central Military Commission;

(7) electing the chairperson of the National Commission of Supervision;

(8) electing the president of the Supreme People's Court;

(9) electing the procurator general of the Supreme People's Procuratorate;

(10) reviewing and approving the plan for national economic and social development and the report on its implementation;

(11) reviewing and approving the state budget and the report on its implementation;

(12) changing or revoking inappropriate decisions of the National People's Congress Standing Committee;

(13) approving the establishment of provinces, autonomous regions and cities directly under central government jurisdiction;

(14) deciding on the establishment of special administrative regions and the systems to be instituted there;

(15) deciding on issues concerning war and peace; and

(16) other functions and powers that the highest state organ of power should exercise.

Article 63 The National People's Congress shall have the power to remove from office the following personnel:

(1) the president and the vice president of the People's Republic of China;

(2) the premier, vice premiers, state councilors, ministers of ministries, ministers of commissions, the auditor general and the secretary general of the State Council;

(3) the chairperson of the Central Military Commission and other members of the Central Military Commission;

(4) the chairperson of the National Commission of Supervision;

(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 must be proposed by the National People's Congress Standing Committee or by one-fifth or more of National People's Congress deputies and be adopted by a vote of at least two-thirds of National People's Congress deputies.

Laws and other proposals shall be adopted by a majority vote of the National People's Congress deputies.

Article 65 The National People's Congress Standing Committee shall be composed of the following personnel:

a chairperson,
vice chairpersons,
a secretary general, and
members.

There should be an appropriate number of ethnic minority deputies who sit as members on the National People's Congress Standing Committee.

The National People's Congress shall elect, and have the power to remove from office, the members of the National People's Congress Standing Committee.

Members of the National People's Congress Standing Committee shall not hold office in an administrative, supervisory, adjudicatory or procuratorial organ of the state.

Article 66 Each National People's Congress Standing Committee shall have the same term of office as that of the National People's Congress; it shall exercise its functions and powers until a new Standing Committee is elected by the next National People's Congress.

The chairperson and vice chairpersons of the Standing Committee shall serve no more than two consecutive terms.

Article 67 The National People's Congress Standing Committee shall exercise the following functions and powers:

(1) interpreting the Constitution and overseeing its enforcement;

(2) enacting and amending laws other than those that should be enacted by the National People's Congress;

(3) when the National People's Congress is out of session, partially supplementing and amending laws enacted by the National People's Congress but without conflicting with the basic principles of those laws;

(4) interpreting laws;

(5) when the National People's Congress is out of session, reviewing and approving partial adjustments to the plan for national economic and social development and the state budget that must be made in the course of implementation;

(6) overseeing the work of the State Council, the Central Military Commission, the National Commission of Supervision, the Supreme People's Court and the Supreme People's Procuratorate;

(7) revoking administrative regulations, decisions and orders formulated by the State Council that are in conflict with the Constitution or laws;

(8) revoking local regulations and resolutions formulated by the state organs of power in provinces, autonomous regions and cities directly under central government jurisdiction that are in conflict with the Constitution, laws, or administrative regulations;

(9) when the National People's Congress is out of session, deciding, based on nominations by the premier of the State Council, on successful candidates for ministers of ministries, ministers of commissions, the auditor general and the secretary general of the State Council;

(10) when the National People's Congress is out of session, deciding, based on nominations by the chairperson of the Central Military Commission, on successful candidates for other members of the Central Military Commission;

(11) appointing or removing, based on recommendations by the chairperson of the National Commission of Supervision, vice chairpersons and members of the National Commission of Supervision;

(12) appointing or removing, based on recommendations by the president of the Supreme People's Court, vice presidents, judges and Adjudicatory Committee members of the Supreme People's Court, and the president of the Military Court;

(13) appointing or removing, based on recommendations by the procurator general of the Supreme People's Procuratorate, deputy procurators general, procurators and Procuratorial Committee members of the Supreme People's Procuratorate, and the chief procurator of the Military Procuratorate; and approving the appointment or removal of

chief procurators of the people's procuratorates of provinces, autonomous regions and cities directly under central government jurisdiction;

(14) deciding on the appointment or removal of plenipotentiary representatives abroad;

(15) deciding on the ratification or abrogation of treaties and important agreements concluded with foreign countries;

(16) stipulating systems of titles and ranks for military and diplomatic personnel and other field-specific title and ranking systems;

(17) stipulating national medals and titles of honor and deciding on their conferment;

(18) deciding on the granting of special pardons;

(19) when the National People's Congress is out of session, in the event of an armed attack on the country or in fulfillment of international treaty obligations concerning common defense against aggression, deciding on declaring a state of war;

(20) deciding on national or local mobilization;

(21) deciding on entering a state of emergency nationwide or in particular provinces, autonomous regions or cities directly under central government jurisdiction; and

(22) other functions and powers accorded to it by the National People's Congress.

Article 68 The chairperson of the National People's Congress Standing Committee shall preside over the work of the National People's Congress Standing Committee and convene meetings of the National People's Congress Standing Committee. The vice chairpersons and the secretary general shall assist the chairperson in his or her work.

The chairperson, vice chairpersons and the secretary general constitute a Council of Chairpersons, which handles the important day-to-day work of the National People's Congress Standing Committee.

Article 69 The National People's Congress Standing Committee shall be responsible to the National People's Congress and shall report to the Congress on its work.

Article 70 The National People's Congress shall establish an Ethnic Affairs Committee, a Constitution and Law Committee, a Financial and Economic Committee, an Education, Science, Culture and Public Health Committee, a Foreign Affairs Committee, an Overseas Chinese Affairs Committee and such other special committees as are necessary. When the National People's Congress is out of session, all special committees shall work under the leadership of the National People's Congress Standing Committee.

The special committees shall research, discuss and draw up relevant proposals under the leadership of the National People's Congress and the National People's Congress Standing Committee.

Article 71 When the National People's Congress and the National People's Congress Standing Committee deem it necessary, they may organize investigation committees on specific issues and, based on investigation committee reports, adopt appropriate resolutions.

When an investigation committee is conducting an investigation, all state organs, social organizations and citizens concerned shall have the obligation to provide the committee with the necessary data.

Article 72 Deputies to the National People's Congress and members of the National People's Congress Standing Committee shall have the power, in accordance with

procedures prescribed by law, to submit proposals within the scope of the respective functions and powers of the National People's Congress and the National People's Congress Standing Committee.

Article 73 Deputies to the National People's Congress, when the Congress is in session, and members of the National People's Congress Standing Committee, when the Standing Committee is meeting, shall have the power, in accordance with procedures prescribed by law, to submit inquiries to the State Council or the ministries and commissions under it. Organs that receive such inquiries must take responsibility for answering them.

Article 74 Deputies to the National People's Congress shall not 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 Congress is out of session, the consent of the National People's Congress Standing Committee.

Article 75 The statements and votes of National People's Congress deputies at meetings of the National People's Congress shall not be subject to legal liability.

Article 76 Deputies to the National People's Congress must play an exemplary role in abiding by the Constitution and the law and keeping state secrets and, in the production, work and public activities they participate in, assist in the enforcement of the Constitution and the law.

Deputies to the National People's Congress should maintain close contact with the organizations and people that elected them, 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 shall be subject to the oversight of the organizations that elected them. Organizations that have elected deputies shall have the power to remove them from office in accordance with procedures prescribed by law.

Article 78 The organization and working procedures of the National People's Congress and the National People's Congress Standing Committee shall be prescribed by law.

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

Article 79 The president and the vice president of the People's Republic of China shall be 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 the age of 45 are eligible for election as president or vice president of the People's Republic of China.

The president and the vice president of the People's Republic of China shall have the same term of office as that of the National People's Congress.

Article 80 The president of the People's Republic of China, pursuant to decisions of the National People's Congress and the National People's Congress Standing Committee, promulgates laws, appoints or removes the premier, vice premiers, state councilors, ministers of ministries, ministers of commissions, the auditor general and the secretary general of the State Council, confers national medals and titles of honor, issues orders of

special pardon, declares a state of emergency, declares a state of war, and issues mobilization orders.

Article 81 The president of the People's Republic of China engages in affairs of state and receives foreign diplomatic envoys on behalf of the People's Republic of China and, pursuant to decisions of the National People's Congress Standing Committee, appoints or recalls plenipotentiary representatives abroad and ratifies or abrogates treaties and important agreements concluded with foreign countries.

Article 82 The vice president of the People's Republic of China shall assist the president in his or her work.

The vice president of the People's Republic of China may, when so entrusted by the president, exercise part of the functions and powers of the president on his or her behalf.

Article 83 The president and the vice president of the People's Republic of China shall exercise their functions and powers until the president and the vice president elected by the next National People's Congress assume office.

Article 84 In the event that the office of president of the People's Republic of China becomes vacant the vice president shall succeed to the office of president.

In the event that the office of vice president of the People's Republic of China becomes vacant the National People's Congress shall elect a new vice president to fill the vacancy.

In the event that the offices of both president and vice president of the People's Republic of China become vacant the National People's Congress shall elect a new president and a new vice president; prior to their election, the chairperson of the National People's Congress Standing Committee shall temporarily act as the president.

Section 3
The State Council

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

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

a premier,
vice premiers,
state councilors,
ministers of ministries,
ministers of commissions,
an auditor general, and
a secretary general.

The State Council shall practice a premier responsibility system. The ministries and commissions shall each practice a minister responsibility system.

The organization of the State Council shall be prescribed by law.

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

The premier, vice premiers and state councilors shall serve no more than two consecutive terms.

Article 88 The premier shall direct the work of the State Council. The vice premiers and state councilors shall assist the premier in his or her work.

The premier, vice premiers, state councilors and the secretary general shall attend State Council executive meetings.

The premier shall convene and preside over State Council executive meetings and State Council plenary meetings.

Article 89 The State Council shall exercise the following functions and powers:

(1) stipulating administrative measures, formulating administrative regulations and issuing decisions and orders in accordance with the Constitution and the law;

(2) submitting proposals to the National People's Congress or the National People's Congress Standing Committee;

(3) stipulating the missions and responsibilities of the ministries and commissions, exercising unified leadership over their work, and directing national administrative work that does not fall within the responsibilities of the ministries and commissions;

(4) exercising unified leadership over the work of local state administrative organs at all levels nationwide and stipulating the detailed division of functions and powers between the Central Government and state administrative organs in provinces, autonomous regions and cities directly under central government jurisdiction;

(5) drawing up and implementing plans for national economic and social development and state budgets;

(6) directing and managing economic work, urban and rural development and ecological conservation;

(7) directing and managing education, science, culture, health, sports and family planning work;

(8) directing and managing work such as civil affairs, public security and judicial administration;

(9) managing foreign affairs and concluding treaties and agreements with foreign countries;

(10) directing and managing the development of national defense;

(11) directing and managing ethnic affairs and protecting the equal rights of ethnic minorities and the power to self-govern of ethnic autonomous areas;

(12) protecting the legitimate rights and interests of Chinese nationals overseas and protecting the lawful rights and interests of returned overseas Chinese nationals and the family members in China of Chinese nationals overseas;

(13) changing or revoking inappropriate orders, directives and regulations issued by ministries or commissions;

(14) changing or revoking inappropriate decisions and orders issued by local state administrative organs at all levels;

(15) approving the geographic division of provinces, autonomous regions and cities directly under central government jurisdiction and approving the establishment and geographic division of autonomous prefectures, counties, autonomous counties and cities;

(16) deciding, in accordance with the provisions of law, on entering a state of emergency in parts of provinces, autonomous regions and cities directly under central government jurisdiction;

(17) reviewing and deciding on the staff size of administrative organs and, in accordance with the provisions of law, appointing or removing, training, evaluating, and awarding or punishing administrative personnel; and

(18) other functions and powers accorded to it by the National People's Congress and the National People's Congress Standing Committee.

Article 90 State Council ministers of ministries and ministers of commissions shall be responsible for the work of their departments, and shall convene and preside over ministerial meetings or general and executive commission meetings to discuss and decide on major issues in their departments' work.

Ministries and commissions shall, in accordance with the law and the administrative regulations, decisions and orders of the State Council, issue orders and directives and promulgate regulations within the scope of their authority.

Article 91 The State Council shall establish an audit office to conduct auditing oversight over the revenue and expenditure of all State Council departments and local governments at all levels, and over the revenue and expenditure of all state financial institutions, enterprises and public institutions.

The audit office shall, under the leadership of the premier of the State Council, independently exercise the power to conduct auditing oversight in accordance with the provisions of law, and shall not be subject to interference from other administrative organs, social organizations or individuals.

Article 92 The State Council shall be responsible to the National People's Congress and shall report to the Congress on its work; when the National People's Congress is out of session it shall be responsible to the National People's Congress Standing Committee and shall report to the Standing Committee on its work.

Section 4
The Central Military Commission

Article 93 The Central Military Commission of the People's Republic of China shall lead the country's armed forces.

The Central Military Commission is composed of the following personnel:

a chairperson,
vice chairpersons, and
members.

The Central Military Commission shall practice a chairperson responsibility system.

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

Article 94 The chairperson of the Central Military Commission shall be responsible to the National People's Congress and the National People's Congress Standing Committee.

Section 5
Local People's Congresses at All levels and
Local People's Governments at All Levels

Article 95 Provinces, cities directly under central government jurisdiction, counties, cities, municipal districts, townships, ethnic townships and towns shall establish people's

congresses and people's governments.

The organization of local people's congresses at all levels and local people's governments at all levels shall be prescribed by law.

Autonomous regions, autonomous prefectures and autonomous counties shall establish autonomous organs. The organization and work of autonomous organs shall be prescribed by law in accordance with the basic principles laid down in Chapter III sections 5 and 6 of the Constitution.

Article 96 Local people's congresses at all levels are local state organs of power.

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

Article 97 Deputies to the people's congresses of provinces, cities directly under central government jurisdiction and cities divided into districts shall be elected by the people's congresses at the next level down; deputies to the people's congresses of counties, cities not divided into districts, municipal districts, townships, ethnic townships and towns shall be directly elected by their constituencies.

The number of deputies to local people's congresses at all levels and the procedures of their election shall be prescribed by law.

Article 98 Local people's congresses at all levels shall have a term of five years.

Article 99 Local people's congresses at all levels shall, within their administrative areas, ensure the observance and enforcement of the Constitution, laws and administrative regulations; they shall, according to the authority invested in them as prescribed by law, adopt and issue resolutions, and review and decide on local economic, cultural and public service development plans.

Local people's congresses at and above the county level shall review and approve the economic and social development plans and budgets of their administrative areas as well as reports on their implementation; they shall have the power to change or revoke inappropriate decisions made by their own standing committees.

The people's congresses of ethnic townships may, according to the authority invested in them as prescribed by law, take specific measures suited to ethnic characteristics.

Article 100 The people's congresses of provinces and cities directly under central government jurisdiction and their standing committees may, provided there is no conflict with the Constitution, laws or administrative regulations, formulate local regulations, which shall be reported to the National People's Congress Standing Committee to be placed on record.

The people's congresses of cities divided into districts and their standing committees may, provided there is no conflict with the Constitution, laws or administrative regulations, or with the local regulations of their province or autonomous region, formulate local regulations in accordance with the provisions of law, which shall go into force after submission to the standing committee of the people's congress of their province or autonomous region and the receipt of approval.

Article 101 Local people's congresses shall, at their respective levels, elect and have the power to remove from office governors and deputy governors, mayors and deputy

mayors, county heads and deputy heads, municipal district heads and deputy heads, township heads and deputy heads, and town heads and deputy heads.

Local people's congresses at and above the county level shall elect, and have the power to remove from office, chairpersons of the commissions of supervision, presidents of the people's courts and chief procurators of the people's procuratorates at their respective levels. The election or removal of chief procurator of the people's procuratorate must be reported to the chief procurator of the people's procuratorate at the next level up for submission to the standing committee of the people's congress at that level for approval.

Article 102 Deputies to the people's congresses of provinces, cities directly under central government jurisdiction and cities divided into districts shall be subject to oversight by the organizations that elected them; deputies to the people's congresses of counties, cities not divided into districts, municipal districts, townships, ethnic townships and towns shall be subject to oversight by their constituencies.

The organizations and constituencies that elect deputies to local people's congresses at all levels shall have the power to remove them from office in accordance with procedures prescribed by law.

Article 103 The standing committees of local people's congresses at and above the county level shall be composed of a chairperson, vice chairpersons and members; they shall be responsible to the people's congresses at their respective levels and shall report to them on their work.

Local people's congresses at and above the county level shall elect, and have the power to remove from office, members of their standing committees.

Members of the standing committee of a local people's congress at or above the county level shall not hold office in an administrative, supervisory, adjudicatory or procuratorial organ of the state.

Article 104 The standing committees of local people's congresses at and above the county level shall discuss and decide on major issues in all areas of work in their administrative areas; oversee the work of the people's government, the commission of supervision, the people's court and the people's procuratorate at their respective levels; revoke inappropriate decisions and orders made by the people's government at the same level; revoke inappropriate resolutions adopted by the people's congress at the next level down; decide on the appointment or removal of employees of state organs according to the authority invested in them as prescribed by law; and, when people's congresses at their level are out of session, remove from office and elect to fill vacancies individual deputies to the people's congress at the next level up.

Article 105 Local people's governments at all levels are the executive organs of the local state organs of power at their respective levels; they are the local state administrative organs at their respective levels.

Local people's governments at all levels shall practice a governor, mayor, county head, municipal district head, township head or town head responsibility system.

Article 106 Local people's governments at all levels shall have the same term of office as that of the people's congresses at their respective levels.

Article 107 Local people's governments at and above the county level shall, according to the authority invested in them as prescribed by law, manage administrative work related to the economy, education, science, culture, public health, sports, urban and rural development, finance, civil affairs, public security, ethnic affairs, judicial administration, family planning, etc., within their administrative areas; and shall issue decisions and orders, appoint or remove, train, evaluate, and award or punish administrative employees.

The people's governments of townships, ethnic townships and towns shall implement the resolutions of the people's congresses at their level and the decisions and orders of state administrative organs at the next level up; they shall manage the administrative work of their respective administrative areas.

The people's governments of provinces and cities directly under central government jurisdiction shall decide on the establishment of townships, ethnic townships and towns and their geographic division.

Article 108 Local people's governments at and above the county level shall direct the work of their subordinate departments and of the people's governments at the next level down and shall have the power to change or revoke inappropriate decisions made by their subordinate departments and the people's governments at the next level down.

Article 109 Local people's governments at and above the county level shall establish audit offices. Local audit offices at all levels shall, in accordance with the provisions of law, independently exercise the power to conduct auditing oversight; they shall be responsible to the people's government at their level and to the audit office at the next level up.

Article 110 Local people's governments at all levels shall be responsible to the people's congresses at their levels and shall report to them on their work. Local people's governments at and above the county level shall, when the people's congresses at their level are out of session, be responsible to the standing committees of the people's congresses at their level and shall report to them on their work.

Local people's governments at all levels shall be responsible to state administrative organs at the next level up and shall report to them on their work. Local people's governments at all levels nationwide are state administrative organs under the unified leadership of the State Council; they shall all be subordinate to the State Council.

Article 111 Residents committees and villagers committees, established among urban and rural residents on the basis of their place of residence, are primary-level people's organizations for self-governance. Residents committee and villagers committee chairpersons, vice chairpersons and members shall be elected by residents. The relations between residents committees and villagers committees and primary-level state bodies shall be prescribed by law.

Residents committees and villagers committees shall establish people's mediation, public security, public health and other subcommittees to handle public affairs and public services in the residential areas to which they belong, mediate civil disputes and help maintain public order; they shall convey residents' opinions and demands and make proposals to the people's government.

Section 6

Autonomous Organs of Ethnic Autonomous Areas

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

Article 113 In the people's congresses of autonomous regions, autonomous prefectures and autonomous counties, aside from deputies of the ethnic group that exercises regional autonomy, other ethnic groups resident in that administrative area should also have an appropriate number of deputies.

On the standing committees of people's congresses of autonomous regions, autonomous prefectures and autonomous counties, there should be citizens of the ethnic group that exercises regional autonomy in office as chairperson or vice chairperson.

Article 114 The offices of governor of an autonomous region, prefect of an autonomous prefecture and head of an autonomous county shall be filled by a citizen belonging to the ethnic group that exercises regional autonomy there.

Article 115 The autonomous organs of autonomous regions, autonomous prefectures and autonomous counties shall exercise the functions and powers of local state organs as specified in Chapter III Section 5 of the Constitution; at the same time, they shall exercise the power to self-govern according to the authority invested in them as prescribed by the Constitution and the Law on Regional Ethnic Autonomy and other laws, and, based on local circumstances, shall implement the laws and policies of the state.

Article 116 The people's congresses of ethnic autonomous areas shall have the power to formulate autonomous regulations and local-specific regulations in accordance with the political, economic and cultural characteristics of the ethnic groups in their areas. The autonomous regulations and local-specific regulations of autonomous regions shall go into effect after submission to the National People's Congress Standing Committee and receipt of approval. The autonomous regulations and local-specific regulations of autonomous prefectures and autonomous counties shall go into effect after submission to the standing committees of the people's congresses of their provinces or autonomous regions and receipt of approval, and shall be reported to the National People's Congress Standing Committee to be placed on record.

Article 117 Autonomous organs of ethnic autonomous areas shall have the autonomy to manage their local finances. All fiscal revenue which, according to the state financial system, belongs to an ethnic autonomous area should be autonomously allocated and used by the autonomous organs of that ethnic autonomous area.

Article 118 Autonomous organs of ethnic autonomous areas shall, under the guidance of state plans, autonomously plan for and manage local economic development.

When the state is exploiting resources or establishing enterprises in an ethnic autonomous area, it should be attentive to the interests of that area.

Article 119 Autonomous organs of ethnic autonomous areas shall autonomously manage the educational, scientific, cultural, health and sports undertakings of their areas, protect and restore the cultural heritage of their ethnic groups, and promote the development and a thriving of ethnic cultures.

Article 120 Autonomous organs of ethnic autonomous areas may, in accordance with the military system of the state and local needs, and with the approval of the State Council, organize local public security units to maintain public order.

Article 121 In performing their duties, autonomous organs of ethnic autonomous areas shall, in accordance with the autonomous regulations of that ethnic autonomous area, use the spoken and written language or languages commonly used in that area.

Article 122 The state shall provide financial, material and technical assistance to ethnic minorities to accelerate their economic and cultural development.

The state shall assist ethnic autonomous areas in training on a large scale officials at all levels, different types of specialized personnel and technical workers from among that area's ethnic groups.

Section 7
Commissions of Supervision

Article 123 Commissions of supervision of the People's Republic of China at all levels are the supervisory organs of the state.

Article 124 The People's Republic of China shall establish a National Commission of Supervision and local commissions of supervision at all levels.

A commission of supervision shall be composed of the following personnel:

a chairperson,
vice chairpersons, and
members.

The chairperson of a commission of supervision shall have the same term of office as that of the people's congress at the same level. The chairperson of the National Commission of Supervision shall serve no more than two consecutive terms.

The organization, functions and powers of the commissions of supervision shall be prescribed by law.

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

The National Commission of Supervision shall direct the work of local commissions of supervision at all levels; commissions of supervision at higher levels shall direct the work of those at lower levels.

Article 126 The National Commission of Supervision shall be responsible to the National People's Congress and the National People's Congress Standing Committee. Local commissions of supervision at all levels shall be responsible to the state organs of power that created them and to the commissions of supervision at the next level up.

Article 127 Commissions of supervision shall, in accordance with the provisions of law, independently exercise supervisory power, and shall not be subject to interference from any administrative organ, social organization or individual.

The supervisory organs, in handling cases of duty-related malfeasance or crime, shall work together with adjudicatory organs, procuratorial organs and law enforcement departments; they shall act as a mutual check on each other.

Section 8

People's Courts and 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 shall establish a Supreme People's Court and local people's courts at all levels, military courts and other special people's courts.

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

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

Article 130 Except in special circumstances as prescribed by law, all cases in the people's courts shall be tried in public. The accused shall have the right to defense.

Article 131 The people's courts shall, in accordance with the provisions of law, independently exercise adjudicatory power, and shall not be subject to interference from any administrative organ, social organization or individual.

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

The Supreme People's Court shall oversee the adjudicatory work of local people's courts at all levels and of special people's courts; people's courts at higher levels shall oversee the adjudicatory work of those at lower levels.

Article 133 The Supreme People's Court shall be responsible to the National People's Congress and the National People's Congress Standing Committee. Local people's courts at all levels shall be responsible to the state organs of power that created them.

Article 134 The people's procuratorates of the People's Republic of China are the legal oversight organs of the state.

Article 135 The People's Republic of China shall establish a Supreme People's Procuratorate, local people's procuratorates at all levels, military procuratorates and other special people's procuratorates.

The procurator general of the Supreme People's Procuratorate shall have the same term of office as that of the National People's Congress and shall serve no more than two consecutive terms.

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

Article 136 The people's procuratorates shall, in accordance with the provisions of law, independently exercise procuratorial power, and shall not be subject to interference from any administrative organ, social organization or individual.

Article 137 The Supreme People's Procuratorate is the highest procuratorial organ.

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

Article 138 The Supreme People's Procuratorate shall be responsible to the National People's Congress and the National People's Congress Standing Committee. Local

people's procuratorates at all levels shall be responsible to the state organs of power that created them and to the people's procuratorates at higher levels.

Article 139 Citizens of all ethnic groups shall have the right to use their own ethnic group's spoken and written languages in court proceedings. The people's courts and the people's procuratorates should provide translation services for any party to court proceedings who does not have a good command of the spoken or written languages commonly used in the locality.

In areas inhabited by people of an ethnic minority or by a number of ethnic groups living together, court hearings should be conducted in the language or languages commonly used in the locality; indictments, judgments, notices and other documents should be written in the language or languages commonly used in the locality according to actual needs.

Article 140 In handling criminal cases, the people's courts, the people's procuratorates and public security organs should each be responsible for their respective tasks, work together with each other, and act as checks on each other to ensure the faithful and effective enforcement of the law.

Chapter IV
The National Flag, National Anthem, 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 Tiananmen Gate in the center illuminated by five stars and encircled by spikes of grain and a cogwheel.

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

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