

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

Supplement to "People's China"

July 1, 1954

*A Committee for Drafting the Constitution of the People's Republic of China, with Comrade Mao Tse-tung as Chairman, was formed following a resolution adopted by the Central People's Government Council at its 20th meeting on January 13, 1953, on the convening of the National People's Congress and local people's congresses at every level.*

*Comrade Mao Tse-tung, on behalf of the Central Committee of the Communist Party of China, submitted the "Draft Constitution of the People's Republic of China (first draft)" to the Committee for Drafting the Constitution on March 23, 1954. The Committee conducted a detailed and careful study and discussion of the Draft Constitution in the course of which more than 8,000 persons from all walks of life were drawn into its deliberations.*

*The Draft Constitution was completed on June 11, 1954. At its 30th meeting on June 14, 1954, the Central People's Government Council decided to publish this Draft so that the people throughout the country can discuss it and make suggestions for its improvement. The revised Draft will then be submitted to the first meeting of the First National People's Congress for final examination.*

*— Editor*

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## PREAMBLE

The Chinese people, after more than a century of heroic struggle, finally achieved in 1949, under the leadership of the Communist Party of China, their great victory in the people's revolution against imperialism, feudalism and bureaucratic capitalism, thereby ending the long history of oppression and enslavement and setting up the People's Republic of China, a people's democratic dictatorship. The system of people's democracy—new democracy—of the People's Republic of China ensures that China can in a peaceful way eliminate exploitation and poverty and build a prosperous and happy socialist society.

The period from the founding of the People's Republic of China to the attainment of a socialist society is one of transition. The central task of the state during this transition period is to bring about, step by step, the socialist industrialization of the country and to accomplish, step by step, the socialist transformation of agriculture, handicrafts and capitalist industry and commerce. In the past few years, our people have successfully reformed the land system, resisted U.S. aggression and aided Korea, suppressed the counter-revolutionaries, rehabilitated the national economy and carried out other large-scale struggles which have provided the conditions necessary for planned economic construction and the steady transition to socialism.

The First National People's Congress of the People's Republic of China solemnly adopted our country's first Constitution in Peking, the capital, on (day, month, year). This Constitution is based on, and is a development of, the Common Programme of the Chinese People's Political Consultative Conference of 1949. This Constitution consolidates the gains of the Chinese people's revolution and the new political and economic victories since the founding of the People's Republic of China and reflects the basic needs of the state in the transition period and

the common aspiration of the masses of the people to build a socialist society.

In the great struggle to establish the People's Republic of China, the people forged a broad people's democratic united front, led by the Communist Party of China and composed of all democratic classes, parties and groups, and people's organizations. In the future, the Chinese people's democratic united front will continue to play its part in mobilizing and uniting the people of the whole country in the struggle to accomplish the central task of the state in the transition period and to oppose internal and external enemies.

All nationalities in China are united, free and equal, in a big family of nations. This unity of China's nationalities will grow in strength on the basis of the development of friendship and mutual help among them, opposition to imperialism, opposition to the common enemies of the people within the different nationalities and opposition to big-nation chauvinism and local nationalism. In the course of economic and cultural development, the state will take care of the needs of the different nationalities and, in the matter of socialist transformation, will give full attention to the special features in the development of the various nationalities.

China has already built up an indestructible friendship with the great Union of Soviet Socialist Republics and the People's Democracies; the friendship between our people and peace-loving people throughout the world is also growing day by day. This friendship will be continuously developed and consolidated. China's policy of establishing and developing diplomatic relations with all countries, based on the principle of equality, mutual benefit and mutual respect for territorial sovereignty, has achieved results and will continue to be carried out. In international affairs, our firm and consistent policy is to strive for the noble cause of world peace and the progress of humanity.

# CHAPTER I

## GENERAL PRINCIPLES

### Article 1

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

### Article 2

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

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

### Article 3

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

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

All the nationalities are free to develop their own spoken and written languages, and to preserve or reform their own customs, habits and religious beliefs.

Regional autonomy applies in areas where people of the national minorities live in numbers. All the areas of national autonomy are inseparable parts of the People's Republic of China.

### Article 4

The People's Republic of China shall ensure the step-by-step abolition of systems of exploitation and the building of a socialist society by relying on the organs of state and the social forces and through socialist industrialization and socialist transformation.

### Article 5

The ownership of the means of production in the People's Republic of China at present falls into the following categories: state ownership, that is, ownership by the

whole people; cooperative ownership; ownership by individual working people; and capitalist ownership.

### Article 6

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

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

### Article 7

Cooperative economy is socialist economy collectively owned by the working masses, or it may be semi-socialist economy in part collectively owned by the working masses. Partial collective ownership by the working masses is a transitional form through which individual peasants, individual handicraftsmen and other individual working people organize to go on to collective ownership by the working masses.

The state protects the property of the cooperatives, encourages, guides and helps the development of cooperative economy and regards the development of cooperative production as the chief means for the transformation of individual farming and individual handicraft production.

### Article 8

The state protects the ownership of land and other property by peasants according to law.

The state guides and helps individual peasants to increase production and encourages them to organize producers', supply and marketing, and credit cooperatives on a voluntary basis.

The policy of the state towards the rich peasant economy is one of restriction and gradual elimination.

### Article 9

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

The state guides and helps individual handicraftsmen and other non-agricultural individual working people to improve the management of their affairs and encourages them to organize producers', and supply and marketing cooperatives on a voluntary basis.

### Article 10

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

The policy of the state towards capitalist industry and commerce is: use, restrict and transform. Through control by administrative organs of the state, leadership by the state-owned economy and supervision by the workers, the state uses the positive qualities of capitalist industry and commerce which are beneficial to the national welfare and the people's livelihood; restricts the negative qualities of capitalist industry and commerce which are not beneficial to the national welfare and the people's livelihood; encourages and guides the transformation of capitalist industry and commerce into various forms of state-capitalist economy, step by step replacing capitalist ownership with ownership by the whole people.

The state forbids capitalists to endanger the public interest, disturb the social-economic order or undermine the national economic plan by any kind of illegal activity.

### Article 11

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

### Article 12

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

### Article 13

The state may, in the public interest, buy, requisition or nationalize land and other

means of production in both cities and countryside in accordance with the provisions of the law.

### Article 14

The state prohibits any person to use his private property to undermine public interests.

### Article 15

The state, by means of economic planning, directs the development and transformation of the national economy to increase the productive forces constantly, thereby improving the material and cultural life of the people and consolidating the independence and security of the country.

### Article 16

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

### Article 17

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

### Article 18

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

### Article 19

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

The state, in accordance with the law, deprives feudal landlords and bureaucratic-capitalists of political rights for a specified period; at the same time it provides them with a way to live, in order to enable them to reform themselves by work into citizens who earn their livelihood by their own labour.

### Article 20

The armed forces of the People's Republic of China belong to the people; the duty of the armed forces is to defend the

gains of the people's revolution and of national construction, and to defend the security, territorial integrity and sovereignty of the country.

## CHAPTER II

### THE STATE STRUCTURE

#### Section 1. The National People's Congress

##### Article 21

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

##### Article 22

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

##### Article 23

The National People's Congress is composed of deputies elected from Provinces, Municipalities directly subordinate to the central authority, national minorities, the armed forces and Chinese resident abroad.

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

##### Article 24

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

One month before the expiry of the term of office of the National People's Congress, the Standing Committee of the National People's Congress must carry to completion the election of deputies to the succeeding National People's Congress. Should exceptional circumstances arise, making elections impossible, the term of office of the National People's Congress may be prolonged until the succeeding National People's Congress is elected.

##### Article 25

The National People's Congress meets once a year, convened by its Standing Committee. The National People's Congress may

be convened at any time should its Standing Committee deem it necessary or one-fifth of the deputies propose it.

##### Article 26

The National People's Congress, when it meets, elects a presidium to conduct its sittings.

##### Article 27

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

- (1) Amends the Constitution;
- (2) Enacts laws;
- (3) Supervises the enforcement of the Constitution;
- (4) Elects the Chairman and the Vice-Chairman of the People's Republic of China;
- (5) Decides on the appointment of the Premier of the State Council upon nomination by the Chairman of the People's Republic of China, and of the membership of the State Council upon nomination by the Premier of the State Council;
- (6) Decides on the appointment of the Vice-Chairmen and members of the National Defence Council upon nomination by the Chairman of the People's Republic of China;
- (7) Elects the President of the Supreme People's Court;
- (8) Appoints the Procurator-General;
- (9) Decides on the national economic plan;
- (10) Examines and approves the state budget and the report of its execution;
- (11) Ratifies the status and boundaries of Provinces, Autonomous Regions, and Municipalities directly subordinate to the central authority;
- (12) Decides on general amnesties;

(13) Decides on questions of war and peace;

(14) Exercises all other functions and powers which the National People's Congress considers necessary.

#### Article 28

The National People's Congress has the right to remove from office the following:

(1) The Chairman and the Vice-Chairman of the People's Republic of China;

(2) The Premier and the Vice-Premiers, the Ministers, the Chairmen of Commissions and the Secretary-General of the State Council;

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

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

(5) The Procurator-General.

#### Article 29

Amendments to the Constitution are passed by a two-thirds majority of the deputies of the National People's Congress.

Laws and other resolutions are passed by a simple majority of the deputies of the National People's Congress.

#### Article 30

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

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

The Chairman of the Standing Committee;

The Vice-Chairmen of the Standing Committee;

The Secretary-General;  
Members.

#### Article 31

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

(1) Conducts the election of deputies to the National People's Congress;

(2) Convenes the sessions of the National People's Congress;

(3) Interprets the laws;

(4) Enacts decrees;

(5) Supervises the work of the State Council, the Supreme People's Court and the Procurator-General;

(6) Annuls decisions and orders of the State Council and the people's congresses of lower levels where these contravene the Constitution, laws or decrees;

(7) Decides on the appointment or removal of any individual Vice-Premier, Minister, Chairman of Commission and the Secretary-General of the State Council when the National People's Congress is not in session;

(8) Appoints or removes the Vice-Presidents of the Supreme People's Court;

(9) Appoints or removes the Deputy Procurators-General;

(10) Decides on the appointment and recall of plenipotentiary envoys to foreign states;

(11) Decides on the ratification and abrogation of treaties with foreign states;

(12) Establishes military, diplomatic and other special titles and ranks;

(13) Establishes and decides on the award of orders and medals and titles of honour of the state;

(14) Decides on pardons;

(15) Decides on the proclamation of a state of war in the event of armed attack against the state or in fulfilment of international treaty obligations concerning mutual defence against aggression when the National People's Congress is not in session;

(16) Decides on general or partial mobilization;

(17) Decides on the enforcement of martial law throughout the country or in certain areas;

(18) Exercises all other functions and powers vested in it by the National People's Congress.

#### Article 32

The Standing Committee of the National People's Congress exercises its

functions and powers until the succeeding National People's Congress elects a new Standing Committee.

#### **Article 33**

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

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

#### **Article 34**

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

All the committees established by the National People's Congress are under the direction of its Standing Committee when the National People's Congress is not in session.

#### **Article 35**

All organs of the state, people's organizations and citizens concerned are obliged to supply necessary information to the various committees established by the National People's Congress when these conduct enquiries or investigations.

#### **Article 36**

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

#### **Article 37**

No deputy of the National People's Congress may be arrested or placed on trial without the consent 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 38**

Deputies of the National People's Congress are subject to the supervision of the

units which elect them. These electoral units have the right to replace their elected deputies at any time according to the procedure prescribed by law.

## **Section 2. The Chairman of the People's Republic of China**

#### **Article 39**

The Chairman of the People's Republic of China is elected by the National People's Congress. Any citizen of the People's Republic of China who has reached the age of thirty-five and has the right to elect and be elected may be elected Chairman of the People's Republic of China.

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

#### **Article 40**

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

#### **Article 41**

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

#### **Article 42**

The Chairman of the People's Republic of China commands the armed forces of the country and presides over the National Defence Council.

### Article 43

The Chairman of the People's Republic of China convenes a Supreme State Conference whenever necessary and presides at its meetings.

The Supreme State Conference is attended by the Vice-Chairman of the People's Republic of China, the Chairman of the Standing Committee of the National People's Congress, the Premier of the State Council and others concerned.

The views of the Supreme State Conference on important state matters are submitted by the Chairman of the People's Republic of China to the National People's Congress, its Standing Committee, the State Council or other organs concerned for discussion and decision.

### Article 44

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

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

### Article 45

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

### Article 46

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

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

## Section 3. The State Council

### Article 47

The State Council of the People's Republic of China, namely, the Government of the People's Republic of China, is the executive body of the highest organ of state power and is the highest administrative organ of the state.

### Article 48

The State Council is composed of the following:

- the Premier;
- the Vice-Premiers;
- the Ministers;
- the Chairmen of the Commissions;
- the Secretary-General.

The organization of the State Council is laid down by law.

### Article 49

The State Council exercises the following functions and powers:

(1) Formulates administrative measures, proclaims decisions and orders and verifies their execution, in accordance with the Constitution, laws and decrees;

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

(3) Coordinates and leads the work of the Ministries and Commissions;

(4) Coordinates and leads the work of the local people's councils at every level throughout the country;

(5) Revises or annuls unsuitable orders and directives issued by the Ministers or by the Chairmen of the Commissions;

(6) Revises or annuls unsuitable decisions and orders of the local people's councils at every level;

(7) Carries out the national economic plan and the state budget;

(8) Controls foreign and domestic trade;

(9) Directs cultural, educational and public health work;

(10) Directs work concerning the nationalities;

(11) Directs work concerning Chinese resident abroad;

(12) Protects the interests of the state, maintains public order and safeguards the rights of citizens;

(13) Directs the conduct of relations with foreign states;

(14) Directs the building up of the armed forces of the country;

(15) Appoints or removes administrative personnel within the limits and according to the procedure laid down by law;

(16) Exercises all other functions and powers vested in it by the National People's Congress and its Standing Committee.

#### Article 50

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

The Vice-Premiers assist the Premier in his work.

#### Article 51

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

#### Article 52

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

### Section 4. The Local People's Congresses and Local People's Councils at All Levels

#### Article 53

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

(1) The country is divided into Provinces, Autonomous Regions and Municipalities

directly subordinate to the central authority;

(2) Provinces and Autonomous Regions are divided into Autonomous *Chou*, Counties, Autonomous Counties, and Municipalities;

(3) Counties and Autonomous Counties are divided into *Hsiang*, Nationality *Hsiang*, and Towns.

Municipalities directly subordinate to the central authority and other large Municipalities are divided into Districts. Autonomous *Chou* are divided into Counties, Autonomous Counties, and Municipalities.

Autonomous Regions, Autonomous *Chou* and Autonomous Counties are all areas of national autonomy.

#### Article 54

Provinces, Municipalities directly subordinate to the central authority, Counties, Municipalities, Municipal Districts, *Hsiang*, Nationality *Hsiang*, and Towns establish people's congresses and people's councils.

Autonomous Regions, Autonomous *Chou* and Autonomous Counties establish autonomous organs. The organization and work of autonomous organs are specified in Section 5 of Chapter II of the Constitution.

#### Article 55

Local people's congresses at every level are the local organs of state power.

#### Article 56

Deputies of the people's congresses of Provinces, Municipalities directly subordinate to the central authority, Counties, and Municipalities divided into Districts are elected by the people's congresses of the next lower level; deputies of the people's congresses of Municipalities not divided into Districts, Municipal Districts, *Hsiang*, Nationality *Hsiang*, and Towns are directly elected by the voters.

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

### Article 57

The term of office of the provincial people's congresses is four years. The term of office of the people's congresses of Municipalities directly subordinate to the central authority, Counties, Municipalities, Municipal Districts, *Hsiang*, Nationality *Hsiang*, and Towns is two years.

### Article 58

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

### Article 59

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

The people's congresses of county and higher levels elect, and have the right to recall, the presidents of the people's courts of the corresponding levels.

### Article 60

The local people's congresses at every level, within the limits of the authority prescribed by law and in accordance with the decisions of the people's congresses of higher levels, adopt and issue decisions.

The people's congresses of Nationality *Hsiang*, within the limits of the authority prescribed by law, may adopt specific measures suited to the characteristics of the nationalities concerned.

The local people's congresses at every level have the right to revise or annul unsuitable decisions and orders of the people's councils of the corresponding levels.

The people's congresses of county and higher levels have the right to revise or annul unsuitable decisions and orders of the people's congresses and people's councils of lower levels.

### Article 61

The deputies of the people's congresses of Provinces, Municipalities directly subordinate to the central authority, Counties, and Municipalities divided into Districts, are subject to supervision by the units which elect them; the deputies of the people's congresses of Municipalities not divided into Districts, Municipal Districts, *Hsiang*, Nationality *Hsiang*, and Towns are subject to supervision by their electorates. The electoral units and electorates which elect the deputies of the local people's congresses at every level have the right to recall their deputies at any time according to the procedure laid down by law.

### Article 62

Local people's councils at every level are the executive organs of the local people's congresses of the corresponding levels; they are the local administrative organs of the state.

### Article 63

A local people's council is composed, according to its level, of the Provincial Governor and Deputy Provincial Governors, the Mayor and Deputy Mayors, the County Head and Deputy County Heads, the District Head and Deputy District Heads, the *Hsiang* Head and Deputy *Hsiang* Heads, the Town Head and Deputy Town Heads, and council members.

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

The organization of the local people's councils at every level is laid down by law.

### Article 64

A local people's council at any level directs the administrative work of its area within the limits of the authority prescribed by law.

A local people's council at any level carries out the decisions of the people's congress of the corresponding level and the decisions and orders of the state administrative organs of higher levels.

A local people's council at any level issues decisions and orders within the limits of the authority prescribed by law.

#### Article 65

The people's councils of county and higher levels direct the work of all subordinate departments and of the people's councils of lower levels, as well as appoint or remove administrative personnel within the limits and according to the procedure laid down by law.

The people's councils of county and higher levels have the right to suspend the carrying out of unsuitable decisions by the people's congresses of lower levels, and to revise or annul unsuitable decisions and orders of their subordinate departments and of the people's councils of lower levels.

#### Article 66

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

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

### Section 5. The Local Autonomous Organs of the Areas of National Autonomy

#### Article 67

The autonomous organs of all Autonomous Regions, Autonomous *Chou* and Autonomous Counties are formed in accordance with the basic principles governing the organization of local organs of the state as specified in Section 4 of Chapter II of the Constitution. The form of each autonomous organ may be determined by the wishes of the majority of the people of the nationality (nationalities) exercising autonomy in the area.

#### Article 68

In all Autonomous Regions, Autonomous *Chou* and Autonomous Counties where a number of nationalities live together, each nationality should have an appropriate number of representatives on the local autonomous organs.

#### Article 69

The autonomous organs of all Autonomous Regions, Autonomous *Chou* and Autonomous Counties exercise the functions and powers of local organs of the state as specified in Section 4 of Chapter II of the Constitution.

#### Article 70

The autonomous organs of all Autonomous Regions, Autonomous *Chou* and Autonomous Counties exercise autonomy within the limits of the authority prescribed by the Constitution and the law.

The autonomous organs of all Autonomous Regions, Autonomous *Chou* and Autonomous Counties administer their own local finances within the limits of the authority prescribed by law.

The autonomous organs of all Autonomous Regions, Autonomous *Chou* and Autonomous Counties organize their local public security forces in accordance with the military system of the state.

The autonomous organs of all Autonomous Regions, Autonomous *Chou* and Autonomous Counties may draw up rules governing the exercise of autonomy and other special regulations suited to the political, economic and cultural characteristics of the local nationality (nationalities), and submit these rules and regulations to the Standing Committee of the National People's Congress for approval.

#### Article 71

In performing their functions, the autonomous organs of all Autonomous Regions, Autonomous *Chou* and Autonomous Counties use the spoken and written language (languages) commonly used in the locality.

### Article 72

The higher organs of the state should fully safeguard the right of the autonomous organs of all Autonomous Regions, Autonomous *Chou* and Autonomous Counties to exercise autonomy and assist the various national minorities in their political, economic and cultural development.

## Section 6. The Courts and the Procurator's Office

### Article 73

The Supreme People's Court, the local people's courts at every level and the special courts established by law in the People's Republic of China exercise judicial authority.

### Article 74

The term of office of the President of the Supreme People's Court and the presidents of the local people's courts at every level is four years.

The organization of the Supreme People's Court and the local people's courts at every level is laid down by law.

### Article 75

The system of people's assessors applies in the people's courts at every level, as prescribed by law.

### Article 76

In the people's courts at every level cases are tried in public unless otherwise provided for by law. The accused has the right to defence.

### Article 77

Citizens of all nationalities have the right to use their own spoken and written languages in all court proceedings. The people's courts should provide interpretation for the party who does not know the spoken or written language (languages) commonly used in the locality.

In areas where people of the national minorities live in numbers or where a num-

ber of nationalities live together, all court proceedings are conducted by the people's courts in the language (languages) commonly used in the locality. Judgments, notices and all other documents of the people's courts are made public in the language (languages) commonly used in the locality.

### Article 78

The people's courts at every level are independent in the exercise of their judicial authority and subject only to the law.

### Article 79

The Supreme People's Court is the highest judicial organ.

The Supreme People's Court supervises the judicial work of the local people's courts at every level.

### Article 80

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

### Article 81

The Procurator-General of the People's Republic of China exercises supreme supervisory power over all the departments subordinate to the State Council, local administrative organs of the state at every level, the personnel of organs of the state, and citizens to ensure observance of the law.

### Article 82

Procurators of Provinces, Autonomous Regions and Municipalities directly subordinate to the central authority are appointed or removed by the Procurator-General. Procurators of Counties, Municipalities, Autonomous *Chou* and Autonomous Counties are appointed or removed on the recommendation of the Procurators of Provinces and Autonomous Regions subject to the approval of the Procurator-General.

The term of office of the Procurator-General and the local procurators at every level is four years.

The organization of the organs of the Procurator's Office is laid down by law.

#### **Article 83**

Local organs of the Procurator's Office at every level are independent in the exercise of their authority and not subject to interference by local organs of the state.

Local procurators at every level are subordinate to the procurators of the higher level, and all are subordinate to the Procurator-General.

#### **Article 84**

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

### **CHAPTER III**

## **FUNDAMENTAL RIGHTS AND DUTIES OF CITIZENS**

#### **Article 85**

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

#### **Article 86**

All citizens of the People's Republic of China who have reached the age of eighteen have the right to elect and be elected irrespective of nationality, race, sex, occupation, social origin, religious belief, education, property status, and length of residence, except insane persons and those who are by law deprived of their right to elect and be elected.

Women have equal rights with men to elect and be elected.

#### **Article 87**

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

#### **Article 88**

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

#### **Article 89**

The freedom of the person of citizens of the People's Republic of China is inviolable. No citizen may be placed under arrest except by decision of a court or with the sanction of a procurator.

#### **Article 90**

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

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

#### **Article 91**

Citizens of the People's Republic of China have the right to work. By planned development of the national economy, the state increases employment step by step, and improves working conditions and wages to guarantee to citizens the enjoyment of this right.

#### **Article 92**

Working people in the People's Republic of China have the right to rest. To guarantee to working people the enjoyment of this right, the state prescribes working hours and institutes vacations for workers and office employees and steadily expands the material conditions for working people to rest and build up their health.

#### **Article 93**

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

services and, step by step, expands these facilities.

#### **Article 94**

Citizens of the People's Republic of China have the right to education. To guarantee to citizens the enjoyment of this right, the state establishes and step by step expands the various kinds of schools and other cultural and educational institutions.

The state gives special attention to the physical and mental development of youth.

#### **Article 95**

The People's Republic of China safeguards the freedom of citizens to engage in scientific research, literary and artistic creation and other cultural activities. The state encourages and assists citizens who are engaged in scientific, educational, literary, artistic and other cultural pursuits in their creative work.

#### **Article 96**

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

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

#### **Article 97**

Citizens of the People's Republic of China have the right to make written or oral charges to any organ of the state at any level against any government worker for transgression of law or neglect of duty. Persons who sustain loss as a result of in-

fringement of their rights as citizens by government personnel have the right to compensation.

#### **Article 98**

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

#### **Article 99**

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

#### **Article 100**

Citizens of the People's Republic of China must abide by the Constitution and the law, preserve labour discipline and public order and respect social ethics.

#### **Article 101**

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

#### **Article 102**

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

#### **Article 103**

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

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

## **CHAPTER IV**

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

#### **Article 104**

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

#### **Article 105**

The state emblem of the People's Republic of China is: in the centre, Tien An

Men under the light of five stars, framed with ears of grain, and with a cogwheel at the base.

#### **Article 106**

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