DOCUMENTS OF THE FIRST SESSION OF THE FIRST NATIONAL PEOPLE'S CONGRESS OF THE PEOPLE'S REPUBLIC OF CHINA

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DOCUMENTS OF THE FIRST SESSION OF THE FIRST NATIONAL PEOPLE'S CONGRESS OF THE PEOPLE'S REPUBLIC OF CHINA

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PUBLISHER'S NOTE

The first session of the First National People's Congress, held in Peking from September 15 to September 28, 1954, was an event of far-reaching importance in the political life of the Chinese people. After enthusiastic discussion the session unanimously adopted the Constitution, enacted five important laws and elected new leading working personnel of the state headed by Chairman Mao Tse-tung, the great leader of the Chinese people.

This collection includes all important documents of the session.

Printed in the People's Republic of China

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MAO TSE-TUNG

OPENING ADDRESS

Delivered at the First Session
of the First National People's Congress
of the People's Republic of China
September 15, 1954

Fellow Deputies:

The first session of the First National People's Congress of the People's Republic of China opens today in our capital, Peking.

The total number of deputies is 1,226, of whom 1,211 have registered for attendance, 15 have asked for leave and could not register for attendance because of ill-health or other reasons, and 70 have registered for attendance but are absent today because of ill-health or other reasons. At today's meeting 1,141 deputies are present and constitute a quorum.

The first session of the First National People's Congress of the People's Republic of China is charged with important tasks.

The tasks of the present session of the Congress are:

To frame and adopt a constitution;

To enact important laws;

To approve the report on the work of the government;

To elect new leading working personnel of the state.

The present session is of great historic significance. It is a milestone marking the new victories won and new advances made by our people since the founding of our Republic in 1949, and the constitution to be framed and adopted at the present session will greatly advance our country's socialist cause.

Our general task is to unite the people of the whole country, to win the support of all our friends in all nations, to strive to build a great socialist state,

and to bestir ourselves to defend peace between the nations and to further the cause of human progress.

The people of our country should work hard, do their best to learn from the advanced experience of the Soviet Union and of other brother countries, be honest and modest, earnest and industrious, should encourage and help each other, guard against conceit and arrogance and be prepared, in the course of several five-year plans, to build our country, at present economically and culturally backward, into a great, industrialized country with a high standard of modern culture.

Ours is a righteous cause. A righteous cause is invulnerable to any enemy.

The core of our strength, which leads us in our cause, is the Communist Party of China.

The theoretical basis which guides our thinking is Marxism-Leninism.

We are fully confident that we can overcome all difficulties and hardships, and build our country into a great socialist republic.

We are marching forward.

We are now engaged in a great and most glorious cause, never undertaken by our forefathers.

Our goal must be attained.

Our goal can certainly be attained.

Let all the six hundred million people of our country unite and strive for our common cause!

Long live our great motherland!

LIU SHAO-CHI

REPORT ON THE DRAFT CONSTITUTION OF THE PEOPLE'S REPUBLIC OF CHINA

Delivered at the First Session
of the First National People's Congress
of the People's Republic of China
September 15, 1954

Fellow Deputies:

The framing and adopting of the Constitution of the People's Republic of China is an event of enormous historic significance in the political life of our country. The most important task of the First Session of the First National People's Congress is to frame and to adopt the Constitution of our country.

The Draft Constitution now submitted to the Congress has emerged after much serious preparation.

The Committee for Drafting the Constitution of the People's Republic of China, headed by Comrade Mao Tse-tung, was formed by the Central People's Government Council on January 13, 1953. In March 1954, this Committee accepted the first draft of the Constitution submitted by the Central Committee of the Communist Party of China. Serious discussions of this draft were then organized in Peking and all other principal cities in the country, in which more than 8,000 persons, representative of the various democratic parties and groups, people's organizations and people of all sections of society, took part for more than two months. That is to say, all these 8,000 or so persons actually took part in the drafting of the Constitution. The Draft Constitution which emerged from revision of the aforementioned draft was made public by the Central People's Government Council on June 14, 1954 for people all over the country to discuss. Discussions lasted for more than two months and more than 150 million persons took part. The broad masses of the people expressed their warm support of the Draft Constitution; and at the same time put forward many suggestions for amendment

and revision. In the light of these suggestions, the Committee for Drafting the Constitution of the People's Republic of China made further revisions of the original draft which were later discussed and adopted at the 34th meeting of the Central People's Government Council on September 9, 1954: hence this Draft Constitution now submitted to the Congress.

I am now going to make a report to the Congress on the Draft Constitution of the People's Republic of China on behalf of the Committee for Drafting the Constitution.

I. THE DRAFT CONSTITUTION OF THE PEOPLE'S REPUBLIC OF CHINA IS AN EPITOME OF HISTORICAL EXPERIENCE

In drawing up the Constitution, we have worked on a basis of facts. But what are these facts? They are: that we Chinese people have won complete victory in our long-drawn-out revolutionary struggles against imperialism, feudalism and bureaucrat-capitalism; that our people's democratic state, led by the working class and based on the alliance of workers and peasants, has been solidly established; that the socialist sector in China's economy has now assumed a position of vigorous leadership; that our country has embarked on its systematic socialist transformation, and is in gradual transition towards socialist society.

From these facts it naturally follows that our Constitution cannot but be a people's democratic con-

stitution. It is a constitution of the socialist type, not of the bourgeois type.

The Draft Constitution which we have submitted is an epitome of the historical experience of more than a hundred years of heroic struggles waged by the Chinese people; it also epitomizes historical experience on the question of constitutions and the constitutional movement in modern China.

The Chinese people had lived for long years under the dark rule of imperialism and feudalism. Over a hundred years ago foreign capitalism began to invade China, which fact revealed the utter incapacity of China's feudal rulers at that time to defend the country. The more serious aggression and oppression from outside grew, the more despotic domestic politics became. From then on, China, great nation though she was, practically lost her status as an independent state in her foreign relations, and the broad masses of Chinese people were subjected to untold suffering. Yet it was at this time that the Chinese people began to wage a valiant revolutionary struggle against foreign capitalism and domestic feudalism. To save China and reshape her destiny, many enlightened people tried their best to seek the truth. They made great efforts to study the bourgeois politics and culture of the West, thinking that these Western bourgeois ways could save China. Having done so, they attempted to model the state structure and social system of our country on the pattern of the Western capitalist countries.

One of these attempts was the Reform Movement which followed China's defeat by Japan in 1894. This was conducted by a group of reformists headed by Kang Yu-wei, who wanted China to have a constitution that would allow capitalism to develop without fundamentally changing her feudal system. Their

principles won the approval and support of many people at the time. Though they were reformists, their Reform Movement was progressive, judged by the standards of those times. That was why it incurred the enmity of the reactionary clique. In 1898 their activities came to nought because of repression by the reactionary clique headed by the Empress Dowager Tse Hsi.

China's defeat in 1894 roused a broad mass movement. Simultaneously with the Reform Movement of the Kang Yu-wei group, there developed the movement of revolutionary groups, including one headed by Sun Yat-sen. After the failure of the Kang Yu-wei group, they organized the Tung Meng Hui (the Revolutionary League) in 1905. Unlike the reformists, these people cherished the idea of establishing a bourgeois democratic republic, and waged a revolutionary struggle for the overthrow of Manchu rule. To that extent they were a great stride ahead of the reformists.

The Manchu regime was hard put to it to hold out in face of the rapid expansion of the revolutionary forces. In an attempt, however, to maintain their sway, to deceive the people and head off their revolution, the Manchu rulers about fifty years ago announced a "preparatory period for constitutionalism," and promulgated "the principles of the constitution" in 1908. The main aim of "the principles of the constitution" was the maintenance of feudal absolute rule, although making a show of acceding to some of the people's demands. The people, however, put no trust in these promises, nor did they believe that this sort of "constitution" could improve the conditions of their country. In fact, they rejected this fraudulent "constitutionalism." While the revolutionaries led by Sun Yat-sen took a resolute stand against it, the re-

formists headed by Kang Yu-wei came out in its support. As a consequence, the latter met with opposition from the revolutionary group and were thrown overboard by the people.

The revolutionary group headed by Sun Yat-sen insisted on the realization, through revolution, of the democratic constitutionalism they hoped for, that is, democratic constitutionalism of a bourgeois character. Judging by the historical conditions of that time, they were correct in pursuing that line, which represented the demand of the masses of the people. It was under their leadership that the Revolution of 1911, which was of great historic significance, broke out.

This revolution, which broke out on October 10, 1911, overthrew the rule of the Manchu Dynasty, put an end to China's feudal monarchy which had lasted for over two thousand years, brought into being the Republic of China and the revolutionary provisional government in Nanking headed by Sun Yat-sen, and introduced a "Provisional Constitution" which had the character of the constitution of a bourgeois republic, and had a progressive significance. This revolution implanted the idea of a democratic republic in people's minds. It made the people recognize that any word or deed which ran counter to this idea was utterly impermissible. The revolutionaries at that time, however, had their shortcomings. They did not have a thoroughly anti-imperialist and anti-feudal programme, nor did they mobilize and organize on a broad basis popular forces on which they could rely. As a result, they could not win complete victory over imperialism and feudalism. Finally the revolution failed, and the reactionaries led by Yuan Shih-kai seized power. From then on China entered a period when she was successively controlled by various cliques of the Pei-yang warlords. The Provisional Constitution was

torn to shreds. The "Republic of China" became merely an empty name. The revolutionaries led by Sun Yat-sen carried on their struggle against the Peiyang warlord government, but without success.

Under the rule of the Peiyang warlords, the situation in China went from bad to worse. All the principal imperialist countries in the world scrambled for pickings in China. Civil wars between warlord cliques backed by their respective imperialist masters continued for years on end. Utter confusion prevailed. One warlord after another seized the reins of power in Peking. In order to maintain the warlord control, the nominal President, Tsao Kun, the last of the Peiyang warlords, proclaimed in 1923 a sham "constitution," which the people promptly rejected. The Kuomintang, led by Sun Yat-sen, and the Communist Party of China were against it and regarded it as a fake. The government of Tsao Kun collapsed only one year after the proclamation of this fake constitution.

In the years before and after the Revolution of 1911 those who wanted to save the country could seek a way out for China only along capitalist lines. It was only after the First World War and the October Socialist Revolution in Russia that the Chinese people began to see the steady decline of Western capitalism and the rising sun of socialism. On May 4, 1919, a great revolutionary movement against imperialism and feudalism broke out in China. The working-class movement in China began its upward surge. Advanced elements among the Chinese people became firmly convinced that it was socialism, rather than capitalism, that would solve the Chinese question. This well-founded belief held by the advanced elements was soon accepted by the masses. In 1921 the Communist Party of China—the Marxist-Leninist party

of the Chinese working class—was founded. Since then a new situation was created for the revolution in China, and the Chinese revolution has become a people's democratic revolution led by the working class, that is, the new-democratic revolution, which forms part of the world socialist revolution and receives the support of the socialist Soviet Union.

At this time Sun Yat-sen, great revolutionary that he was, came to understand from the experience he had gained in long years of struggle that, in order to realize the aim of saving China, "We must bring about a thorough awakening of our people and ally ourselves in a common struggle with those peoples of the world who treat us on the basis of equality." Finally he boldly adopted a three-point policy of uniting with the Soviet Union, uniting with the Communist Party and giving assistance to the workers and peasants. He reorganized the Kuomintang and formed an alliance with the Communist Party to fight against imperialism and feudalism. Thus, a new phase of revolutionary struggle began.

In 1927 when the revolutionary Northern Expedition carried out jointly by the Kuomintang and the Chinese Communist Party was advancing towards victory, the Kuomintang, dominated by Chiang Kai-shek, renounced Sun Yat-sen's policy and betrayed the revolution. Since then, the responsibility for leading the Chinese revolution has been taken over completely by the Chinese working class and its party, the Communist Party of China alone. Subsequently, the Chinese revolution has manifested a depth, thoroughness and a mass scale absolutely unparalleled in all previous revolutionary movements. In the course of the Agrarian Revolutionary War, the War of Resistance to Japanese Aggression and the People's War of Liberation, the Chinese people gradually created strong

revolutionary armed forces of their own and vast revolutionary bases, where they established the people's democratic power based on a united front and carried through various social reforms, gaining a wealth of revolutionary experience. Revolutionary struggles across the years prove that the path from new democracy to socialism, as pointed out by the Chinese Communist Party, is the only path leading to the salvation of China. This path has won high prestige among the people of the whole country. After the conclusion of World War II, the Chinese people finally defeated the reactionary Chiang Kai-shek clique which was supported by U.S. imperialism and, in 1949, achieved a great victory in the people's revolution.

The Kuomintang government headed by Chiang Kai-shek was the last of the reactionary governments that successively ruled China in the past. That government never even wanted a constitution. But when it was at its last gasp, it, too, attempted to save itself with the help of a bogus constitution. This constitution concocted by the Kuomintang government in 1946 was resolutely opposed by the Chinese Communist Party, the various democratic parties of China and the Chinese people as a whole; and like other reactionary governments in the past, Chiang Kai-shek's regime finally collapsed less than three years after his bogus constitution had been announced. Meanwhile, the Young China Party, the Democratic Socialist Party and other counter-revolutionary parties which had supported this bogus constitution were discarded by the people. This is something that must still be fresh in the memories of all deputies here.

For the last hundred years or so the bitter struggle between the revolutionary and counter-

revolutionary forces in China has never stopped for a single day. On the question of the state system, this bitter struggle reflected itself in the demand of three different kinds of forces for three different kinds of constitutions.

First, the bogus constitutions concocted by the Manchu Dynasty, the Peiyang warlords and Chiang Kai-shek's Kuomintang. These reactionary rulers of the feudal and the comprador class were opposed even to bourgeois democracy and never really wanted a constitution at all. Therefore, only when their reactionary regimes were tottering to collapse under the impact of revolutionary forces, when their doom was in sight, did they hastily concoct fraudulent "constitutions" in the hope that by so doing they could prolong their moribund reactionary rule behind the decorative facade of a bourgeois constitution. Naturally, they failed.

Secondly, the sort of constitution yearned for by the Chinese national bourgeoisie for many years in the past, that is, the constitution of a bourgeois democratic republic. The Provisional Constitution which came out of the Revolution of 1911, and which was immediately scrapped by Yuan Shih-kai, was the only one of this kind in Chinese history.

Although many nations in the world did establish bourgeois republics after having got rid of feudalism, a bourgeois republic in semi-colonial and semi-feudal China was mere illusion. The reason is that, because the Chinese bourgeoisie was incapable of leading the people to defeat the combined forces of foreign imperialists and domestic reactionaries, it could not turn China into a bourgeois republic, and consequently could not bring forth a bourgeois constitution in China.

Thirdly, the constitution of a people's republic

led by the working class and based on the alliance of workers and peasants, that is, the constitution we are about to enact.

Comrade Mao Tse-tung long ago pointed out that after the victory of the people's revolution led by the working class, the republic to be established would not be a bourgeois dictatorship, but a people's democratic dictatorship led by the working class and based on the alliance of workers and peasants. This people's republic, led by the working class, would lead China to socialism and not to capitalism.

The truth is this: on several occasions bogus constitutions drawn up by the reactionary ruling cliques of the feudal and the comprador class without exception failed to hoodwink the people and were rejected by the people; and those who had a hand in these bogus constitutions and those who actively supported them were cast aside by the people. As a matter of fact, successive reactionary regimes collapsed soon after they had produced their bogus constitutions; and their so-called "constitutions" became mere scraps of paper. Moreover, for scores of years, despite all kinds of efforts by different people in China to bring into being a bourgeois constitutional government, nothing was accomplished. Any genuine constitution for China can be only a people's democratic and socialist constitution. Only such a constitution conforms to the interests of the vast majority of the people and enjoys their support.

That is why we say that the Draft Constitution which we now present is an epitome of the historical experience of the Chinese people's revolutionary struggle over more than a century as well as an epitome of the historical experience of Chinese constitutionalism in modern times.

And, of course, our Draft Constitution is also an

epitome of the new historical experience gained since the founding of the People's Republic of China.

In 1949, the Chinese People's Political Consultative Conference adopted a Common Programme, which has served as a provisional constitution. This Common Programme summed up the experience of the revolution in the past, especially the experience gained in the people's revolutionary bases. It proclaimed the establishment of the People's Republic of China. It defined the fundamental policies which the People's Republic of China would carry out in different fields of activity. The Common Programme has been persistently carried through by the Central People's Government and the local people's governments of all levels.

Although the People's Republic of China has been in existence only five years, our country has undergone vast changes.

First, China is no longer in the position of a colony or dependency under the domination of foreign imperialism. It has become a really independent state. At the opening session of the Chinese People's Political Consultative Conference in September 1949, Comrade Mao Tse-tung solemnly declared, "The Chinese, forming one-quarter of mankind, have stood up." For more than a hundred years, the Chinese people made untold sacrifices to free themselves from domination by foreign imperialism. Their aspirations have come true. The great nation-wide movement to resist U.S. aggression and to aid Korea conducted since 1950 has further strengthened the position of our country as an independent state. She has assumed her place as a great power in the international arena. Together with the Soviet Union and the People's Democracies, China has become a strong bulwark of world peace.

Secondly, the age-old grip of feudalism on our country is now ended. The system of feudal exploitation, which was once the cause of China's stagnation, backwardness and humiliation, has, by a nation-wide mass movement of our people, been completely uprooted in most parts of our country.

Thirdly, our country has put an end to the long period of chaos. It has achieved internal peace and an unprecedented unification of the entire mainland. The various nationalities in China, no longer discriminated against and mistrustful of each other as in the past, are closely united in common struggle against imperialists and the public enemies of the people in their midst, as well as on the basis of national equality, friendship and mutual assistance.

Fourthly, our country has to a great extent put an end to the situation in which the people had no political power. It has attained a high degree of democracy. The masses of the people have organized themselves through the great mass movements like agrarian and other social reforms, the suppression of counter-revolutionaries, and resistance to U.S. aggression and aid to Korea. An enormous number of people who used to care nothing about affairs of state are now taking an active part in the political life of the country. The masses throughout the country have keenly realized that the people's congresses are the best form of political organization for the people to administer their own country.

Fifthly, thanks to the boundless enthusiasm and initiative shown by the people in their work since liberation and thanks to aid from our great ally, the Soviet Union, our country has, in a very short space of time, rehabilitated the national economy which had been ruined by the imperialists and Kuomintang reactionaries, and entered upon socialist construction

and socialist transformation. Socialist economy has in real life proved beyond all doubt its vast superiority to capitalist economy. It has become increasingly strong and it is daily consolidating its position of leadership in the national economy. The practical steps and concrete measures towards socialism taken by our state have won the support of the masses of our people. Since 1953, we have been carrying out, in line with our objective of building socialism, the First Five-Year Plan to develop the national economy, and successes have already been achieved.

All this shows that our country has made big strides ahead during the last five years; that, once state power is in the hands of the people who are organized and given leadership, it creates an invincible force that will free them from a life of misery, enable our country to forge ahead and improve the material and cultural life of the people. It also explains why our country and government enjoy the support and confidence of the entire people as well as the sympathy and support of peace-loving people throughout the world.

Modern Chinese history shows that our people have long debated a fundamental problem: Which is China's way out, capitalism or socialism? The tremendous changes that have taken place in our country over the last five years have provided an illuminating answer. Life in the last five years has fully proved that the only correct path for our country to take is to pass from the present society, with its complex economic structure, to a society with a unified, socialist economic structure, that means transition from the present new-democratic society to a socialist society.

Is there any other way out for China, in the light of events of today?

The U.S. imperialists and the traitorous Chiang Kai-shek clique tell us that China should return to its old path of colonial and feudal control. They say that our people are "living a dark life," and that they must come back to "liberate" us, overthrow the People's Republic of China and resurrect their reactionary rule. That is to say, our people must again be placed under the sanguinary rule of imperialism, feudalism and bureaucrat-capitalism. As we all know, the people of China, liberated only after more than a hundred years of struggle, will never allow our country to revert to this old tragic path. But U.S. imperialism, the traitorous Chiang Kai-shek clique and the special agents and counter-revolutionary elements on the mainland insist that our country should go back to the old path. Now the U.S. imperialists are still occupying Taiwan and the traitorous Chiang Kai-shek clique are still holding out in Taiwan riding roughshod over the people, all the time plotting their return to the mainland. We are still facing the real danger of a reactionary come-back and it would be a mistake for anyone to overlook this danger. The people throughout China, therefore, must be ever on their guard, make great efforts to strengthen our national defence, and carry out a resolute struggle for the liberation of Taiwan and to wipe out the traitorous Chiang Kai-shek clique once and for all.

Is it still possible for China to take the capitalist road and develop capitalism so that China may become a capitalist state? Some backward people may perhaps entertain such an illusion; but it is a most mistaken and dangerous illusion. Comrade Mao Tse-tung has said: "The bourgeois republic has existed in foreign lands but cannot exist in China." The Chinese people, led by the working class, today will not allow capitalism to swamp this country; still less will

they permit the people's democratic dictatorship led by the working class to be turned into a bourgeois dictatorship. World capitalism is already on the decline and all the most developed capitalist countries have now reached a dead end, while the socialist Soviet Union and the People's Democracies have become prosperous and strong. Our people, led by the working class, are building socialism; the face of our country is changing; and the people's material and cultural life is improving step by step. This being the internal and international situation, will the Chinese people give up their bright and prosperous future of socialism and take the capitalist path which leads to suffering and privation? Of course they will not. Therefore, those who have such illusions must quickly get rid of them. Those who do not wish to stop dreaming and who stick to their illusions, face the possibility that they will swerve to the dangerous path pointed by the imperialists. This is because those who insist on China taking the road to capitalism are bound to link up with the imperialists. But the imperialists would never allow China to become an independent capitalist country; they would merely turn China into a colony under imperialist, feudal and comprador rule. That was the path taken by the traitor Chiang Kai-shek.

Is there any other course for China to take? Some people may perhaps think of maintaining the *status quo*: taking neither a capitalist road nor a socialist road, but preserving a situation containing both socialist and capitalist elements—which means continuing the existing conditions under which we live. We all know that China is now in a transition period, building a socialist society. This period is also called in our country the new-democratic period, a period during which our economy is characterized by

both socialist and capitalist elements. Some people hope that this condition can be permanently maintained, and that it would be best not to make any change at all. They say that the Common Programme is quite sufficient: why should we have a constitution? In the last few years, we have often heard talk about "consolidation of the new-democratic order." This kind of talk reflects the idea of maintaining the *status quo*. But is there any real possibility of doing this? It is impossible for the two conflicting relationships of production, socialist and capitalist, to develop side by side in a country without interfering with each other. China will change either into a socialist state or a capitalist state; to keep China from changing means to halt the movement of all things —and this is absolutely impossible. As I have already said, the road along which China could change into a capitalist state is barred. Therefore, the road to socialism is the only bright road for her to take. Moreover, she has to take this road, because this is the law of China's historical development.

It can therefore be seen that China's advance along the road to socialism is fixed and irrevocable. There is no other road for China to take.

Since the founding of the People's Republic of China, China has been travelling along the road to socialism. The Preamble to the Draft Constitution states: "From the founding of the People's Republic of China to the attainment of a socialist society is a period of transition. During the transition the fundamental task of the state is, step by step, to bring about the socialist industrialization of the country and, step by step, to accomplish the socialist transformation of agriculture, handicrafts and capitalist industry and commerce." Since 1953 China has already entered the period of planned economic con-

struction with socialism as its goal. It is therefore essential for us now to take another step forward on the basis of the Common Programme; to adopt a constitution like the one now submitted to you, in order to set down in legal form the fundamental task of our country in the transition period.

To bring about the socialist industrialization and socialist transformation of our country is an extremely arduous and complicated task. To carry out such a task, we need to mobilize the forces of the people of the whole country, develop the initiative and enthusiasm of the masses and, under a correct and highly centralized leadership, overcome all kinds of difficulties. Therefore, we need, on the one hand, to bring the people to take an ever fuller part in democracy, and to extend the scope of people's democracy; on the other hand, we need to bring about a highly unified leadership of the state. For this purpose, there is every necessity for us to adopt a constitution, much more comprehensive than the Common Programme, such a one as is now being submitted to you.

While it was under discussion, the people heartily acclaimed the Draft Constitution because it correctly summed up the historical experience of our country. This Draft Constitution is born of the people's will and reflects their interests. It is also a product of the enormous changes that have occurred in our country.

The people also acclaim this Draft Constitution because it has correctly drawn upon the experience of other countries. While drafting the Constitution, the Committee for Drafting the Constitution referred to all the constitutions, past and present, of the Soviet Union as well as to the constitutions of the People's Democracies. It is obvious that the experience of the advanced socialist states, headed by the Soviet Union,

has been of great help to us. Our Draft Constitution embodies the experience of our own country and that of other countries. It is not only the product of the people's revolutionary movement in China but also a product of the international socialist movement.

Such is the historic significance of our Constitution.

II. SOME EXPLANATORY REMARKS ABOUT THE BASIC CONTENT OF THE DRAFT CONSTITUTION

Now I should like to give some explanation of the basic content of the Draft Constitution under four headings:

1. The Character of Our State

Article 1 of the Draft Constitution lays down that "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." The Preamble and many other articles of the Draft Constitution clearly indicate that a broad people's democratic united front still exists under our country's system of people's democracy.

The truth that only by relying on the leadership of the working class is it possible for the Chinese people to win liberation from the oppression of imperialism, feudalism and bureaucrat-capitalism, has long since been proved by historical facts over a long

period. After the people had won victory, a new problem cropped up, that is: would the working class continue to be as capable and confident in leading national construction as it had been in the past? Some people may have adopted a wait-and-see attitude on this question in the beginning, but facts in the past five years have fully proved what unusual talent the working class possesses in leading the country. To secure the fruits of victory already won by the Chinese people, it is necessary to further consolidate and strengthen the working-class leadership of the state. Without such leadership success in our cause of socialist construction and socialist transformation would be unthinkable.

Continuous consolidation and strengthening of the worker-peasant alliance is the basic guarantee of successful leadership by the working class. This was as true in China's revolutionary wars of the past as it is in her national construction of today. The worker-peasant alliance of our country, tempered in the revolutionary wars against imperialism and feudalism, has been further strengthened, not weakened, since the founding of the People's Republic of China. In the course of gradual transition to socialism, the peasants are bound to change, and have, in fact, begun to do so. The change takes the form of gradual transformation of individual peasants leading a precarious life into socialist co-operative farmers. Only when the working class leads the peasantry to advance along this path of co-operation can the peasants' livelihood be steadily improved and the worker-peasant alliance made closer and firmer.

Among the working people of our country, besides workers and peasants, there are a large number of urban and rural individual workers engaged in handicraft or non-agricultural labour. They rely for their

living entirely or essentially on their own labour. The working class must do its best to unite with these working people as it does with the peasantry in the common task of building socialism. To unite with them is part of the task of the worker-peasant alliance.

The fact that our state is led by the working class and based on the worker-peasant alliance shows the fundamental character of our state. It shows that China is a people's democratic state. People's Democracies are entirely different in character from capitalist countries. In capitalist countries, however much they prate about "democracy," it is, after all, the bourgeoisie who rule, although they constitute only a tiny fraction of the population. Here, in our country, the true masters of the state are the overwhelming majority of the people.

The intellectuals of our country played a very important part in the revolutionary movement of the past, and they will play a still more important role in building socialism. Emerging from different social classes, intellectuals cannot by themselves form an independent social class. They can, however, when they align themselves with the working people, become working-class intellectuals, or, when they align themselves with the bourgeoisie, bourgeois intellectuals; and, to the extent that they align themselves with the overthrown feudal and the comprador class, a handful of them have become reactionary intellectuals. Our state must take care to rally all intellectuals, except the handful of reactionary intellectuals who hold fast to their reactionary position and carry on activity against the People's Republic of China. It must help them to remould their ideology and devote their ability to the cause of building socialism. Comrade Mao Tse-tung long ago said: "All intellectuals who have distinguished themselves in the service of

the people must be respected as valuable assets to the state and society."

The Preamble to the Draft Constitution points out: "This people's democratic united front will continue to play its part in mobilizing and rallying the whole people in common struggle to fulfil the fundamental task of the state during the transition and to oppose enemies within and without." This signifies the important role to be played in the transition period by the people's democratic united front led by the working class and composed of the various democratic classes, democratic parties and groups and people's organizations. This united front means an alliance based on, and broader than, the worker-peasant alliance, an alliance between the working people and all non-working people with whom co-operation is possible. It is a mistake for some people to believe that, since we are building socialism, it is no longer possible and necessary for such an alliance to continue.

Our country in the transition period still has its national bourgeoisie. It is recognized that in any society where exploiting and exploited classes exist, the class struggle always persists. But owing to special historical circumstances in our country—that she was formerly a nation oppressed by foreign imperialism—there was not only a conflict between the Chinese working class and the national bourgeoisie; there was also an alliance between them which still exists. The national bourgeoisie, under the leadership of the working class, joined the national and democratic revolution in the past. In the last five years, led by the state, it also took part in patriotic movements and in economic rehabilitation. After the serious struggle of the *san fan* movement (against corruption, waste and bureaucratism) and the *wu fan*

movement (against the bribery of government workers, tax evasion, theft of state property, cheating on government contracts and stealing economic information for private speculation) many capitalists have raised the level of their political understanding and demonstrated their willingness to accept socialist transformation. This makes it possible for our state to adopt the policy of step-by-step socialist transformation of capitalist industry and commerce. And we are at present carrying out such a transformation. In the transition period the national bourgeoisie still plays an important role in our national economy. It can still make a definite contribution to the state in such fields as expanding production, improving management of enterprises and production techniques and training skilled workers and technicians, as well as by accepting socialist transformation. In the transition period, the national bourgeoisie has a definite status in political life.

In the society of our country, and especially among the national minorities, there are people of other classes who love their country, and the state should also make special efforts to rally them.

This shows that the present united front of our country still has a broad basis.

The Communist Party of China has long since pointed out that the great revolutionary unity of the people of the entire country under the leadership of the working class is essential not only to the people's democratic revolution of our country, but also to the realization of socialism. For imperialism still confronts us. At the same time, in our country there are actually only two roads for the people to choose: either to be enslaved again by imperialism, or to bring about socialism. Only by advancing towards socialism can China achieve independence, bring about democ-

racy and attain prosperity and strength. In such a situation, it is possible for all those patriots who are unwilling to accept colonial slavery to unite under the leadership of the working class and to take the socialist path. Given that the leadership of the working class and the alliance of workers and peasants are continually strengthened, the broader the unity among the people achieved within the bounds of possibility, the greater the benefit which will accrue to the cause of socialism. Therefore, our Constitution must be a constitution within the framework of which the people of the entire country unite to build a socialist society.

2. Steps to Be Taken in the Transition to a Socialist Society

Article 4 of the Draft Constitution states: "The People's Republic of China, by relying on the organs of state and the social forces, and by means of socialist industrialization and socialist transformation, ensures the gradual abolition of systems of exploitation and the building of a socialist society."

To ensure the thorough implementation of the policy laid down in Article 4, many provisions are made in other articles under the heading of General Principles. These provisions define both the general objective of building a socialist society and the concrete steps to be taken to build such a society.

In the transition period of our country there are still many different economic sectors. Ownership of the means of production in our country at present falls mainly into the following categories: state ownership, that is, ownership by the whole people; co-operative ownership, that is, collective ownership by the work-

ing masses; ownership by individual working people; and capitalist ownership. The task of the state is to strive to strengthen and extend the first two categories, that is, the socialist sector of our economy, and to bring about step by step the socialist transformation of the latter two categories, that is, the non-socialist sector of our economy. Consequently, the state "ensures priority for the development of the state sector of the economy" and pays special attention to the step-by-step building of heavy industry, the main economic foundation of socialism. The state "encourages, guides and helps the development of the co-operative sector of the economy" and encourages and guides the transformation of capitalist industry and commerce "into various forms of state-capitalist economy, gradually replacing capitalist ownership with ownership by the whole people."

These provisions in the Draft Constitution are of course not based on imagination but on changes in social and economic relations that have actually taken place since the founding of the People's Republic of China, and on the experience of the masses. All of them are therefore practicable. With regard to these provisions, I should like to deal with the following questions:

The first is the question of forms of transition. As we are aware, the socialist transformation of agriculture, handicrafts and capitalist industry and commerce is a very arduous task. We cannot hope to accomplish this transformation overnight. We must proceed step by step in the light of the experience and political consciousness of the masses and in accordance with what is possible in the actual situation. Our experience has proved that socialist transformation either of agriculture and handicrafts or of capitalist industry and commerce, may have its transi-

tional forms and that it is of primary necessity that the transitional forms we adopt be flexible and varied.

The chief transitional form for the socialist transformation of agriculture and handicrafts is the co-operative based on the partial collective ownership of the working masses, such as, for example, the agricultural producers' co-operative which has begun to develop in our countryside in the past few years and which is characterized by the fact that land is invested as shares by the members and that its management is unified. In the historical circumstances of China, by gradual and widespread employment of this transitional form, i.e. through semi-socialist co-operative economy of this kind, the masses of individual working people can be led to proceed more smoothly to collective ownership by the working masses.

The transitional form for the socialist transformation of capitalist industry and commerce is state capitalism. In the historical circumstances of China, we can carry out the gradual socialist transformation of capitalist industry and commerce through various forms of state capitalism. State capitalism under the control of a state led by the working class is different in nature from state capitalism under bourgeois rule. As Lenin said: "State capitalism is capitalism which we shall be able to restrict, the limits of which we shall be able to fix." In state-capitalist economy, on the one hand, capitalist ownership is not yet abolished and capitalists can still make profits; but on the other hand, they can no longer, with impunity, pursue profit as their only aim. Through the transitional form of state capitalism, favourable conditions can be created for the eventual replacement of capitalist ownership with ownership by the whole people.

The fact that these transitional forms are specifically laid down in the Draft Constitution is of immense significance to the socialist transformation of our country.

Next, I shall speak on the question of building a socialist society in a peaceful way. During the nation-wide discussion of the Draft Constitution, not a few people asked: Why does the Preamble to the Draft Constitution state that the system of people's democracy of our country can ensure that China will in a peaceful way banish exploitation and build a socialist society?

In our country, except for a very few areas, the system of feudal exploitation has been completely eliminated in the course of the revolutionary war and the land reform. But in order to build a socialist society, it is also necessary to eliminate the system of capitalist exploitation. This is a step further in social change. In a capitalist country, in order to carry through this social change, the working class and the rest of the labouring people must proceed by way of a revolution to overthrow the state system of bourgeois dictatorship. But the existing political and economic conditions in our country are entirely different from those of capitalist countries. Our country has set up a state system of people's democracy led by the working class. Our country already possesses an ever-growing socialist state-owned economy, which has become the leading force in the entire national economy, while capitalist economy is no longer dominant in our country. Consequently, the socialist revolution in our country differs from that in capitalist countries. We can proceed with our step-by-step socialist transformation by means of the existing machinery of state and social forces. Moreover, as I mentioned earlier, we have in our country a relation-

ship of alliance between the working class and the national bourgeoisie. For this reason, in eliminating the system of capitalist exploitation in our country, we do not have to adopt the methods used in carrying out the land reform in 1950-52, when we launched a broad mass movement over a short period of time and eliminated the feudal land system at one stroke. The socialist transformation of capitalist industry and commerce by the state will be gradually realized over a relatively long period of time, through various forms of state capitalism. We shall give the capitalists the necessary length of time so that they may accept the transformation step by step, under the leadership of the state and the working class. Of course, struggles are bound to occur. There are struggles now, and there will be struggles in the future. Even at present some capitalists are still engaged in unlawful pursuits and some of them have gone as far as to set their faces against socialist transformation. For this reason, the Draft Constitution provides that "the state forbids capitalists to engage in unlawful activities which injure the public interest, disrupt the social-economic order, or undermine the economic plan of the state." The idea that there is no longer class struggle in our country is completely wrong. Punishment will have to be meted out to those capitalists who engage in unlawful pursuits or disruptive activity. It is inconceivable that there should be no complicated struggle as we pass from the process of restricting capitalist exploitation to that of eliminating it. But the aim can be achieved by peaceful struggle, through the control of the administrative organs of state, the leadership of the state-owned economy, and supervision by the masses of the workers. The capitalist, provided he realizes the march of events, provided he is willing to accept socialist re-

form, and provided he does not act against the law or wreck the property of the people, can enjoy the concern of the state and will have proper arrangements made for his life and work in the future; nor will he be deprived of political rights. There is a great difference between this and our policy towards the class of feudal landlords. The leadership of the working class in the state and the solid alliance of workers and peasants, the leading position of socialist economy in the national economy as a whole, the united front within the country, together with a favourable international situation, are the necessary conditions which will enable our country in a peaceful way to banish exploitation and build a socialist society.

As far as socialist transformation in various areas inhabited by national minorities is concerned, full attention must be paid to the special characteristics in the development of the nationalities concerned. I will deal with this question later.

Now, about the question of the rich peasant. During the nation-wide discussion of the Draft Constitution, many people asked: "The Draft Constitution lays it down that 'the policy of the state towards rich-peasant economy is to restrict and gradually eliminate it'—how shall we understand this?"

We all know that rich-peasant economy is capitalist economy in the countryside; the rich peasants are the last remaining exploiting class in the countryside. In our country, rich-peasant economy has never been well developed; that portion of the land rented out by the rich peasants was redistributed in the land reform. Since this reform, rich-peasant economy has been greatly restricted as a result of the development of producers' co-operatives, supply and marketing co-operatives and credit co-operatives, as well as by the policy of unified purchase and distribu-

tion by the state of grain and other main agricultural products. Though a small number of new-type rich peasants emerged in the countryside, rich-peasant economy, generally speaking, has not grown but declined. The average land holding of the rich peasant at present is only twice as big as that of the ordinary peasant. Most of the rich peasants who formerly hired labour now no longer do so, or do so very seldom. Those who practise usury are decreasing; those who engage in trade are also greatly restricted. In our country it is therefore possible to eliminate capitalism in the countryside step by step, through the building of co-operatives and by restrictions on the development of rich-peasant economy. Struggle is of course unavoidable. Disruptive activity by the rich peasants cannot be overlooked. In many areas, rich peasants are known to have opposed unified purchase and distribution by the state and to have undermined the mutual-aid and co-operative movement. Such rich-peasant elements who are guilty of disruption must be punished. However, in view of the general political and economic situation of our country, it will not be necessary to start a special movement, as was the case in land reform, to eliminate the rich peasants. In the future, those rich peasants who have already given up exploitation may be allowed to join co-operatives on certain conditions and continue to reform themselves, provided the agricultural producers' co-operatives have been consolidated, and the agreement of the peasants obtained.

During the nation-wide discussion of the Draft Constitution, not a few people asked: The Draft Constitution lays it down, on the one hand, that the state protects the ownership by capitalists of the means of production and other capital according to law. On the other hand it also states that the state will carry

out the socialist transformation of capitalist industry and commerce, and gradually replace capitalist ownership with ownership by the whole people. Is this not a contradiction?

Whatever contradiction there is simply reflects the contradictions existing in real life. During the transition period in our country, we have not only socialism but also capitalism. The contradiction between these two different kinds of ownership is a contradiction which exists objectively. In the present stage, capitalist industry and commerce have qualities which are beneficial to national welfare and the people's livelihood; at the same time, they also have qualities which are not beneficial to them. Therein lies the contradiction—in the very existence of capitalist industry and commerce itself. Our policy, to solve the contradiction between socialism and capitalism, is to permit the existence of capitalist ownership, utilize the qualities of capitalist industry and commerce which are beneficial to national welfare and the people's livelihood, and restrict the qualities of capitalist industry and commerce which are not so. Transitional forms will be employed to create conditions for the gradual replacement of capitalist ownership with ownership by the whole people. Some of the concrete steps concerning the transition to a socialist society laid down in the Draft Constitution are aimed at correctly resolving this contradiction.

We are of the opinion that, in the actual conditions of our country, the policy and methods which we have adopted to build socialism are correct. The truth of this can be proved, too, by our enemies' clamour and by the comments in some foreign bourgeois press.

The imperialists and the traitorous Chiang Kai-shek clique in Taiwan very much dislike seeing us build socialism in China. They are slandering us every day.

And no wonder! It is all because we have done the right thing.

Some bourgeois newspapers in foreign countries have discovered to their disappointment that the road our country is taking, as laid down in our Draft Constitution, is "the road that the Soviet Union has traversed." True, the road we are taking is the road traversed by the Soviet Union. About this we have not the slightest doubt. The Soviet road is the road all humanity will eventually take, in accordance with the laws of development of history. To by-pass this road is impossible. We have always believed that Marxism-Leninism is universal truth.

In order to undermine our cause in building socialism, our cunning enemies hired certain people who —like trotskyites and Chen Tu-hsiu-ites—pretend to be "Left" but attack our concrete steps and measures in carrying out the socialist transformation of our country. They say that we have "not made a thorough job of it," that we are "too compromising" and that we have "departed from Marxism." With such nonsense they try to confuse the people. They suggest that we sever our alliance with the national bourgeoisie and immediately deprive them of all they have got. They also complain that our agricultural policy is going "too slow." They want us to break up our alliance with the peasants. Aren't such ideas sheer nonsense? If we did what they want, it would please only the imperialists and traitor Chiang Kai-shek.

The Chinese people have not only set themselves the goal of building socialism but have mapped out practicable steps to achieve it. This inevitably causes great displeasure to our enemies. But is it not all too plain that what our enemies dislike most is precisely the best thing for the Chinese people?

3. Our Political System of People's Democracy and the People's Rights and Duties

Article 2 of the Draft Constitution lays it down that: "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." This provision and those contained in other articles specify that the political system of our country is that of people's congresses. In the light of long experience of political construction in our people's revolutionary bases and with the experience of the Soviet Union and other People's Democracies as reference, our Common Programme five years ago decided on this kind of political system for our country. Now, summing up the experience of the work of our organs of state and the experience of all levels of the people's representative conferences of all circles in the past five years, the Draft Constitution makes more complete provision for the political system of our country. This political system which we have adopted is bound up with the fundamental nature of our state. It is this political system which we, the Chinese people, are adopting to ensure our country's advance towards socialism.

The system of people's congresses is the proper political system for our country, because it helps the people to exercise their own power and participate constantly in running the state through this political system, thereby bringing into full play their initiative and creativeness. Clearly, if there is no suitable political system that enables the masses to use their abilities in running the state, it is impossible to mobilize and organize them effectively for the building of socialism.

Our people's congresses at all levels are based on universal franchise. The Draft Constitution states that all citizens who have reached the age of eighteen have the right to vote and stand for election whatever their nationality, race, sex, occupation, social origin, religious belief, education, property status, or length of residence. Owing to various circumstances that still prevail, in the elections in our country it is still necessary, in accordance with law, to deprive feudal landlords and bureaucrat-capitalists for a given period of their right to vote and stand for election; to specify that the number of deputies relative to population differs in proportion as between cities and villages; to adopt a multi-level electoral system; and to use the show-of-hands method in most basic-level elections. Our electoral system will be gradually improved and, when conditions are ripe, our country will adopt the system of completely universal, equal, direct and secret ballot. The present electoral system, however, is appropriate to present conditions in our country and the most convenient for the people. It takes into special consideration the national minorities and various democratic classes by providing for appropriate quotas of deputies to represent them. People's congresses at all levels created by such elections are fully representative of the people's will, and are thus people's representative organizations of a highly democratic character.

According to the provisions of the Draft Constitution, the exercise of supreme state power is completely unified in our National People's Congress, while all our administrative organs of state, from the State Council to the local people's councils, are created from and supervised by the organs of state authority, that is, the National People's Congress and the local people's congresses, and may be removed by them.

Our administrative organs of state, therefore, can in no circumstances act independently of the people's congresses or against the will of the people's congresses. The functions and powers of the head of state in our country are jointly exercised by the Standing Committee of the National People's Congress and the Chairman of the People's Republic of China elected by the National People's Congress. This conforms to the actual situation of our country and is based on our experience in the building up of the highest organ of state authority since the founding of the People's Republic of China. Ours is a collective head of state. Neither the Standing Committee nor the Chairman of the People's Republic of China has powers exceeding those of the National People's Congress.

No important affairs of our state are to be determined by any single person or small number of persons. Since the people's congresses are instituted as the basic political system of our country, all important questions must be submitted to them for discussion and decision. Important questions affecting the whole nation must be discussed and decided upon by the National People's Congress, or by its Standing Committee when the National People's Congress is not in session, while important questions of a local character must be discussed and decided upon by the local people's congresses. Thus the people's congresses of our country are organs of state authority, capable of making decisions on important questions and supervising their implementation.

Paragraph 2 of Article 2 of the Draft Constitution declares: "The National People's Congress, the local people's congresses and other organs of state practise democratic centralism." Our system of democratic centralism is explained by the fact that the exercise of state power is unified and concentrat-

ed in the system of people's congresses. A reactionary publication issued in Hongkong asserted that our "system of people's congresses is a system of concentration of power by the central authority." These reactionaries seem to think they have found something to attack us with. However, we Marxist-Leninists have long since publicly declared that we stand for centralism. The question is, what kind of centralism—the despotic centralism of a handful of big feudal lords and capitalists, or the democratic centralism of the masses of the people led by the working class? These two systems of centralism are poles apart. In the Draft Constitution, we have combined a high degree of centralism with a high degree of democracy. Our political system has a high degree of centralism but it is based on a high degree of democracy.

While people are themselves still subjected to oppression, they cannot fully concentrate their will and strength. It is precisely for this reason that the Chinese people in the past were ridiculed as being like "loose sand." The revolution concentrated the people's will and strength and, having liberated themselves and set up their own state, the people naturally concentrated their whole will and strength on building up their state apparatus, making it a powerful weapon. The stronger the people's state apparatus, the more powerfully it can defend the people's interests, protect the people's democratic rights and assure the building of socialism.

When Comrade Mao Tse-tung discussed the political system of our country in his work *On Coalition Government*, he stated clearly: "It is at once democratic and centralized, that is, centralized on the basis of democracy and democratic under centralized guidance." That is our principle.

Not a few people often mistakenly assume democracy and centralism to be two absolutely antagonistic things which cannot be combined. They think that where there is democracy there cannot be centralism, and where there is centralism there cannot be democracy. When they see the political unanimity of the people in our organs of state and find a highly unified leadership throughout the country, they try to show that "there is no democracy" here. The trouble with them is that they simply do not understand people's democracy, and consequently have no idea what centralism on the basis of people's democracy means.

The common interests of the people and their unity of will are the starting point of the work of the people's congresses and all other organs of state. Therefore, it is possible in all these organs of state to arrive at political unanimity of the people based on democracy. But political unanimity does not mean a lessening or elimination of criticism and self-criticism. On the contrary, criticism and self-criticism is a most important expression of our democratic life. In the work of all organs of state in our country there are bound to be defects and mistakes. Therefore, full scope must be given to criticism and self-criticism, at the sessions of the National People's Congress, at the sessions of the local people's congresses, and at meetings of all organs of state and in their daily activities. We must use the weapon of criticism and self-criticism to drive forward the work of the organs of state, constantly correcting defects and mistakes and fighting against bureaucratism, which spells departure from the masses, so that the organs of state can maintain regular and close contact with the masses and correctly reflect their will. If there is not full criticism and self-criticism, political

unanimity of the people can neither be achieved nor maintained. Suppression of criticism in our organs of state is a legal offence.

From a bourgeois viewpoint, it is impossible to understand the political system of our country. Many foreign bourgeois papers have commented on the political system provided in our Draft Constitution. Some people have shown surprise at the broad power of our people's congresses, saying: "One cannot but feel surprised, in particular, at the formidable functions and powers of the National People's Congress." Others argue whether the role of the Chairman of the People's Republic of China is comparable to that of a French or an American president. These commentators invariably try to judge our system by the political system of the bourgeois countries, or make all sorts of statements based on their warped imagination. The pity is that they miss the greatest and most fundamental thing. They still fail to see the tremendous change that has occurred in Chinese history. This change is that the Chinese people, led by the working class, have become the masters of their own country.

Still other foreign bourgeois commentators attack our system of centralism and the collective spirit of our people. On these grounds they allege "there is no individual freedom" in our country and that we "ignore personal interests." I, therefore, wish to say a few words on the question of whether a high degree of centralism and collective spirit of the people impair the personal interests and the personal freedom of the masses.

Many articles in the Draft Constitution provide for the enjoyment by our citizens of many freedoms and rights. The Draft Constitution provides for freedom of speech, freedom of the press, freedom of

assembly, freedom of association, freedom of procession and freedom of demonstration, and lays down that the state guarantees to citizens enjoyment of these freedoms by providing the necessary material facilities. The Draft Constitution also declares: "Freedom of the person of citizens of the People's Republic of China is inviolable. No citizen may be arrested except by decision of a people's court or with the sanction of a people's procuratorate." It declares: "The homes of citizens of the People's Republic of China are inviolable, and privacy of correspondence is protected by law" and that "Citizens of the People's Republic of China enjoy freedom of residence and freedom to change their residence." The Draft Constitution also lays down that citizens have the right to work and to education, and that the working people have the right to rest and leisure and to material assistance in old age, and in case of illness or disability. Furthermore, it provides that the state shall, step by step, extend the material conditions, which are now still inadequate, to guarantee to citizens the enjoyment of these rights. The Draft Constitution also provides that citizens enjoy freedom of religious belief. Our state is able to concern itself with the freedoms and rights of every citizen. This is, of course, because of the state system and social system our country has. The masses of the people of no capitalist country enjoy, or can enjoy, as broad a measure of personal freedom as do our people.

Some foreign commentators find it strange that while we strive to safeguard the people's democratic liberties and rights, we also suppress all treasonable and counter-revolutionary activities and punish all traitors and counter-revolutionaries. Of course, anyone who expects our Constitution to ensure freedom for the activities of traitors and counter-revolution-

aries is bound to be disappointed. As for the foreign imperialists and their hangers-on who would like to enslave us, our Constitution and laws will never give them the slightest loophole. Is it not precisely because we have deprived the traitors and counter-revolutionaries of their freedom that the people have genuine freedom?

Other foreign commentators find it strange that while we safeguard freedom of religious belief for our citizens, we punish those imperialist elements and traitors who don the cloak of religion but in effect engage in counter-revolutionary activities. Of course, anyone who expects us to protect the freedom of imperialist elements and traitors who carry out subversive activities against the Chinese people's democratic power is likewise bound to be disappointed. As provided in the Draft Constitution, our state will, as it has done in the past, effectively safeguard freedom of religious belief for its citizens. But safeguarding freedom of religious belief is quite a different matter from safeguarding freedom of counter-revolutionary activities; these two just cannot be mixed up. Nor, similarly, will our Constitution and laws ever provide the slightest facility for those elements who engage in counter-revolutionary activities under the cloak of religion. There is nothing difficult to understand in this reasoning.

Under the capitalist system, the state safeguards the interests and freedom of only the tiny exploiting-class minority, and takes away those of the overwhelming majority of the people. Here in our country things are just the opposite. We permit no one to impair the interests and freedom of the majority, the public interests of the country and society, for the sake of the interests and freedom of any individual or individuals. For this reason, Article 14 of the Draft

Constitution declares: "The state forbids any person to use his private property to the detriment of the public interest." Here in our country, the so-called "freedom" to impair the public interest is, of course, restricted or prohibited. But our state does fully concern itself with and care for the interests of the individual. The public interests of our country and society cannot be separated from the interests of the individual. Socialism and collectivism cannot stand aloof from the individual's interests. Our state gives every protection to the public interests of the country and society. These public interests are the very foundation on which the individual interests of the masses of the people can be satisfied.

Ours is a state which is able to inspire the masses of the people to take an active part in the public life of the country and society. It enables the masses to take a collective viewpoint and voluntarily fulfil their obligations to society and the country in their public life. This is a proof that our system of people's democracy corresponds to the interests of the people. Can the masses of the people possibly lose as far as their personal interests and individual freedom are concerned because they have a collective spirit and fulfil their obligations to society and the country? Of course not! Under the system of people's democracy and socialism, the masses of the people can see for themselves that personal interests are indivisible from the public interests of the country and society; and that they are one and the same. Under the system of people's democracy and socialism, the people enjoy full democratic rights and have at the same time full obligations. Since it is the people who fully exercise state power, they fulfil their obligations as the masters of the state.

In our country, the people's rights and duties are

in complete harmony. No one has duties without enjoying rights, and no one enjoys rights without duties. The Draft Constitution provides that all citizens must abide by the Constitution and the law, uphold discipline at work, keep public order and respect social ethics. It also provides that citizens have the duty to respect and protect public property, to pay taxes and perform military service according to law. The Draft Constitution also provides that "It is the sacred duty of every citizen of the People's Republic of China to defend the homeland." All the duties laid down in the Draft Constitution must be performed by every citizen without exception. These provisions heighten the people's splendid sense of duty towards their great motherland. Since ours is a country of the people, and the interests of the country and the people are completely at one, naturally the people consider their duty to the country as something which they must carry out. No one who shirks these duties can avoid public censure.

The people of our country want to devote their strength to defending our motherland, to constantly strengthening the system of people's democracy and to participating in the great cause of building up socialism. This is because the freedoms and rights of the people will become more secure and broader as our motherland becomes more prosperous and powerful, our system of people's democracy stronger, and our socialist cause further developed.

4. The Question of National Regional Autonomy

The Preamble to the Draft Constitution and many of its articles define the relations of equality, friendship and mutual help between all nationalities

within the country and safeguard the right of all national minorities to autonomy.

Since the founding of the People's Republic of China, the system under which nationalities were oppressed has been abolished. A new relationship has been set up among the nationalities within the country—one of equality, friendship and mutual help. Political, economic and cultural work has begun to develop in the national minority areas. The people's life has steadily begun to improve. Our country has already become a great family of free and equal nations. The Draft Constitution incorporates experience in this field and makes provisions going beyond those of the Common Programme on national regional autonomy, and on the political, economic and cultural development of the national minorities.

Our country is a people's democratic state led by the working class, and it is therefore able to apply the spirit of thoroughgoing democracy and national equality to solve the national question and bring about genuine co-operation among the nationalities within the country. We firmly believe that only by enabling them to take an active part in the political life of the entire country, while granting them, in accordance with the principle of national regional autonomy, the right to be their own masters, so that they may administer their own internal affairs—only by so doing can the long-established barriers and discrimination between the nationalities inherited from the past be broken down, only so can the ties of mutual trust and unity be progressively strengthened.

The Draft Constitution clearly states that irrespective of nationality or race all citizens of our country enjoy equal rights. It also declares it illegal in our country to discriminate against or oppress any nationality. It affirms that all the nationalities have

freedom to use and foster the growth of their spoken and written languages, and to preserve or reform their own customs or ways. The Draft Constitution thus confirms in legal form those principles of people's democracy and socialism which our country already applies to the national question, and specifies the concrete measures to be taken in accordance with them.

The Draft Constitution reflects the identity of interest among all nationalities in our country. For more than a hundred years, these nationalities, both the Han and the brother nationalities, suffered common oppression by foreign imperialism. The imperialists resorted to all sorts of intrigues to disrupt the ties formed over the long course of history between the nationalities of our country. They tried to carry out their aggressive policy of "divide and rule." The establishment of the People's Republic of China freed all the nationalities of China from imperialist oppression. But the imperialists are still vainly scheming in every way they can to split the nationalities, so as once again to enslave them. In the face of these aggressive imperialist plots, all nationalities in our country must heighten their vigilance and give the imperialists no opportunity of carrying out their schemes. They must strengthen and consolidate the unification of the motherland and unite closely in a common effort to build the great motherland. The Draft Constitution declares the People's Republic of China to be a single multi-national state and all national autonomous areas inalienable parts of the People's Republic of China. Obviously, a provision of this kind is essential and fully corresponds to the common interests of all nationalities in our country.

Through its various provisions, the Draft Constitution ensures that all national minorities are

genuinely able to exercise their right to autonomy in areas where they live in compact communities. The organs of self-government of national autonomous areas not only exercise the general functions and powers of ordinary local organs of state, but also administer their own local finances according to the Constitution and within the limits of the authority prescribed by law; they organize their local public security forces in accordance with the military system of the state; and draw up regulations governing the exercise of autonomy and other special regulations to suit the political, economic and cultural characteristics of the nationality or nationalities in a given area. The form of each organ of self-government in each national autonomous area may be determined in accordance with the wishes of the majority of the people of the nationality or nationalities enjoying regional autonomy in that area. In performing their duties, organs of self-government shall employ the spoken and written language or languages commonly used by the nationality or nationalities in a given area. In an area of the size of a *hsiang* where people of national minorities live in compact communities, although it is impossible and unnecessary to establish an organ of self-government to exercise all the aforementioned autonomous rights, a nationality *hsiang* should be similarly set up to meet the special needs of the nationality or nationalities living there.

It must be pointed out that dominant-nation chauvinism and local nationalism are both wrong. Both ways of thinking are harmful to the unity of the nationalities of our country and to the practice of national regional autonomy. From the Preamble to the Draft Constitution it is clear that not only imperialism and the public enemies of the people in their midst, but also dominant-nation chauvinism and local nation-

alism must be opposed if the unity of the nationalities is to be strengthened as never before.

The Han nationality makes up an overwhelming majority of the population of our country. For historical reasons the Han nationality has a comparatively higher political, economic and cultural level than the others. But this by no means entitles it to any special privilege or to put on airs towards its brother nationalities. On the contrary, it has a special obligation to help all the brother nationalities in their development. Although all the national minorities have won their right to national equality, they cannot immediately overcome their original economic and cultural backwardness simply by their own strength and in their present circumstances. It is, therefore, very important for the Han nationality to help them. The Han people must give their sincere and devoted assistance in the economic and cultural fields to their brother nationalities. Furthermore, the Han cadres sent to help work in the national minority areas, in particular, must devote every thought to development of the national minorities' economy and culture and raising of their living standards. They must wholeheartedly serve the national minorities, help consolidate their internal unity and patiently help the cadres of the nationalities in these areas to grow in stature, so that they themselves can assume the leadership in all work in the area. Influenced by the reactionary ruling class of the past, some people, even cadres, of Han nationality still have vestiges of big-Han chauvinist ways of thinking—showing disrespect to the customs or ways of the national minorities; not respecting their spoken and written languages; refusing to acknowledge the fact that the national minorities have freedom of religious belief and the right to administer their internal affairs; not respecting cadres of the na-

tional minorities, even though working in the national minority areas, and omitting to consult them about work; not believing that, through practical work, they will be able to improve their ability to handle various matters; and so on. There is no doubt that this way of thinking and behaving is bound to have a destructive influence on the unity of the nationalities. It is impermissible under our state system. The people and cadres of Han nationality must constantly strive to overcome big-Han chauvinism. On the other hand, there exists among the national minorities a kind of local nationalist outlook. This local nationalism, like big-Han chauvinism, is another relic of the past. It needs to be pointed out that this local nationalist outlook and behaviour, too, is harmful enough to unity among the nationalities, and totally destructive of the interests of the nationality itself. Therefore, it must also be overcome.

The building of a socialist society is the common objective of all nationalities within our country. Only socialism can guarantee to each and every nationality a high degree of economic and cultural development. Our state has a duty to help all nationalities within the country to take this path step by step to happiness.

But each nationality has a different historical background. It certainly cannot be assumed that all the nationalities within the country can arrive at socialism at the same time and by the same means. The Preamble to the Draft Constitution says: "In the course of economic and cultural development, the state will concern itself with the needs of the different nationalities, and, in the matter of socialist transformation, pay full attention to the special characteristics in the development of each." This means that the question of when and how the socialist transformation will be carried out will vary, because of different stages

in their development. In all these matters, the masses of the people of the various nationalities and their public leaders who are in close contact with the masses of the people must be permitted to take their time to think it over and make their decisions in accordance with their own desires.

Socialist transformation among certain national minorities will begin rather later and may take more time than in areas where the Han people live. By the time socialist transformation is under way among these national minorities, the work of building socialism will probably have achieved big successes in most parts of the country. By then conditions for socialist transformation among these national minorities will be more favourable, because by that time the state will have still greater material strength to help them. The masses of the people of the national minorities will also be willing to take this path once they see the benefits of the victory of socialism throughout the country. Even if there may still remain a small number of people who are worried lest socialist transformation should jeopardize their personal interests, the state will adopt the necessary policy to safeguard their livelihood. Thus the socialist transformation may take a longer, gentler, more gradual course in areas inhabited by national minorities. In such areas where democratic reforms have not yet been completed, certain moderate measures can be taken to complete them, so that these areas may advance gradually towards socialism. Everyone in our country and among the national minorities who supports the people's democratic system and is united in the big family of the motherland has his own bright future and has his prospects in the socialist society. That is certain.

The above is an elaboration of the basic content of the Draft Constitution.

III. VIEWS ON THE DRAFT CONSTITUTION SUBMITTED DURING THE NATION-WIDE DISCUSSIONS

During the nation-wide popular discussions of the Draft Constitution, many suggestions for amendment and revision have been made, and a number of questions raised. I have already answered some of these questions. I now wish to deal with another part of such suggestions and questions.

The many suggestions made by the people have been duly considered by the Committee for Drafting the Constitution. The questions touched upon by some of them fall within the province not of the Constitution but of various laws. Such suggestions will be dealt with when drawing up other laws.

By adopting suggestions made by the masses, a number of changes have been made in the Draft Constitution, some in content, others in wording. It is not necessary to specify here every revision in this Draft Constitution now submitted to you. I shall cite only the following few, relatively more important revisions, and elaborate on them.

1. Revision of Paragraph 3 of Article 3 of the Draft Constitution. This paragraph originally read: "All the nationalities have freedom to foster the growth of their spoken and written languages, and to preserve or reform their own customs, ways or religious beliefs." This was originally adapted from a provision of similar content in the Common Programme. Some people suggested that it should be provided in this article that all nationalities shall be not only free to foster the growth of, but also to use their own spoken and written languages. Others suggested that since Article 88 of the Draft Constitu-

tion provides: "Citizens of the People's Republic of China enjoy freedom of religious belief," the provision in this article to preserve or reform religious beliefs is redundant. They suggested that the latter be deleted. The Committee for Drafting the Constitution considered these suggestions to be correct. It has, therefore, altered Paragraph 3 of Article 3 to read: "All the nationalities have freedom to use and foster the growth of their spoken and written languages, and to preserve or reform their own customs or ways."

2. Revision of Article 5 of the Draft Constitution. The existence of various kinds of ownership of the means of production in our country is set forth in this article. The suggestion has been made that it should be clearly formulated that the four categories of ownership enumerated in this article—state ownership, co-operative ownership, ownership by individual working people and capitalist ownership—represent only the basic forms of ownership now existing in our country, but not all. Those who propose this revision maintain that, apart from these four categories of ownership, there are still some others in our country and it would therefore be a defect if the word "basic" were not added to the original text of this article.

The Committee for Drafting the Constitution is of the opinion that this proposal conforms to the situation actually existing in our country. That situation is, that feudal ownership and forms even more backward than feudal ownership exist in a number of areas of our country inhabited by national minorities. Paragraph 4 of Article 70 of the Draft Constitution provides that the organs of self-government of national autonomous areas "may draw up statutes governing the exercise of autonomy or separate regulations suited to the political, economic and cultural characteristics of the nationality or na-

tionalities in a given area." The "economic characteristics" mentioned here embrace all the various special forms of ownership in areas inhabited by national minorities. Of course, these form only a tiny part of the national economy as a whole. Moreover, in Taiwan Province, which has yet to be liberated and where U.S. imperialism and the group of Chiang Kai-shek traitors are now ruthlessly oppressing and exploiting the people, foreign imperialist ownership, bureaucrat-capitalist ownership, and landlord ownership not only exist but predominate. None of these forms of ownership is included in the four categories enumerated in Article 5. For this reason, the Committee for Drafting the Constitution has accepted this proposal and added the word "basic" to Article 5.

Another revision in Article 5 clearly specifies that co-operative ownership is collective ownership by the working masses. This revision makes the definition of co-operative ownership clearer.

3. Revisions have been made in the first paragraph of each of Articles 8, 9 and 10. The original text of these paragraphs separately provides that the state protects, according to law, the right of the peasants, handicraftsmen and other non-agricultural individual working people, as well as of capitalists, to own means of production and other property. These provisions in the original Draft Constitution overlap the provisions of Article 11. For Article 11 declares: "The state protects the right of citizens to own lawfully-earned incomes, savings, houses and other means of life." This includes all citizens and embraces the right to ownership of all property other than the means of production. We have now altered the first paragraph of Article 8 to read: "The state protects the right of peasants to own land and other

means of production according to law"; the first paragraph of Article 9 to read: "The state protects the right of handicraftsmen and other non-agricultural individual working people to own means of production according to law"; and the first paragraph of Article 10 to read: "The state protects the right of capitalists to own means of production and other capital according to law." The term "other capital" denotes other forms of capital apart from the means of production owned by capitalists, such as commercial capital. With these revisions, repetition in the provisions of the preceding and following articles is avoided.

4. Paragraph 1 of Article 23 in the original text of the Draft Constitution lays down: "The National People's Congress is composed of deputies elected by provinces, municipalities directly under the central authority, national minorities, the armed forces and Chinese resident abroad." It has now been amended to read: "The National People's Congress is composed of deputies elected by provinces, autonomous regions, municipalities directly under the central authority, the armed forces and Chinese resident abroad." The amendment was made because in the election of deputies to the National People's Congress the national minorities do not constitute a kind of electoral unit; it is the autonomous regions, like provinces and municipalities directly under the central authority, which are regional electoral units.

Since, however, deputies from the national minorities to the National People's Congress are elected not only from the autonomous regions but also, and in greater numbers, from provinces and municipalities directly under the central authority, attention must be paid to ensuring adequate representation of national minorities in the elections of deputies to the

National People's Congress from the provinces and such municipalities. For this reason, we have also amended the second paragraph of Article 23 to make it explicit that the electoral law must prescribe the number of national minority deputies and the manner of their election. In fact, provisions to this effect have already been made in the Electoral Law of the People's Republic of China for the National People's Congress and the Local People's Congresses at All Levels promulgated by the Central People's Government in March 1953.

5. Amendments are also made to Articles 34 and 35 of the Draft Constitution relating to the various committees to be established by the National People's Congress.

According to Article 34, the National People's Congress establishes a Nationalities Committee, a Bills Committee, a Budget Committee, a Credentials Committee and other necessary committees. All these organizations are of a permanent nature. Their task is to help the work of the National People's Congress. But, by the nature of their work, the Nationalities Committee and the Bills Committee will have to assist in the work of the Standing Committee of the National People's Congress when the National People's Congress is not in session, while the Budget Committee and the Credentials Committee will work only when the National People's Congress is in session. To show this difference in the work of the two kinds of committees, Paragraph 2 of Article 34 is amended to read: "The Nationalities Committee and the Bills Committee are under the direction of the Standing Committee of the National People's Congress when the National People's Congress is not in session."

Article 35 provides for committees to be organized by the National People's Congress for the investiga-

tion of specific questions. Such provisional committees are formed to enable the National People's Congress to supervise the work of other organs of state. They are, therefore, different in character from the committees provided for in Article 34. Since the original article does not make clear the nature and tasks of this kind of committees, it is amended accordingly. Moreover, according to Article 31 of the Draft Constitution, the Standing Committee of the National People's Congress is responsible for supervising the work of other organs of state. To perform this supervision, the Standing Committee, too, should have the power to organize committees of this kind to investigate specific questions. The original wording in Article 35: "the various committees established by the National People's Congress" is, therefore, changed to: "The National People's Congress, or its Standing Committee if the National People's Congress is not in session, may, if necessary, appoint commissions of inquiry for the investigation of specific questions." This brings out the difference between the two kinds of committees provided for in Articles 34 and 35, and the supplementary provision gives the Standing Committee, too, the power to organize committees of this kind.

6. In the second paragraph of Article 79, a provision is added that reads: ". . . people's courts at higher levels supervise the judicial work of people's courts at lower levels." In view of the vastness of our country and our huge population, and the fact that communications in many areas are still far from convenient, to lay down that only the Supreme People's Court has the power to supervise the judicial work of the local people's courts at every level and of the special people's courts would be out of keeping with the actual situation. In order to help correct

possible mistakes in judicial work, it is quite appropriate to apply the system of supervising the judicial work of the people's courts at lower levels by the people's courts at higher levels, judging by experience in our courts since the founding of the People's Republic of China and by present conditions in our country.

7. The Committee for Drafting the Constitution has made relatively important amendments to the provisions relating to the procuratorates, chiefly in the four articles 81 to 84. It will be seen from the revised provisions that the machinery of the procuratorate in our country consists of the Supreme People's Procuratorate, the local organs of the people's procuratorate and special people's procuratorates. In the people's procuratorates, there will be the procuratorial committees in addition to chief procurators, deputy chief procurators and procurators. The procuratorial committees are bodies for settling major problems relating to the procuratorial work under the leadership of the chief procurators. The establishment of such bodies for joint discussion in the people's procuratorates will ensure collective discussion of problems and enable the people's procuratorates to proceed with their work more efficiently. We believe that the adoption of this system in the institution of the procuratorate is comparatively suited to existing conditions in our country.

The foregoing are the more important amendments to the Draft Constitution which we have made after considering the suggestions of the masses.

I want to mention here, too, the proposals which have been considered by the Committee for Drafting the Constitution but have been found unacceptable. Needless to say it is impossible to enumerate them all. I shall only make the following points.

1. Some people propose that the Preamble should go into detail in narrating the history of the Chinese revolution. For example, more should be said about the role of the Communist Party of China, the part played by the worker-peasant alliance and by the united front in the history of China's revolution, about the struggles of the revolutionary martyrs in the past hundred years or so, and about achievements made in various spheres since the founding of the People's Republic of China, and so on and so forth. These suggestions have not been accepted by the Committee for Drafting the Constitution.

Others put forward two contradictory sets of proposals in regard to the Preamble. One is that the prospects of communist society should be mentioned; the other maintains that no mention should be made of things which have not yet been realized. These two sets of opinions have also not been accepted.

Why should these opinions not be accepted?

It is necessary for the Preamble to make clear that this Constitution is the result of the victory of the Chinese people's revolution. But the more important reason for the Preamble to the Constitution is that it has to explain the historical aspect—that our country is now in a period of transition—to lay stress on the fundamental task of the state during the transition period, and the domestic and international prerequisites for carrying out this task. Though tribute must be paid to the whole revolutionary history of the Chinese people, it is not appropriate to add in the Preamble an historical account that is not needed.

Ours is a constitution for a transition period, and cannot therefore fail to differ from a constitution for a period when socialist society has already been built. On the one hand, we have not yet built a socialist society, and on the other hand, it is a living

reality that socialism is already being built in our country and socialist construction is proceeding daily. The Constitution does not describe conditions after the attainment of socialism; but to reflect the real conditions of the present time, it should reflect the changes which are taking place in real life and the goal towards which these changes lead. If this goal is not pointed out, many things in real life will be incomprehensible. This is why some of the articles of our Constitution are in the nature of a programme.

Therefore, it would be incorrect not to mention the objective of building socialism in the Preamble merely because socialism has not yet been built. But there is no necessity to include in the Preamble both the objective of building socialist society and the prospect after socialism has been reached—that is, of striving for communism.

2. Some people have suggested that in Article 5, in which the present categories of ownership of the means of production in our country are listed, state capitalism should be mentioned. The Committee for Drafting the Constitution did not accept this suggestion. This is because in our country at present there are various forms of state-capitalist economy which represent the economic alliance of state ownership and capitalist ownership in various complex forms. But state capitalism cannot itself be a distinct kind of ownership. Therefore it should not be enumerated in Article 5 where the various categories of ownership are listed.

3. Some people have suggested listing the names of the different ministries and commissions of the State Council in Chapter Two, Section III, of the Draft Constitution. This suggestion also is not accepted by the Committee for Drafting the Constitution. This is because certain changes will in certain circum-

stances have to be made in the structure of the State Council as the work of national construction develops. In this section, therefore, the names of the various departments of the State Council are not specified, to obviate the need to revise the Constitution whenever any changes are made. The names of the different ministries and commissions of the State Council can be set out in the Organic Law of the State Council.

4. Some people have suggested revisions dealing with the local organs of state. The suggestion is that the local people's congresses should set up standing committees in the same manner as the National People's Congress. The Committee for Drafting the Constitution did not accept this suggestion.

Certainly the work of the National People's Congress is incomparably heavier than that of the local people's congresses. The National People's Congress exercises the legislative power of the state, while none of the local people's congresses has any such functions and powers. Moreover, the lower the level of the people's congress, the easier it is for it to meet, because of the smaller size of the area. So it is unnecessary for local people's congresses to establish standing committees in addition to the people's councils. The local people's council at each level is itself the executive body of the local people's congress at that level and, at the same time, exercises the functions and powers of the standing committee of the people's congress. To set up another standing body of the people's congress would create a superfluity of organizations and cause unnecessary inconvenience.

5. Some people have proposed that the status and tasks of the Chinese People's Political Consultative Conference should be specified in the Preamble. The Committee for Drafting the Constitution considers there is no need to make such an addition to it.

The Chinese People's Political Consultative Conference is the organizational form of our people's democratic united front. It exercised functions and powers on behalf of the National People's Congress and will, of course, no longer be required to exercise them in future. It will, however, continue to play its part in the political life of our country as the organization of the united front. Since it is a united front organization, the parties, groups and organizations in the united front will, in consultation, themselves work out all the provisions concerning it.

6. Other people have proposed the addition of an article to the Constitution establishing the territorial boundaries of our country. The Committee for Drafting the Constitution regards the addition of such an article to the Constitution as unnecessary. The fundamental task of a constitution is to set down the social and state system in legal form. It is not its proper task to describe the country's territorial boundaries. In the constitution of a federal state all the federal units must necessarily be listed. But ours is not a state of this kind. In a unitary state, of course, all the administrative areas can be listed in the constitution if it is considered necessary to fix the status and boundaries of existing administrative areas. But since our country's economic construction is only beginning, the status and boundaries of the administrative areas of the country cannot be said to have been definitively established. For instance, certain provincial administrative units have recently been amalgamated by decision of the Central People's Government Council. It is, therefore, inappropriate to list the names of the administrative areas in the Constitution on the basis of present conditions. Of course, the status and boundaries of administrative areas should not be

changed at random without good cause. The Draft Constitution, therefore, provides that only the National People's Congress has the power to ratify the status and boundaries of provinces, autonomous regions, and municipalities directly under the central authority. The status and boundaries of the autonomous *chou,* counties, autonomous counties and municipalities should also be submitted to the State Council for ratification.

Those who have proposed that an article be added concerning territorial boundaries have done so with the idea and object of affirming in the Constitution that Taiwan is an inalienable part of our territory. This shows a good intention. But the Constitution does not need articles to be added for this purpose. That Taiwan is China's inviolable territory has never been questioned. It is the task of the Chinese people—and they are certain to carry it out—to liberate Taiwan from the rule of U.S. imperialism and the traitorous Chiang Kai-shek clique, and so complete the unification of our country.

These are brief comments on the various suggestions put forward by the masses regarding the Draft Constitution.

IV. CONCLUSION

Fellow Deputies! It has been demonstrated during the nation-wide discussions that our Draft Constitution represents the interests of all nationalities in China and is based on facts. When the masses of the people were discussing the Draft

Constitution, they expressed such opinions as the following: "The Draft Constitution has recorded what all the Chinese people have done under the guidance of the Communist Party of China and Chairman Mao Tse-tung; it has also set down what has been started, and what should and can be done in the future"; "how we should go on to socialism is clearly shown in the articles of the Draft Constitution"; "the Draft Constitution means greater political, economic and cultural development for the national minorities." The masses of the people think that the Constitution we have drafted is "a guarantee for a happy life" and that "every article" of it "is in the interests of the people." That is the conclusion which the masses of the people draw from the Draft Constitution, and it is obviously a correct one.

Our Draft Constitution, after its adoption by the National People's Congress, will become our country's fundamental state law. This Constitution expresses the personal experience and long-cherished hopes of the people. It will, therefore, certainly be able to play a tremendous, dynamic role in the life of our state and inspire the masses of the people in their struggle to defend and increase the fruits of our victories, crush all enemies who try to wreck our social and state system, promote the healthy and stable development of our work of construction and accelerate the building of our country.

Every person and every organ of state, without exception, must observe the Constitution. Deputies to the National People's Congress, the local people's congresses and all government workers are servants of the people. All organs of state are at the service of the people. They have, therefore, a special responsibility in the matter of observing the Constitution and ensuring its observance.

The Communist Party of China is the core of the leadership of our country. The position the Party occupies can never entitle Party members to enjoy any special privileges in the life of the state. It can only lead them to undertake heavier responsibilities. The members of the Communist Party of China must make themselves an example by observing the Constitution and all other laws. All Communist Party members should maintain close contact with the masses and act in unity with all democratic parties and groups and the masses of the people outside the Party to strive energetically for the implementation of the Constitution.

The promulgation of the Constitution of the People's Republic of China will bring elation and inspiration not only to the people throughout the country, but also joy to our friends in all countries of the world. People's China has many friends in the world. The great Soviet Union and the People's Democracies are our close friends. The peace-loving peoples of all lands, too, are our friends. The support they have given to our cause is one of the prime factors for our victory. It is understandable that our friends rejoiced at our victory. The victory of the Chinese revolution is of great world-wide historic significance. The victory of socialist construction and socialist transformation in China will also be of great world-wide historic significance. Our Constitution has already laid down the fundamental policy of our country in international affairs, which is to work for the noble cause of world peace and the progress of humanity. All the achievements that have been or will be made by our country contribute to the common cause of all peoples of the world, the cause of peace and progress. To fight for lasting world peace is in-

dispensable if our country is to carry out socialist construction.

The promulgation of our country's Constitution is a result of the great victory which crowned the long, common struggle waged by all nationalities in our country. But this is not to say that, once the Constitution is introduced, all its articles will automatically go into operation. No. The Constitution is, on the one hand, an epitome of our past struggle and, on the other, it provides us with a fundamental law on the basis of which to proceed with our present struggle. It specifies what is legal or legally obligatory and what is illegal and prohibited as regards the most important aspects of our national life. After the promulgation of the Constitution, things which contravene the provisions of the Constitution will not disappear of themselves. But the Constitution provides us with a powerful weapon and enables us to wage an effective struggle to wipe them out. The Constitution decrees that our country shall be transformed into a socialist society. This of course does not mean that socialist society will come ready-made or that we can wait for it with folded arms. A long road still stretches before us, one that is inevitably beset with difficulties and full of twists and turns. It will surely not all be easy-going. The significance of the Constitution is great, and greater still the task it entrusts to us. Only by arduous struggle, persevering work, and persistent and conscientious study to overcome the various kinds of difficulties in our path, shall we be able to reach our goal. Therefore we must not, even in the smallest degree, be conceited and complacent over such achievements as we have already made. Conceit and complacency do nothing but harm to any individual, class, political party or nation. While extolling the enactment and promulga-

tion of our Constitution, people of all nationalities in our country must strengthen their bonds of unity, be modest and conscientious, guard against arrogance and impatience and make further efforts to strive, taking the path mapped out by the Constitution and led by the Communist Party of China, to ensure the fullest implementation of the Constitution and the building up of our country into a great socialist land.

CHOU EN-LAI

REPORT ON THE WORK OF THE GOVERNMENT

Made at the First Session
of the First National People's Congress
of the People's Republic of China
September 23, 1954

Resolution on the Report on the Work of the Government Adopted by the First Session of the First National People's Congress of the People's Republic of China on September 26, 1954:

The First National People's Congress, at its first session, endorses the Report on the Work of the Government delivered by Premier Chou En-lai on behalf of the Central People's Government, and expresses satisfaction with the efforts and great achievements made over the last five years by the Central People's Government under the leadership of the Communist Party of China and Chairman Mao Tse-tung.

Fellow Deputies:

The first session of the First National People's Congress, having heard the report made by Comrade Liu Shao-chi on the Draft Constitution and after three days of discussion, splendidly completed an historic task—adoption of the fundamental law of our state, the Constitution of the People's Republic of China. The session next enacted several important laws. Now, I shall make a report on the work of the Central People's Government on its behalf.

The fundamental aim of this great people's revolution of ours is to set free the productive forces of our country from the oppression of imperialism, feudalism and bureaucrat-capitalism and, eventually, from the shackles of capitalism and the limitations of small-scale production, so as to enable our national economy to advance rapidly and according to plan along the road to socialism, in this way raising the level of the people's material well-being and cultural life and strengthening the independence and security of our country. The economy of our country was originally in a very backward state. Unless we establish a powerful, modern industry, a modern agriculture, modern communications and transport services and modern national defence, we shall be able neither to shake off backwardness and poverty, nor attain the goal of our revolution. During the years from 1949 to 1952, the Central People's Government, acting upon the provisions of the Common Programme of the Chinese People's Political Consultative Conference, completed the unification of China's mainland, reformed the agrarian system, launched extensive and intensive

campaigns to suppress counter-revolutionaries and effect various democratic reforms. It rehabilitated the national economy long ravaged by war, fostered in particular the growth of socialist state-owned economy and various types of co-operative economy, and made initial readjustments of the relations between state-owned and private industry and commerce. All this prepared the ground necessary for planned economic construction and gradual transition to a socialist society. Then, from 1953 on, our country embarked on its First Five-Year Plan of economic construction. It started, gradually but systematically, on the socialist industrialization of the country and the socialist transformation of agriculture, handicrafts, capitalist industry and commerce. Economic construction takes first place in the whole life of the nation.

The entire work on the formulation of the First Five-Year Plan is still not finally complete, and many of its details are being supplemented and amended. The guiding principle of the Plan, as is generally known, is to concentrate our main efforts on the development of heavy industry as a foundation for the industrialization of the country and modernization of national defence; to bring about a corresponding development of communications and transport services, light industry, agriculture and commerce; to train, correspondingly, the personnel needed for construction; to promote gradual formation of co-operatives in agriculture and handicrafts; to continue the transformation of capitalist industry and commerce; to ensure the steady growth of the socialist sector of the national economy; at the same time to enable individual farming, handicrafts and capitalist industry and commerce to play their proper role; and to ensure gradual improvement of the people's material well-being and

cultural life on the basis of the development of production. The First Five-Year Plan calls for concentration of our main efforts on building up heavy industry, namely, the metallurgical, fuel, power, machine-building and chemical industries, because only by relying on heavy industry can we ensure the development of the whole range of industry, of modern agriculture, communications and transport services and of modern national defence; and because, in the final analysis, only by relying on heavy industry can we ensure continuous betterment of the material well-being and cultural life of the people. It is, of course, true that heavy industry needs more capital, takes longer to build and yield profit, and that most of its products are not for direct consumption by the people. Consequently, in the period when the state concentrates its efforts on developing heavy industry, the people have to bear some temporary hardships and inconveniences in their life, notwithstanding the corresponding development of light industry and agriculture. But, which is better: to bear certain temporary hardships and inconveniences in order that in the long run we shall live in prosperity and happiness; or to seek petty benefits now and thus never be able to shake off poverty and backwardness? We believe that everyone will think the first a good idea, the second a bad one.

From 1949 to 1952, when the task of rehabilitating our industry was rapidly completed, the total value of industrial production increased at an average rate of 36.9 per cent a year. In the period of construction, of course, the tempo of industrial expansion is slower, yet the total value of our industrial output in 1953 exceeded that of 1952 by 33 per cent. The total value of output of modern industry in 1954 is estimated to be 4.2 times that of 1949. If both agriculture and

handicrafts are included, then the total value of our industrial and agricultural output this year will be 2.2 times that of 1949. Such a rate of growth was inconceivable in old China.

Estimates of output of several of the most important industrial products for 1954, as compared with 1949, show the following impressive figures:

Electric power, 10,800,000,000 kwh—2.5 times 1949;

Coal, 81,990,000 tons—2.6 times 1949;

Pig iron, 3,030,000 tons—12.4 times 1949;

Steel, 2,170,000 tons—13.7 times 1949;

Machine tools, 13,513—8.5 times 1949;

Cement, 4,730,000 tons—7.2 times 1949;

Cotton yarn, 4,600,000 bales—2.6 times 1949; and

Machine-made paper, 480,000 tons—4.5 times 1949.

Although output is still low, the rate of increase shows that prospects are unlimited and bright if we keep up the effort.

Three factors in the growth of industry deserve special mention. The first is the rapid increase, in terms of value, in the proportion of modern industrial output to total industrial and agricultural output. While in 1949 this proportion was about 17 per cent, by the end of 1954 it is estimated to reach nearly 33 per cent. The second is the rapid increase, in terms of value, in the proportion of output of means of production to total industrial output. While, in terms of value, the output of consumer goods for 1954 is estimated to be about 3.1 times that of 1949, the output of means of production will be about 5.7 times that of 1949. The proportion, in terms of value, of output of means of production to total industrial output is estimated to rise from 28.8 per cent in 1949 to 42.3 per cent in 1954. The third is the rapid increase, in

terms of value, in the proportion of production by state, co-operative and joint state and private industries to total industrial output. As state and co-operative industries are expanding every year, and capitalist industrial enterprises beginning to turn in large numbers into joint state and private industrial enterprises, this proportion is estimated to grow from 37 per cent in 1949 to about 71 per cent in 1954. This means, in terms of value, that production by capitalist industrial enterprises which have not been turned into joint state and private industrial enterprises will constitute only about 29 per cent of the total industrial output.

These figures show that our country is advancing towards the goal of industrialization, towards the goal of socialism.

Although the original industrial foundation of our country was weak, it nevertheless constitutes the main source of industrial products, industrial profits and industrial manpower. It would be utterly wrong to ignore this foundation. We must utilize the original industrial bases and industrial enterprises to their fullest capacity, and bring into full play their potential power to increase both the quantity and types of goods produced, so that they can play an important part in national construction, in accumulating capital, in training personnel, in supplying equipment and providing for the people's needs. Nevertheless, such industries are, after all, very backward. They are unintegrated and unevenly developed. The industrialization of our country must, therefore, depend mainly on the building up of new industries, particularly of heavy industry.

In our First Five-Year Plan, important industrial projects to be newly built or improved total some 600; the sinews of which, as we all know, are the 141

which the Soviet Union is helping us to build. These include integral steel plants; non-ferrous metallurgical plants; coal mines; oil industry undertakings; plants for making heavy machinery of various types and motor vehicles, tractors and aircraft; power stations and chemical works. With the completion of these projects, our country's industrial output and technological level will be greatly raised. We shall be able to produce our own metallurgical, power generating, oil extracting, forging and pressing equipment. We shall be able to manufacture motor vehicles, locomotives, tractors and aeroplanes. And we shall have new industrial regions and industrial bases, which will begin to change the present irrational distribution of industry in our country. Most of these projects will be completed by 1958, though a few will take nearly ten years to finish.

The total investment in industrial capital construction for the whole country in 1953 was 96 per cent higher than in 1952; and that planned for 1954 is 28 per cent higher than the 1953 figure. In 1954, important industrial units being improved, newly built or still under construction total 300, and it is estimated that before the end of the year 51 important projects will be completed. Among the 141 projects which the Soviet Union is helping us to build, 17 have been wholly or partially completed and put into operation, including the heavy rolling mill, seamless steel tubing mill and sheet steel mill of the Anshan Iron and Steel Company, as well as the Haichow open-cast coal mine at Fuhsin. There are 34 under construction, while blueprints are being drawn up for the rest, and construction will start soon.

From what has been said above, we can see that it is no empty promise for the Constitution of the People's Republic of China to provide for the gradual

achievement of socialist industrialization, for the guidance of the development and transformation of the national economy through economic planning; to provide for constant increase in productive forces, priority for the development of state-owned economy, and for encouragement and guidance in the transformation of capitalist into state-capitalist economy. These things are already living realities—realities which we are bringing into being. The heroic efforts being made by the working people of the whole country, under the guidance of the Chinese Communist Party and the People's Government, are rapidly changing the face of our homeland. We shall assuredly be able, in the course of several five-year plans, to make China a strong, modern, socialist, industrialized country.

Planned industrial production and construction is an entirely new field to us. We must, therefore, learn while we work. And, as facts in the past few years have shown, we have made progress both in our work and in learning. Our management of industry is gradually improving. The various industrial departments concerned have achieved many successes and gained a great deal of experience in planned management, introducing an effective system of personal responsibility, giving better guidance on matters of technique, and expanding the scope of geological surveying and capital construction. Workers and office employees have conducted vigorous campaigns to increase production, practise economy, and launched labour emulation drives. Many technical improvements and innovations have been made. In 1953, thanks to the joint effort of management, workers and office employees, productivity in state-owned and joint state and privately owned industrial enterprises increased 13 per cent over 1952, while production costs averaged

a 3.2 per cent decrease in enterprises under five of the ministries of the Central People's Government in charge of industry.

But we have no grounds whatever to be complacent. Since we are only beginning to learn we are bound to meet with difficulties; and we have already met with not a few. We have to overcome plenty of shortcomings in our work. Not all targets in our annual plans have been reached. For instance, the capital construction plan for 1953 of six ministries in charge of industry was fulfilled to the extent of only 94.3 per cent, and production plans for hydraulic turbines, salt and sugar were not fulfilled either. As far as construction work and productive enterprises go, even more failed to fulfil their plans. For example, a review of work in the Ministry of Heavy Industry discloses that though, in total value of production, its plan for 1953 was overfulfilled, one out of every four of the productive enterprises under its administration failed to complete its plan; and if the fulfilment of targets is examined under four heads—total production value, production costs, profit, and labour productivity—then only 30 per cent of the enterprises completed their plans under all heads. Moreover, the plans of some enterprises were too conservative and could easily be overfulfilled, thus losing their significance as indices of production. One such striking example is the Shenyang (Mukden) Dye-Stuffs Factory, which made more than five times its planned profit for 1953. Similar or even worse situations are to be found in other ministries concerned with industry. We must make great efforts to change this state of affairs.

Inadequate planning is at present one of the pressing problems confronting our industry. Many of our plans are not accurate enough or are inadequately in-

tegrated. They are often ill co-ordinated or are too frequently revised. Obviously, there are many objective difficulties which cannot easily be overcome in a short period. But there are many cases where faults are due to inadequate personal effort and mistakes in work—cases of lack of balance between supply, production and sales; cases where types and specifications of many products do not meet requirements; no proper tie-up between surveying, prospecting and designing, and the actual construction work; and cases where municipal planning of industrial cities and industrial construction have been undertaken with no proper consideration given to communications and transport. This state of affairs must be vastly improved so as to reduce losses incurred by the state. The various enterprises, the departments responsible and the state planning and statistical bodies must make a systematic and comprehensive study of production, demand and conditions in every aspect of construction work. They must check and counter-check all calculations, and try to maintain a proper balance. They must establish better co-ordination and co-operation between related departments, and take into full account suggestions put forward by workers and office employees. Only by so doing can correct targets be arrived at, and far-sighted and accurate plans be worked out. In executing these plans, it is necessary to make thorough investigations and discover and solve problems as they arise, so as to ensure the fulfilment of the state plans as a whole.

Another vital problem facing industry is the large amount of waste in many departments and enterprises. This comes from ignoring the importance of husbanding funds and controlling overhead costs. A striking instance is afforded by the waste in building a power plant in Taiyuan, the capital of Shansi Province, de-

tails of which were reported on August 7 this year by the *People's Daily* of Peking. More than 14,400 million yuan were tied up through unplanned buying of materials; more than 2,570 million yuan were lost through failure to apply promptly to the state for allocation and delivery of materials; more than 1,800 million yuan were lost through wasteful use of materials; more than 2,350 million yuan were lost as a result of low working efficiency; and 2,300 million yuan by erection of temporary buildings on the construction site of far too high a quality. And these figures do not include losses through mislaying materials on the site and through waste in the purchase of furnishings. At present, cases of this sort are far from rare on our capital construction projects. On many of them, no appropriate standards have yet been worked out. Some cities, government organizations, schools and enterprises have erected buildings which are not urgently needed or which are too sumptuously constructed, thus wilfully wasting the limited funds of the state. Many industrial enterprises have also caused great loss to the state because of inflated administrative organization, poor administration, improper use of raw materials, bad organization of labour, slack discipline at work, low quality of products, and inadequate attention to safety measures. The six ministries in charge of industry and the six ministries of Geology, Building, Railways, Communications, Posts and Telecommunications, and Forestry can save the state 280,000 million yuan a year if building and installation costs of their capital construction are reduced by one per cent, calculated on the basis of the planned figures for 1954. Furthermore, state-owned industries of both the Central People's Government and local people's governments can save the state 840,000 million yuan a year if their production costs

are reduced by only one per cent; and another 1,600,-000 million yuan a year if their productivity is raised by only one per cent. Every state-owned enterprise and construction work, therefore, must make great efforts not only to fulfil the state plans in every respect but also to overfulfil them, introduce thoroughgoing systems of business accounting and rigid economy, and strive for lower production costs, in order to increase capital accumulation by the state and to eliminate waste.

Insufficient technical manpower and poor technical administration also present an important problem in industry. Without modern technique there can be no modern industry. Technical manpower inherited by our industry was very scanty, and technical personnel trained by existing higher institutions, either so far as their number, quality and the range of subjects in which they specialize are concerned, still cannot meet the needs of industry and capital construction within a short period. That being the case, existing technical staff must be far more rationally and effectively used, and their abilities raised. Technical manpower in the enterprises must be far better organized, and greater vigour must be shown in training technical staff. By so doing we shall be able to raise the present technical and administrative level of enterprises, improve the quality of their products, and increase the range and quantity of new products; we shall be able to ensure the completion of new, modern enterprises, and see that they master new production techniques. But it is precisely in this field that there are still serious drawbacks. In many industrial enterprises and industrial administrations, trained technical personnel are not allocated in a proper way, nor are they well organized or made good use of. Necessary working procedures have not been established for technical work,

nor have factory regulations and technical safety precautions been strictly observed. On the other hand there are many enterprises which, though they have paid attention to training skilled workers in general, have nevertheless paid little attention to training technicians and highly-skilled workers, and insufficient attention to technical experiment and research. Consequently, many technical problems that could have been solved have not been solved or cannot yet be properly solved. This chaotic situation must be quickly straightened out. All enterprises must exert great efforts to establish technical training classes, spare-time technical schools of different grades, and must also organize administrative personnel, technicians and workers earnestly to study technique. They must learn from and popularize valuable Soviet experience, especially technical experience gained in designing, construction, installation, operation and production on the 141 projects which our country is building with Soviet help. All enterprises must launch well-directed campaigns among workers and office employees for technical reform.

To strengthen planning, to further economize our funds and to improve technical administration—that is the urgent task of industrial departments, as well as departments of communications and transport, posts and telecommunications, water conservancy, forestry and other departments engaged in capital construction. Commercial departments and administrative organizations of state-owned agriculture must also see to it that most of this task is carried out.

Agriculture in our country has made fresh advances since the land reform. The 1952 output of grain and cotton exceeded the peak annual level before liberation. In 1953, owing to some rather serious natural calamities, the plan for agriculture was not

fulfilled. Nevertheless, the output of grain was still slightly higher than in 1952, and the output of cotton also surpassed the pre-liberation level. This year, because of serious floods in the areas along the Yangtse and Huai Rivers, agricultural production will again be unable to fulfil the plan. However, an abundant crop of wheat was harvested this summer, and the autumn harvest in most parts of the country promises well. Output of grain and cotton for the whole year will exceed that of 1953. The output of grain this year is expected to be 50 per cent higher and of cotton 180 per cent higher compared with 1949.

The growth of agriculture exerts a many-sided influence on the growth of industry. Many industries, especially the textile and food industries, depend on agriculture for raw materials. The industrial and urban populations depend on agriculture for staple necessities such as grain and edible oils and for other foodstuffs. The imported machinery needed by industry has to be paid for mainly by the export of agricultural produce. The principal markets for a great number of industrial products are in the countryside. For this reason, during the past few years, the Central People's Government has made great efforts in the fields of finance, technique, and water conservancy to assist the development of agriculture. The peasants for their part have actively responded to the government's call to extend mutual aid and co-operation, to strive for increased output of grain and various industrial crops, and have enthusiastically supplied their produce to the state. In the last two years, our country has not only been able to conquer natural calamities, but has actually increased agricultural production, and thus consistently maintained market stability. For this, we cannot but express our

thanks to the five hundred million peasants throughout the country.

But the expansion of agriculture obviously still lags behind the needs of the people and the state for agricultural produce. In order that agriculture may develop more quickly and in a more planned way, it is necessary gradually to bring about the socialist transformation of agriculture. That means gradually changing over from backward individual farming to collective farming by getting the peasants to organize themselves voluntarily into mutual-aid teams and co-operatives. The mutual-aid and co-operative movement among the peasants has shown unprecedented growth in the past year. Sixty per cent of all peasant households have already joined mutual-aid teams or co-operatives. The number of agricultural producers' co-operatives had reached 100,000 by August this year and is expected to increase by the time of spring sowing next year to 500,000, embracing ten million peasant households. We hope that, by the end of the First Five-Year Plan, over one-half of all peasant households in the country will have joined the agricultural producers' co-operatives, and that over half the cultivated land will be pooled in the co-operatives.

In order to ensure an increase in agricultural production to meet the needs of our economic development as a whole, it is necessary for expansion of co-operatives to go hand in hand with systematic promotion of the use of new types of farm implements, water pumps, water wheels, improved seeds and better farming methods, an increased use of fertilizer, prevention of insect pests, and the greatest possible increase in the area under cultivation. It is also necessary to increase the acreage of cotton and oil-producing crops, so that the output of cotton meets industrial demands and that oil production quickly

reaches and surpasses the peak record of pre-liberation years.

To solve difficulties arising from shortage of draught animals, meat supplies and fertilizer, as well as to increase production of furs and hides, efforts must be made to develop animal husbandry and poultry farming. Attention should also be paid to the fishing industry.

In the field of water conservancy, in the past few years the state has built a considerable number of large-scale water conservancy works, which did a great deal to lessen flood and drought damage, and to safeguard agricultural production, especially in this year's fight against floods. The Huai River harnessing project—not yet entirely completed—did even more than was anticipated in the prevention of floods. The Chingkiang Flood Detention Basin, the Kuanting Reservoir and the extension of the Tuliuchienho Canal to the sea have also helped, in varying degrees, to prevent flood devastation. The Yangtse and Huai floods this year were practically unparalleled in Chinese history and were far worse than those of 1931, when China was under Kuomintang rule. But the people suffered much less than in 1931. Thanks to the efforts of the people in the flood-affected areas, and with the support of the people throughout the country, we were able to protect important cities like Wuhan, Nanking, Pengpu and Tientsin, the plains of north Kiangsu and north Anhwei and the Chingkiang dykes, and thus reduce damage to a vast expanse of farmland. About one-tenth of the farmland of the country—over 160 million *mou*[1]—has been inundated. Drainage and steps taken to save or replant seedlings, however, have saved about half the flooded area from

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[1] A *mou* equals one-sixth of an acre.

the threat of famine. Of the 80-odd million *mou* of farmland still flooded, 30 million *mou* cannot be drained in a short time. In the flooded areas the government is making sustained efforts to reduce the effect of the calamity, to drain the flood water and promptly replant the land. A drive to overfulfil the production quota is under way in unaffected areas, so as to compensate for the loss of crops in the flooded ones. The struggle against natural calamities is a protracted and arduous task for our people. Therefore, more and greater effort must be put into water conservancy. This year's floods have shown up many defects in our water conservancy work. For example, there was a general tendency to lower established standards for flood prevention works; individual projects were not safe enough; for a period, control of water-logging and irrigation were somewhat neglected. From now on we must continue harnessing the worst flood-producing rivers by making determined efforts to harness their whole courses, to co-ordinate what is expedient with fundamental measures, and to stress both flood prevention and drainage work. At the same time we must energetically extend farm irrigation work, so that calamities from flood and drought can be gradually reduced and eliminated, and an increase in agricultural production guaranteed.

Afforestation is of great importance, for it supplies the timber needed for building and to withstand flood, drought, sand-storms and hurricanes. China's present timber resources are not enough. Besides making greater efforts in afforestation and in the timber industry, we must turn our forests to account and use timber with forethought and economy. Moreover, a mass movement to protect and plant forests must spread throughout the country.

Handicraft industry, too, has an important part to play in our national economy. Like the peasants, handicraftsmen are rapidly forming producers' co-operatives among themselves. According to statistics available at the end of 1953, three hundred thousand handicraftsmen have been organized into over 4,800 producers' co-operatives. Such co-operatives should be actively developed from now on in a more planned way.

Communication, transport, post and telecommunication services have also been restored and have made great strides in the past five years. In 1949, 21,700 kilometres [13,454 miles] of railway trunk lines were in operation. This will reach 25,500 kilometres [15,810 miles] this year as a result of repairs and laying of new lines in the past few years. On the Paochi-Chengtu Railway, the section from Chengtu to Kuangyuan will be laid this year. On the Lanchow-Sinkiang Railway, a section will be laid as far west as Huaihsipao, northwest of Wuwei. A total of over 140,000 kilometres [86,800 miles] of highway will be in use this year. The Sikang-Tibet Highway, a highway unusually difficult to build but of great significance, will be opened to traffic within the year. Maritime and inland shipping have also developed. As regards posts and telecommunications, a network has been formed with Peking as its centre, which basically meets the needs of national construction and the people.

One of the main tasks of the communication and transport services is to bring about a constant rise in transport capacity to meet the rapidly growing needs of the national economy. Our rail passenger and freight traffic increases year by year, and it is estimated that this year it will be more than double that of 1950. To meet the daily increasing need for

transport we must open new railway lines and improve transport facilities. We should improve management and tap latent forces in transport capacity. In particular, we should further cut the time taken in the turn-round of railway wagons and vessels. Moreover, proper co-ordination of water and land transport, gradual rationalization of such transport problems as the uneconomic long haul, or the contrary, the over-short haul, the wasteful carriage in opposite directions of the same type of article and other wasteful procedures will not only raise our total transport capacity, but greatly reduce costs. All economic departments concerned must make a common effort to meet this requirement.

Domestic and foreign trade has made tremendous strides in the past five years. In 1953, total retail sales increased to 325,000,000 million yuan, that is, 1.8 times that of 1950. Foreign trade also increased to 1.8 times that of 1950. State-operated commerce has already attained a position in which it can handle the whole or the greater part of all principal commodities needed for the national welfare and the people's livelihood; it has in its charge the whole foreign trade. By the first half of this year supply and marketing co-operatives and consumers' co-operatives had over 31,000 primary branches with a membership of over 165,520,000. They have become powerful adjuncts to state-operated commerce. At present, state-operated and co-operative commerce handle about half the total retail trade of the entire country and about 80 per cent of the wholesale trade.

To remedy the lack of balance between supply and demand which arose from the fact that the increase in the people's purchasing power outstripped expansion of production of consumer goods, the Central People's Government introduced a system of planned

purchase and supply of grain, edible oils and cotton cloth, as well as planned purchase of cotton. These measures, designed to regulate relations between supply and demand, to stabilize market prices, to safeguard the livelihood of the people and what the state needs for construction, are absolutely necessary and timely. They have safeguarded the interests not only of urban and rural consumers, but also of agricultural producers. They are disadvantageous only to a small number of profiteers. That explains why they have won the support of the people throughout the country.

This planned supply of principal consumer goods will not only continue to be carried out, but may be extended to include a wider range in a period when consumer-goods production has not yet sufficiently developed. As far as planned purchase of staple products is concerned, it will be gradually extended in line with the growth of the socialist sector of economy. Of course this is a complicated process, representing an enormous change in the life of the people and in social economy. Hence, at the start, it is hardly avoidable that some passing defects in the work crop up and the people experience certain temporary inconveniences. But, if we do not want to suffer in future from soaring commodity prices, or from stagnation of production caused by speculations on the part of unscrupulous merchants; if we wish to have capitalist, speculative trade replaced by socialist trade which can ensure rational satisfaction of the needs of the whole population—then we must admit that planned purchase and supply is a measure which the state must take.

A fundamental change has taken place in the position of state-operated trade as a result of the extension of the scope of planned purchase and supply, the increase in the orders placed by the state with

private enterprises for manufacturing and processing, and the marketing through state agencies of all products of private enterprises, and the purchasing by the state of part of their products. State-operated trade, which a few years back covered only a fraction of the market, has now grown to embrace the major part. It has become the leading force in every branch of trading activity throughout the country. It has now become necessary for the state trading administration to assume responsibility for planning and taking full charge of the whole home market. It should draw up plans for the circulation of commodities, decide what steps and measures should be taken to transform and handle the whole of private trade, bearing in mind the need to keep a balance between purchasing power, the volume of commodity production, and the relative proportions of trade handled by the state, co-operatives and private merchants, and the relationships between them. Our state trading administration has not yet been able, however, to cope entirely with this vast change in the home market. As a result, it has often been unable to avoid being placed in a passive position. This defect in our trade administration and other drawbacks of our trading establishments, such as failure to make a thorough study of supply and demand, or the incurring of inflated administrative expenses, must be swiftly eliminated.

Socialist transformation of capitalist industry and commerce constitutes an important part of our fundamental task in the transition period. In the past few years we have already transformed a major section of capitalist industry into various forms of state-capitalist enterprise. Judging by the trend of events, the transformation of capitalist industry will be brought about chiefly through joint state and pri-

vately owned enterprises—the advanced form of state capitalism. In 1953, the value of output of industries jointly operated by state and private capital was over nine times as great as in 1949, and in 1954 it is expected to be more than double the 1953 figure. Of great importance, too, is the intermediate form of state capitalism, in which the state places orders with privately-owned enterprises for manufacturing and processing, and markets all their products. The importance of this lies in the fact that this form prepares the ground for joint operation by both state and private capital. Even greater successes have been registered in this direction. In the first half of 1954, in eight leading cities—Shanghai, Tientsin, Peking, Wuhan, Canton, Shenyang (Mukden), Chungking and Sian—the value of output of capitalist industrial enterprises which accepted government orders for manufacturing, processing, exclusive marketing and partial purchasing accounted for about 80 per cent of the total value of output of all capitalist industrial enterprises in these cities. With the introduction of planned purchase and supply of grain, edible oils and cotton cloth, large numbers of private shops dealing in these goods have been turned into marketing agencies for state trading organizations. This makes for rapid growth of the state-capitalist sector in private commerce, and has opened the path for the transformation of capitalist commerce, one branch after another.

The transformation of capitalist industry and commerce is a process involving both struggle and education. To make a good job of it, we need to accumulate more experience. It should be pointed out here that in this process the transformation of capitalist enterprises and re-education of capitalists should be combined. This means: on the one hand, we have

to transform capitalist enterprises finally into socialist enterprises, and, on the other, we have to remould the outlook of capitalists and their agents, so as to make them, as far as possible, play a positive and beneficial role in the process of socialist transformation.

In the past five years, the financial position of the state has undergone a marked change. From having a financial deficit, we rapidly changed to a position of balancing revenue and expenditure, and now possess a certain surplus each year to swell the state's credit funds. This balance between revenue and expenditure was reached under circumstances in which both our revenue and expenditure were greatly increased. The state's budgetary revenue of 1954, excluding the budget surplus of the previous year, is estimated to be 3.6 times that of 1950. At the same time, sources of revenue have changed greatly. From 1950 to 1954, the percentage of taxes paid by the peasants dropped from 29.6 of the total national revenue to 13.4, while the percentage of taxes and profits paid to the state by the state-operated enterprises and co-operatives of socialist type increased from 34.1 to 66.1. Our financial outgoings also increased greatly, together with the increase in revenue. In the 1954 budget, the allocation for economic construction is 650 per cent that of 1950; the proportion of total estimated expenditure on economic construction to total financial outgoings has also increased—from 25.5 per cent in 1950 to 45.4 per cent in the 1954 budget. In the past five years, the state has allocated a total of 328,000,000 million yuan for economic construction, of which the figures for 1953 and 1954 account for 200,000,000 million yuan. This shows that by relying on the support of the people of the whole country, we have already accumulated the necessary funds for our industrialization. Imperialist prophets who malevolently asserted

that we were incapable of overcoming financial difficulties have been completely discredited. In the 1954 budget, expenditure on culture, education, public health and social welfare amounts to 490 per cent of the 1950 figure. The proportion allocated to these items in budget expenditure also increased from 11.1 per cent in 1950 to 14.7 in 1954. At the same time, the proportion of expenditure on organs of state—that is, expenditure on state administration and national defence—to total expenditure, has been reduced from 60.8 per cent in 1950 to 30.7 in the 1954 budget. In detail, the allocation on national defence has dropped from 41.5 per cent to 21.1, and administrative expenditure from 19.3 per cent to 9.6. From this it is clear that our state budget is a budget of peace, a budget of a constructive nature.

Our immediate financial tasks are to continue to carry through a fair tax policy, encourage the people to bank their surplus capital or buy bonds with it, strengthen the financial management in enterprises, reduce state administrative expenditure, and enforce close financial supervision and financial discipline, so as to ensure that the necessary reserves are forthcoming for the period of economic construction. In a word, we must continue to make every effort to accumulate still greater reserve funds and employ them in a still more rational way for the sake of the industrialization of our country. In order to fulfil these tasks, we shall have to conduct a series of struggles. Our finance is the people's finance: in plain words, we "collect revenues from the people and spend them on the people." Both the National People's Congress and all local people's congresses have the duty and power to scrutinize our revenue and expenditure. We hope deputies will supervise the work of government workers and join with them in

fighting against any possible waste of funds, against inflated government machinery, against any act which runs counter to our financial system, against any carelessness with state property, failure to practise rigid economy, failure to strive for the accumulation of funds, to fight against tax evasion, theft of state property, and corruption. To fight against all this is to uphold socialism, to fight for the early realization of a socialist society.

All our work is done in the interest of the people. All that we do in the fields of economy and finance is aimed, directly or indirectly, at improving their material and cultural life. Everyone can see what our work in these respects has accomplished.

In the past few years, one of the important successes we have achieved in improving the people's livelihood has been the stabilizing of the national finances and commodity prices. This brings stability to the people's livelihood. The state must continue its efforts in keeping prices stable so that further improvements in the people's livelihood can be brought about.

More and more people are finding employment every year as a result of the needs of national construction and increased production. In 1953, the number of workers and office employees in state-owned and private enterprises had risen to about 13,745,000. The severe unemployment inherited from old China has now been greatly reduced. The People's Government not only adopted a policy of taking over all personnel in the former Kuomintang government offices and workers and office employees of bureaucrat-capitalist enterprises, thus preventing a rise in unemployment; it also did a great deal to help the unemployed to find work. From July 1950 to the end of 1953, the labour bureaux alone helped find jobs for

2,070,000 people in various parts of the country. However, since our country's production has yet to be developed and since it has a large population, employment will remain a problem over a comparatively long period, and we shall continue the policy which has proved effective in the past few years to solve this problem step by step.

In recent years, the living standards of workers and office employees have shown great improvement. The statistics of five industrial departments under the central authority show that average wages in terms of money in 1953 registered an 84 per cent increase over 1950. Great improvements have also been made in working conditions and welfare facilities for workers and employees. Labour insurance funds, medical expenses, grants for culture, education and recreation, and welfare funds paid out directly by the aforementioned industrial departments for workers and employees amount, on the average, to 17 per cent of the total wage-bill. In 1953, more than 4,800,000 workers and employees enjoyed benefits provided under the Labour Insurance Regulations; and more than 5,290,000 workers in government organizations and schools were entitled to free medical treatment. In most of the medium-size and small enterprises, the workers and employees have succeeded in getting the management to sign labour insurance contracts. In 1953, the state built housing for workers and employees with a total floor space of 12 million square metres [129,168,000 square feet]. There is also a steady expansion in welfare and cultural facilities sponsored by the management or trade unions of enterprises. The state has spent vast sums of money to improve safety and hygiene in industries and mines. As a result, the rate of accidents at work has been steadily decreasing from year to year.

Obviously, economic development in our country must find its parallel in the improvement of the people's livelihood, because the sole aim of socialist economy is to satisfy the people's material and cultural needs. Socialist economy must grow continuously if it is to fully satisfy these needs. It is wrong, therefore, to emphasize one at the expense of the other in any way. It is a manifestation of "economism" to raise wages and improve welfare measures too quickly or too high without taking into consideration the present level of production and so impair the long-term interests of the working class. On the other hand, it is a manifestation of bureaucratism to be indifferent to the welfare and safety of workers and employees, to neglect, or to be unwilling to solve, their problems that must and can be solved. We must fight against both these erroneous tendencies at the same time.

Improvements have been made to the wages system during the past few years; but some confusion still exists, and, in many places, equalitarianism has not yet been overcome. Equalitarianism is a type of petty-bourgeois outlook which encourages backwardness and hinders progress. It has nothing in common with Marxism and a socialist system. It damps down the enthusiasm of workers and employees in acquiring technical skill and raising productivity; it harms the growth of our economic construction. We must, therefore, resolutely oppose equalitarianism. There is also considerable confusion, which must be put right, in regard to the system of merit grants in enterprises. In our government offices and certain state-owned enterprises, the wages system exists side by side with the supply system.[1] The supply system

[1]A system of payment used widely before liberation under which the state provides food, housing, and all basic necessities to its employees and their families with a small cash payment.

used to play an important part during the revolutionary wars; but it conflicts with both the principle "to each according to his work," and with business accounting. Today it does more harm than good. Therefore, we must work out an appropriate plan based on the requirements of socialist construction, in order to achieve within a few years a uniform and reasonable wages system and merit grants system for the whole country, and gradually replace the supply system by wages.

During the past few years the living conditions of the peasants have shown marked improvement as regards clothing, food, housing and so forth. This is a result of the completion of land reform, the recovery and growth of agricultural production, the higher prices offered by the state for agricultural produce, the improvement in the agricultural tax system, and increases in agricultural loans and in the number of agricultural credit co-operatives. In 1953 the purchasing power of our rural population showed an increase of 76 per cent over the 1950 level. But because our agricultural production is backward and because the acreage under cultivation is still not large enough, the standard of living of our peasants is still rather low and, in times of natural disaster, they may run into severe difficulties. The aggregate of funds allocated by the state to relief purposes during the years 1950-1953 amounted to 8,000,000 million yuan, and a further 3,000,000 million yuan has been earmarked for the same purpose in 1954. The greater part of these funds goes to the rural areas. The People's Government must continue to help the peasants, including individual peasants, to further improve their living conditions, on the basis of actively extending the movement for mutual aid and co-operation in agriculture, and increasing agricultural production.

During the past few years we have carried out a nation-wide, popular public health and hygiene movement. As a result we not only defeated the bacteriological warfare waged by the American aggressors, but also wiped out epidemics, reduced the incidence of infectious diseases and improved the people's health. Our medical and public health services have made progress too. By the end of 1953, there were 3,068 hospitals under the Ministry of Public Health. The number of hospital beds throughout the country had increased 411 per cent, compared with the peak figure before the liberation. Expansion of maternity and child welfare work has considerably reduced mortality rates among mothers and babies. But health work, particularly in our factories and mines, still falls far short of the needs of growing economic construction. We must strengthen these services and gradually put public health work in factories and mines under the unified leadership of local public health departments. Besides, there are several hundred thousand doctors of classical Chinese medicine all over the villages and cities of our country. Local public health departments must conscientiously draw them in, educate them, make use of their talents, and co-operate with them in re-evaluating and developing that part of Chinese medical science and experience which has proved useful.

Our school education, too, has made tremendous progress. Compared with the highest pre-liberation level, the number of students in institutes of higher learning throughout the country had increased by 40 per cent by the end of 1953; that is, the total enrolment is now more than 216,000 students; in technical secondary schools the number had increased by 75 per cent to 669,000 students; in secondary schools, by 96 per cent to more than 2,930,000

students; in primary schools, by 117 per cent (more than 51,500,000 pupils); and in kindergartens, by 226 per cent (425,000 pupils). Year by year, there are more students of worker or peasant origin in all grades of schools. We have also established short-term secondary schools for training intellectuals of a new type—intellectuals of worker or peasant origin. This year's enrolment in such schools is four times that of 1951. During the past few years, there have been considerable reforms in the system of school education, in content and teaching methods. The successful carrying out of these reforms is related to the movement for ideological reform of vast numbers of our intellectuals. The work of ideological reform among intellectuals has yielded results. It should be continued in an appropriate manner and in accordance with practical needs. It is generally admitted that intellectuals who are armed with revolutionary ideas and scientific and technical knowledge now play a much more important role in the work of national economic construction.

To meet the needs of our national economic construction, our educational departments must, first of all, concentrate on the development and improvement of higher education. Primary and secondary education has made great strides in many respects. From now on, we should aim at better quality. Both primary and secondary schools must teach their pupils to respect work, so that many of them will, after graduation, take their places in our industry and agriculture.

In the past few years, important contributions and great advances have been made in the fields of science, culture and art in our country. In order that scientific research should be able to satisfy the various demands made on it and that cultural and artistic activities should be able to meet the growing

needs of the masses, the government must greatly strengthen its leadership in these two fields.

In the matter of improving the people's material well-being and cultural life, the Central People's Government has paid special attention to areas inhabited by national minorities. We have consistently advocated and pursued a policy of helping the national minorities develop their economy and culture so as to enable them gradually to attain a real equality. In the past few years, economic and financial departments have organized a number of trade fairs in minority areas, at which business was transacted at fair and reasonable prices, and have extended various kinds of loans in support of the agriculture, husbandry and herds of the national minorities. All these measures have played an important part in improving their economic life. Public health departments have sent a large number of medical workers to help the minority areas prevent or reduce the spread of epidemics, and have also established medical or health centres there. Three hundred and nine county hospitals were opened in the minority areas in 1953; there were 38 hospitals for national minorities in the country as a whole and more than 2,700 senior and junior medical workers belonging to the national minorities. In the field of education, taking the country as a whole, in 1953 the enrolment of national minority students was as follows: more than 2,546,000 primary school pupils, 163,000 secondary school students and 5,500 students in institutions of higher learning. More than 140,000 national minority personnel of government and public bodies have been trained either in schools or by other methods of education. These form an important force in the realization of regional autonomy for nationalities.

Fellow Deputies! As I said before, to gradually improve the material well-being and cultural life of the people is a fundamental task which calls for our constant endeavour, and, of course, what we have achieved is not enough. We must make still greater efforts. However, at the present time we must in the first place consider this question in relation to the work of socialist construction which is now under way. It is common knowledge that our country has been a backward agricultural country, and it is now our great and arduous task to build and turn it into a strong, modern, socialist, industrialized country. There can be no doubt that we shall face many difficulties, both economic and financial, in carrying out this task, and we must not ignore them. What is our way to surmount these difficulties? Fundamentally, it is to rely on the united will, industry and strivings of our entire people. The people throughout our country must focus their attention on long-term interests at the present time when our country needs to concentrate its main strength on building heavy industry, that is, laying the foundation for socialism. We cannot see only the immediate interests and overlook long-term interests. For the happiness of generations and generations to come, we shall have to put up with many temporary difficulties, but we are completely confident that we can overcome all difficulties and hardships. We must make every effort to carry out the fundamental task of the state during the transition period as set out in the Constitution, the most essential thing being that each one of us should concern himself with raising the productive forces of our country. We must realize that to increase production is of decisive importance to our entire people and our country. Only by constantly increasing and constantly expanding production can we gradually end the poverty of our

people, can we consolidate the victory of our revolution and assure ourselves of the happiness of our future. We shall not tolerate any breach of economic discipline, labour discipline, financial discipline or violation of public property and squandering of state funds. We must oppose all ideas and deeds which are concerned with personal interests but not with the common interest; which are concerned only with departmental interests and not the general interest, only the immediate present and not the future, only with one's rights but not the fulfilment of one's duty, only consumption but not production. For all these things impede the development of production of our country and consequently mar the happiness of our future.

The growth of our country's economic construction and improvement in the life of the people could not have happened without the consolidation and growth of the people's democratic state power and without the strengthening of organs of state.

After the founding of the People's Republic of China, the Central People's Government quickly organized the various ministries and other central state organs, and set up local people's governments throughout the country. Except in Taiwan Province, which remains to be liberated, our people have established their own state power in 25 provinces, in the Inner Mongolian Autonomous Region, in the Tibet Region, in the Changtu Area, in three municipalities directly under the central authority, in 2,116 counties and administrative units of county level, in 163 municipalities, 821 municipal districts and 220,466 *hsiang*. Moreover, 65 organs of self-government at county level and above have been established in national autonomous areas. The Greater Area level of administration in the system of local state power played an important role in our work of the past few

years. But because the state during the period of planned economic construction requires more centralized co-ordination and, therefore, a reduction in organizational levels so as to increase working efficiency, the Greater Area level of administration was abolished by decision of the Central People's Government in June this year.

Our organs of state belong to the people and serve them. They are, therefore, in essence, fundamentally different from those of old China which oppressed the people. Our organs of state are formed of the active elements drawn from various democratic classes, mainly active elements of the working people. The guiding principle of work in all our state bodies is democratic centralism, collective leadership and the mass line. Long-standing evil practices of the old bureaucratic bodies such as using position to satisfy individual selfish ends, corruption, extortion, nepotism and bullying people are utterly impermissible in our state bodies. The overwhelming majority of our government workers are free from such practices. For the first time the people see a government which is honest, sincere and hard-working, which is closely tied to the masses and shares all hardships and difficulties with them.

During the early years of the People's Republic of China, we adopted a transitional measure of people's representative conferences, while conditions were not yet ripe for convening people's congresses. This system of people's representative conferences was continuously enlarged and improved upon, so that these conferences gradually assumed the functions and powers of people's congresses and elected local people's governments. Since 1953, democratic elections on a large scale, such as had never been known in the history of China, were held in all parts of the coun-

try. There were altogether 323,809,684 registered voters from 214,798 primary electoral units, excluding a few areas where elections were temporarily postponed; 278,093,100 persons went to the polls—85.88 per cent of all registered voters. A total of 5,669,144 deputies were elected to the people's congresses at the primary level; 84.01 per cent of all women voters registered went to the polls and 17.31 per cent of the deputies elected are women. The elections fully demonstrated the heightened level of the people's political enthusiasm and political consciousness, as well as their confidence in, and support for, the Chinese Communist Party and the People's Government.

Immediately after the elections at the primary level, local people's congresses met to elect their deputies to people's congresses at county level and above, and on this basis, to elect deputies to the National People's Congress. During these elections, the list of candidates put forward by the Chinese Communist Party, or jointly by the Chinese Communist Party, democratic parties and other groups concerned, won the support of the overwhelming majority of the electorate. The deputies to the National People's Congress and to the local people's congresses include representatives of the various nationalities, democratic classes, democratic parties and groups, and popular organizations. This shows that our organs of state power are fully representative, and that they reflect the character of a people's democratic united front. The broad masses of the Chinese people support the leadership of the working class and the Communist Party of China, the cause of socialist construction and socialist transformation. The alliance of workers and peasants in our country, and the people's democratic united front based on it, stand firm. That is the conclusion which we should

draw from the results of the elections. It can be expected that the elections will prove a great stimulus to the work of our organs of state.

There are at present still some defects in the work of our organs of state. In the past five years, the Central Committee of the Chinese Communist Party and the Central People's Government time and again drew the attention of organs of state throughout the country to the need of overcoming bureaucratism and commandism in their work, overcoming attitudes of superiority and complacency, and called on them to develop criticism and self-criticism, to strengthen their ties with the masses, to pay attention to overcoming departmentalism in their work, to observe state discipline and the principle of collective leadership. Furthermore, they led organs of state throughout the country in 1952 to wage a large-scale struggle against corruption, waste and bureaucratism, of which some members of the working personnel were found guilty. All this did much to consolidate and improve our organs of state, and today, corruption and waste in them have been very considerably reduced. Bureaucratism, commandism and departmentalism have diminished to a great extent as compared with the past. Nevertheless, it is a long-term task to consolidate and improve our organs of state. It should be pointed out that among our working personnel there are still some who violate the principle of democratic centralism and the principle of following the mass line. They often let individual leadership take the place of collective leadership. They often substitute bureaucratism, which isolates them from the masses, for democratic leadership. They often fail to concern themselves with the problems of the masses, and are reluctant to listen to criticisms made by them. They even come down on those who criticize them, or try to get their

own back. They often do what they arbitrarily think is right, fail to respect the unified leadership of their superiors and do not bother to observe the system of seeking instructions and submitting reports. All these tendencies, which are incompatible with our state system, must be thoroughly done away with. There are still occasional traces of extravagance and waste, and cases of bribery and corruption. We must continue to wage a struggle against such practices with a view to eliminating them once and for all. Only by so doing can our organs of state properly serve the cause of socialist construction.

After our country entered upon the period of economic construction, it has become more urgent than ever for our government workers to earnestly learn to do their jobs well, to study science, to go out to the masses and to acquaint themselves with their conditions, and substitute concrete, real leadership for formal, generalized guidance. We must oppose red tape that neither raises nor settles any problem. We must oppose meetings which are unprepared, tend to drag on, and reach no conclusion. We must oppose these styles of work: knowing only how to glue oneself to an office desk, sit at meetings and sign documents; not trying to learn to do the job well; not being familiar with the conditions; not checking and examining the results of one's work; and standing aloof from the masses. We must oppose redundant organization, inefficiency, lax discipline and lack of a clear-cut definition of responsibilities in some organs of state, because all this, in effect, is an indication of bureaucratism and runs completely counter to the requirements of our organs of state and the interests of the people's cause. The present session of the National People's Congress has already adopted a number of important laws governing the organiza-

tion of central and local organs of state. The various departments of the Central People's Government and local administrative organs, during their reorganization in accordance with these laws, must bear in mind the aforementioned shortcomings and wage a resolute fight against them. We must strive to improve the work of our organs of state.

To practise democracy among the people and dictatorship over the people's enemies are two inseparable aspects of our people's democratic system. In the past few years, we have carried out a mass movement to suppress counter-revolutionaries. This dealt a severe blow to counter-revolutionary elements, made it possible for the people's justice to triumph, and consolidated revolutionary order and social security. But this does not mean that counter-revolutionary elements have since been completely eliminated. No! Lurking counter-revolutionary elements not only still exist, but resort to more underhand and vicious means to carry on their subversive activities. As long as imperialist encirclement and the class struggle within the country still exist, such counter-revolutionary elements cannot be entirely eliminated, nor will their subversive activities cease. Moreover, the greater the victory of our cause of socialism, the more intensified will be their subversive activities to undermine our victory. We must, therefore, continue to strengthen this unremitting struggle of ours against counter-revolutionaries. Certainly we must not relax at all.

The policy of our state towards counter-revolutionary elements is one of suppression coupled with leniency. That is to say, we rigidly suppress all those whose crimes are iniquitous and who are stubbornly hostile to the people, or are die-hards who refuse to repent. Towards ordinary counter-revolutionary criminals we adopt a policy of combining punishment with

reform, to give them a chance of making a fresh start through the process of reform by work. In the reform of counter-revolutionary criminals, we have achieved notable results in the past few years. According to statistics up to the end of 1953, more than 80 per cent of the criminals detained have been given work in industry or agriculture. In the course of reform through work, many criminals have gradually admitted their crimes, repented of them, and shown themselves willing to change into law-abiding citizens, and have, moreover, learned to work. Consequently, when released on completion of their sentences, they were able to take up proper occupations. Experience has proved that the policy of the state of reforming criminals through work not only does remould many of them, but also constitutes one of the important means of eliminating remnants of counter-revolution.

Apart from the subversive activities of counter-revolutionary elements which aim at jeopardizing our work of building socialism and social security, there are also various criminal deeds perpetrated by other criminals. For instance, lawless elements of the bourgeoisie resort to all sorts of ways to resist or sabotage socialist transformation. The dregs of society—swindlers, rogues, thieves and robbers—do not work but engage in evil practices, steal public property and are a menace to the social order. Among them are a handful of unmitigatedly lawless elements who work hand in glove with counter-revolutionaries to carry on subversive activities. In addition, some members among the working personnel of our organs of state have violated law and discipline because they are guilty of bribery, corruption, and self-seeking trickery which infringed the interests of the state and the people. All these law-breaking and

criminal elements must be punished in accordance with law.

To defend our country's work of construction against subversive activities, it is essential to strengthen public security, procurators' and judicial organs and strengthen the legislative work and the revolutionary legal system of our state. Any idea which flouts or belittles the work of public security, and the work of the procurators' organs and the courts, as well as the work of legislation and the revolutionary legal system, is totally wrong. Our revolutionary legal system will steadily attain perfection, following the promulgation of the Constitution of the People's Republic of China. All personnel in organs of state must from now on abide strictly by the Constitution and the law, and set an example of obedience to law. It is, at the same time, essential to educate the people to observe the Constitution and the law, so as to ensure that the laws which express the will of the people may be enforced uniformly throughout the country. The more powerful our Constitution and laws, the more powerful our public security, procurators' and judicial organs, the greater the safeguard for the people's rights and interests, the heavier the blows that fall on the people's enemies.

To defend our country's work of construction against sabotage, it is also essential to strengthen national defence. As long as states openly hostile to the People's Republic of China are engaged in a frantic armaments drive and are intensifying their attempts to threaten the security of our country, we cannot but maintain powerful, modernized national defence forces. That is to say, we must have powerful land, air and naval forces capable of defending the territorial integrity of our country, our territorial air and territorial waters against encroachment.

Everyone can see that all our efforts are directed towards building our country into a prosperous and happy socialist industrial state. We are going ahead with our peaceful work and we want a peaceful environment and a peaceful world. This basic fact determines the peaceful policy of our country in foreign affairs.

As far back as October 1, 1949, the day the People's Republic of China was founded, Chairman Mao Tse-tung formally proclaimed to the whole world: "This Government is willing to establish diplomatic relations with any foreign government which is willing to observe the principles of equality, mutual benefit and mutual respect for territorial integrity and sovereignty." In pursuance of this policy, our country has established or is establishing diplomatic relations with twenty-five countries and, in addition, maintains business relations with some other countries.

Our country has concluded a Treaty of Friendship, Alliance and Mutual Assistance with the Soviet Union, that great bulwark of peace. In a spirit of friendship and mutual assistance, the Soviet Union has returned to our country without claiming compensation the Chinese Changchun Railway which was formerly jointly operated by China and the Soviet Union, and the enterprises and other properties which the Soviet Union took over from the Japanese in Northeast China. To help the economic construction of our country, the Soviet Union has extended to us great material, financial, scientific and technical assistance, and, we must note, especially systematic economic and technical assistance in constructing one hundred and forty-one enterprises. This sincere cooperation between China and the Soviet Union lends greater and greater strength to safeguard peace in the Far East and throughout the world. The fact that

we have written this friendship into the Preamble to our Constitution shows that that friendship between China and the Soviet Union is lasting and unbreakable.

Fraternal friendship and political, economic and cultural co-operation are being daily consolidated and fostered between our country and the Polish People's Republic, the Czechoslovak Republic, the People's Republic of Hungary, the Rumanian People's Republic, the People's Republic of Bulgaria, the People's Republic of Albania, the German Democratic Republic, the People's Republic of Mongolia, the Democratic People's Republic of Korea and the Democratic Republic of Viet-Nam. The communique of July 25, 1954 on the talks between the Premiers of our country and the German Democratic Republic expresses the mutual concern and support of the Chinese and German peoples for the cause of peace.

The Chinese people and the people of the Democratic People's Republic of Korea have indissolubly cemented their friendship in the joint struggle against American aggression and in defence of peace in the Far East. The Sino-Korean Agreement on Economic and Cultural Co-operation of November 23, 1953 marks the growth of mutual help between the two countries.

The people of our country have always concerned themselves with the heroic struggle waged by the people of Viet-Nam and the peoples of other Indo-Chinese states against colonial war and for national independence. With the agreements reached on restoring peace in Indo-China, a great victory in this struggle has now been won. Henceforth, in striving for the thorough implementation of these agreements and in the rehabilitation of her national economy, the Democratic Republic of Viet-Nam will have the full support of the Chinese people.

In the past five years, our country has closely united with our great ally, the Soviet Union, and the People's Democracies in a joint struggle to defend world peace against wars of aggression. Facts have proved that the unity and co-operation between the brother countries headed by the Soviet Union have brought about changes in the international situation favourable to the forces of peace and unfavourable to those of aggression. Henceforth, our country will continue to exert the greatest effort to consolidate and extend this unity and co-operation, and so strengthen the forces defending world peace.

The People's Republic of China has always attached importance to peaceful co-operation with the Southeast Asian countries and other neighbouring states, and to the efforts made in the cause of peace by such a large Asian country as India. In June 1954, the Chinese and Indian Premiers and the Chinese and Burmese Premiers held separate talks and unanimously affirmed in their respective joint statements that the five principles of mutual respect for sovereignty and territorial integrity, non-aggression, non-interference in each other's internal affairs, equality and mutual benefit, and peaceful coexistence should be the basic principles guiding relations between China and India and between China and Burma. We believe that the friendly relations between our country and the Republic of Indonesia can also be extended on the basis of these fundamental principles. We also hold that the same five principles for peaceful coexistence should apply likewise to relations between our country and Ceylon, Pakistan and other Asian countries, as well as to international relations in general.

Contacts are being made with a view to establishing normal relations between China and Afghanistan as well as between China and Israel. Our country

is also ready to establish normal relations with Nepal.

The Geneva Conference agreements on the restoration of peace in Indo-China have guaranteed the independence of Laos and Cambodia, and at the same time, Laos and Cambodia have committed themselves in the agreements not to take part in any military alliance. This has made it possible for our country to establish normal relations with these two kingdoms.

Our country hopes to promote business relations with Middle and Near Eastern and African countries so as to improve mutual contacts and understanding and create favourable conditions for the establishment of normal relations.

The Chinese people deeply sympathize with the plight of the Japanese people under military occupation by the United States. To prevent the revival of Japanese militarism and to preserve the Japanese people from being involved in new military adventures, we hope that Japan can rid herself of foreign control and become an independent, democratic and peace-loving country. We hold that the common desire of the Chinese and Japanese people is to establish normal relations and promote trade between the two countries, and this conforms with the interests of peace in the Far East and Asia.

In the past few years our country has established normal relations with some Western countries, and is now establishing normal relations with others. Our relations with Finland, Sweden, Switzerland and Denmark are normal. But there are also certain Western countries which have taken a position incompatible with their recognition of the People's Republic of China. This has caused difficulties in the establishment of normal relations between those countries and China.

China's relations with Britain improved during the Geneva Conference owing to the efforts of the delegations of both countries. But the point at present is that Britain should, like our country, continue to make efforts to promote peaceful co-operation between China and Britain instead of creating new obstacles. Recently, following the United States, Britain participated in the Southeast Asia military alliance and further followed the United States in preventing our country attaining her proper status and rights in the United Nations. Are these not new obstacles to improvement of Sino-British relations?

Negotiations are proceeding for the improvement of relations between China and Norway and between China and the Netherlands.

The Government of the People's Republic of China is willing to establish peaceful and co-operative relations with any country in Europe, South and North America, and Australia, provided that it has the same desire and sincerity.

The People's Republic of China attaches importance to broadening economic and cultural contacts between nations, for this is extremely important in improving the economic conditions of the nations, in enhancing mutual understanding and promoting international co-operation. In the past five years, China's foreign trade has grown every year. The volume of her trade with Western countries grew considerably in 1950. But this trade suffered from artificial restrictions later because the United States coerced other Western countries into carrying out a policy of embargo and discrimination against China and instructed the traitorous Chiang Kai-shek gang to carry out piratical activities off Southeast China. Facts have shown that pursuit of this policy of embargo and discrimination produced a result exactly contrary to what

its initiators desired. For it is not China which has been most hurt by the embargo, but the countries carrying out this United States policy. It is therefore entirely understandable why nowadays great numbers of far-sighted statesmen and people in industrial and commercial circles in all countries are opposed to the United States policy of embargo and discrimination.

There are some twelve million Chinese residing outside the country. They have for years lived amicably with the people of the countries in which they reside and have made certain contributions to local economic developments and prosperity. Overseas Chinese warmly love their homeland. Generally they do not take part in the political activities of the countries in which they live. For the past few years they have lived under very difficult conditions in the countries which are unfriendly to China. We hope these countries will not discriminate against overseas Chinese and will respect their proper rights and interests. For our part, we are willing to urge overseas Chinese to respect the laws of the governments and the social customs of the countries in which they live. It is worth pointing out that the question of the nationality of overseas Chinese is one which the reactionary governments of China in the past never tried to solve. This placed overseas Chinese in a difficult situation and often led to discord between China and the countries concerned. To improve this situation, we are prepared to settle this question, and are ready to settle it first with the Southeast Asian countries which have established diplomatic relations with us.

As mentioned above, the people and government of the People's Republic of China have made considerable efforts during the past five years to establish diplomatic relations and extend economic and cultural contacts with all nations in order to defend world peace

and promote international co-operation. During the same period, however, the aggressive international bloc headed by the United States has all along been hostile to our country and, disregarding the opposition of world public opinion and of the governments of many countries, has up to now arbitrarily and unreasonably deprived our country of its legal status and rights in the United Nations.

In June 1950, the United States Government launched a war of aggression against Korea and at the same time occupied China's province, Taiwan, leaving the Chinese people no alternative but to launch the great movement to resist American aggression and aid Korea. The victorious struggle waged by the Chinese People's Volunteers and the Korean People's Army compelled the United States in July 1953 to accept an armistice. Now more than a year has elapsed and the United States Government still refuses to settle the Korean question peacefully.

Because of the truculent policy of sabotage pursued by the United States Government and the Syngman Rhee clique, the Geneva Conference failed to reach agreement on the peaceful settlement of the Korean question. But the Korean question was not struck off the agenda. The peace-loving countries and peoples of the world will not permit the Korean question to remain long unsettled. We are of the opinion that, following the example of the settlement of the Indo-China question at the Geneva Conference, a conference with the participation of neutral Asian nations should be called to discuss once again the peaceful settlement of the Korean question, so as to achieve a speedy settlement of the question of peacefully unifying Korea in line with the principles of respecting the national rights of the Korean people and contributing to the defence of peace in Asia and the world.

The Geneva Conference overcame the obstruction put in its way by the United States Government and finally reached agreement on the question of restoring peace in Indo-China. The agreements reached at the Geneva Conference and the recent rejection of the "European Defence Community" treaty by the French National Assembly signify victory for the forces of peace and defeat for the forces of war. This has brought about a further easing of international tension.

However, the United States and some Western nations have not given up their war policies. They unreasonably put forward pre-conditions on the European question, attempting to reject the proposals of the Soviet Union concerning the German question and the establishment of a European collective security system. Moreover, the United States and Britain are actively manoeuvring to drag West Germany into the military bloc of Western countries under another label. In Asia, the United States recently pulled together a conference of eight countries in Manila which concluded a so-called Southeast Asia collective defence treaty. This treaty shows that the purpose of the United States is to destroy the Geneva Conference agreements, organize a military alliance to split Asia, show its hostility to the People's Republic of China, interfere in the internal affairs of the Asian countries and create new tension. In my report on foreign affairs made on August 11, 1954 to the Central People's Government Council, I indicated to all states concerned that the Chinese Government firmly opposes the formation of the so-called Southeast Asian treaty organization by the United States aggressive group.

It should be pointed out that, with the exception of the three Asian countries which have concluded military aid agreements with the United States, none of the countries taking part in the so-called Southeast

Asia collective defence treaty are Asian countries. Obviously what is established through this treaty is nothing but a military alliance of colonial powers. This military alliance not only supports the United States policy of making China the main object of hostility in the Far East, but also facilitates United States aggression against Asian countries from all directions. With this treaty, on the pretext of non-existent "communist aggression," the United States can create division in Asia by freely spreading fears and apprehensions and instigating some Asian countries to oppose others. With this treaty, on the pretext of preventing and countering what it calls "subversive activities," the United States can, whenever it likes, interfere in the internal affairs of Southeast Asian countries and suppress the national liberation movements in Asia. With this treaty, using the provisions for "economic measures," the United States can strip Southeast Asia of strategic materials, enslave the peoples there and build up its own colonial rule. With this treaty, on the pretext that the region is "threatened by any fact or situation which might endanger the peace of the area," the United States can freely name any area as coming under its "protection," so as to extend its armed intervention to other parts of Asia. In fact, not only is the alleged "danger of aggression" against Thailand, the Philippines and other countries of Southeast Asia by China a sheer fabrication, but the view that normal diplomatic relations cannot be established between China and Thailand and between China and the Philippines is groundless. They are only pretexts used by the governments of these two countries to justify their action in serving the aggressive forces of the United States. From all this, it can be seen that through the military alliance formed under this treaty the colonialists are attempting to dictate the

destiny of Asian countries and to trample upon the Asian people's right to self-determination. Such a treaty runs counter to the purpose and principles of the United Nations Charter. The chief countries of Southeast Asia, such as India, Indonesia, Burma and Ceylon, treasuring their freedom and independence, all refused to take part in the Manila Conference. The Government of the People's Republic of China fully supports the just stand taken by these four countries and firmly opposes this military alliance which aims at splitting Southeast Asia.

The states which signed the "Southeast Asia collective defence treaty," in an attempt to prevent the carrying out of the Geneva agreements on Cambodia, Laos and Viet-Nam, arbitrarily included Cambodia, Laos and the southern part of Viet-Nam in the area under their "protection." This attempt is fundamentally at variance with the commitments regarding Cambodia, Laos and Viet-Nam assumed by the states that participated in the Geneva Conference. It must be pointed out that all the countries which took part in the Geneva Conference on the restoration of peace in Indo-China are under obligation to guarantee strict implementation of the Geneva agreements. But soon after the conclusion of the agreements, the United States organized a military alliance aimed at splitting Southeast Asia and endangering collective peace. That is an open infringement of the Geneva agreements.

On September 14, 1954, the Ministry of Foreign Affairs of the Soviet Government issued a statement on the question of the "Southeast Asia collective defence treaty," pointing out that the states participating in this military alliance should assume entire responsibility for their actions, which are in flagrant contradiction to the tasks of strengthening peace.

This view is identical with that of the Chinese Government.

The policy of the colonial powers, to dictate the destiny of Asian countries, is incompatible with the independence and sovereignty of the Asian countries, and conflicts with the spirit of the Geneva agreements. What Asian countries need are peace and co-operation, not war and hostility. Asian countries should consult together and take every effective measure to promote collective co-operation and jointly strive to defend collective peace and security in Asia. This proposal of ours does not exclude any country outside Asia.

The American aggressive group, which is pursuing a war policy, has not only organized the Southeast Asia war bloc to intensify war preparations but is also trying hard to expand the war now in progress. They have tried to conduct armed intervention against China and menace Asia from three fronts—Taiwan, Korea and Indo-China. Now that the flames of war in Korea and Indo-China have been put out one after another, the United States aggressive group has intensified its use of the traitorous Chiang Kai-shek gang on Taiwan to enlarge the war of harassment and destruction against China's mainland and sea coast in an attempt to extend their intervention against China and their menace to Asia.

Directed and assisted by the United States aggressive group, the traitorous Chiang Kai-shek gang is using Taiwan as its base to conduct increasingly desperate attacks against our coastal islands, bomb our coastal cities, rob our fishermen in the coastal areas, plunder and seize our merchant ships and vessels of countries trading with China, and to dispatch special agents to infiltrate into the mainland for subversive activities. This traitorous gang defrauds and victimizes overseas Chinese, loots their property

and tricks their sons into serving as cannon-fodder. This traitorous gang is stepping up its extortions on Taiwan, robbing the people of their wealth, reorganizing its military forces, and clamouring to attack the mainland. It is bent upon provoking world war. That is why this gang is the public enemy not only of the Chinese people, but also of all peace-loving peoples in Asia and the world.

The United States Seventh Fleet is still occupying the Taiwan Straits. Recently, the United States Government declared its intention of using the Seventh Fleet to prevent the Chinese people from liberating Taiwan. The United States aggressive group is scheming to conclude a so-called bilateral mutual security pact with the traitorous Chiang Kai-shek gang. At the same time, it is trying to muster the reactionary forces in Japan, the Syngman Rhee clique in South Korea and the Chiang Kai-shek gang of traitors into a so-called Northeast Asian defence alliance and link it up with the "Southeast Asian treaty organization." This series of conspiracies of the United States aggressive group is obviously directed against the six hundred million people of China, and is a challenge to the Asian peoples and to international peace.

The Government of the People's Republic of China has repeatedly stated that Taiwan is China's sacred and inviolable territory and that no United States infringement or occupation will be tolerated. Our compatriots on Taiwan, including the Kaoshan people, have always been members of the great Chinese family of nationalities and their enslavement by the United States will never be tolerated. The liberation of Taiwan is China's sovereign right and internal affair and no interference by any foreign country will be tolerated. Both the Cairo Declaration and the

Potsdam Declaration, to which the United States is a signatory, affirm that Taiwan is Chinese territory and the perfidious violation of these solemn international agreements by the United States will not be permitted. Any pact signed between the United States Government and the traitorous Chiang Kai-shek gang holding on to Taiwan is illegal. In this connection it must be pointed out that all proposals to place Taiwan under United Nations trusteeship or under neutral mandate or to "neutralize" Taiwan or to create a so-called "independent Taiwan state" are attempts to carve up China's territory, enslave the Chinese people on Taiwan and legalize United States occupation of Taiwan. None of this will the Chinese people tolerate.

The Chinese people must liberate Taiwan. As long as Taiwan is not liberated, China's territory is not intact, China cannot have a tranquil environment for peaceful construction, and peace in the Far East and throughout the world is not secure. On August 11, 1954, the Central People's Government Council passed a resolution urging all Chinese people and the Chinese People's Liberation Army to redouble their efforts in all fields of work and strive to liberate Taiwan and eliminate the traitorous Chiang Kai-shek gang, so as to complete our people's sacred task of liberation. On August 22, all the democratic parties and groups and people's organizations of China issued a joint declaration on the liberation of Taiwan in response to this call of the Central People's Government. This is a manifestation of the unshakable common will of the six hundred million people of China.

In order to further reduce international tension, in order to eliminate the threat of war and safeguard

world peace, we maintain that the United States fleet occupying the Taiwan Straits must be withdrawn, the legal status and rights of the People's Republic of China in the United Nations must be restored, the proposals for collective peace in place of war blocs must be realized, the plans for reviving Japanese and German militarism must be stopped, and the universal desire of the people throughout the world to reduce armaments and prohibit the use of atomic, hydrogen and other weapons of mass destruction must be satisfied. All this is the common desire of the peace-loving peoples throughout the world.

Fellow Deputies! Our work of socialist construction and socialist transformation is a just cause. Our cause of liberating Taiwan, safeguarding the sovereignty and territorial integrity of our country and defending peace in the Far East and the whole world is also a just one. Comrade Mao Tse-tung has said that a just cause is invulnerable to any enemy. Our just cause is able not only to unite the people of the whole country, but also to rally the support of all international friends.

During the past five years, the Central People's Government, under the leadership of the Communist Party of China and Chairman Mao Tse-tung, has worked along the lines of the objectives laid down in the Common Programme and won the support of the people of the whole country. It ought to be stated that our work has been victorious. This victory is a people's victory. The glory of this victory belongs to the people. Now the National People's Congress has adopted the Constitution of the People's Republic of China. We believe that the administrative organs of state which will shortly be formed by the first session of the National People's Congress can certainly

fulfil their responsibilities and carry forward the various undertakings of our country to new and greater victories, along the lines of the objectives laid down in this great people's Constitution and with the support of the people of the whole country and the supervision of the National People's Congress.

CONSTITUTION
OF THE PEOPLE'S REPUBLIC OF CHINA

Adopted on September 20, 1954 by the
First National People's Congress of the
People's Republic of China,
at its first session

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PREAMBLE

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

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

The First National People's Congress of the People's Republic of China, at its first session held in Peking, the capital, solemnly adopted the Constitution of the People's Republic of China on September 20, 1954. This Constitution is based on the Common Programme of the Chinese People's Political Consultative Conference of 1949, and is an advance on it. It consolidates the gains of the Chinese people's revolution and the political and economic victories won since the founding of the People's Republic of China; and, moreover, it reflects the basic needs of the state in the period of transition, as well as the general desire of the people as a whole to build a socialist society.

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

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

transformation, pay full attention to the special characteristics in the development of each.

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

CHAPTER ONE

GENERAL PRINCIPLES

ARTICLE 1 The People's Republic of China is a people's democratic state led by the working class and based on the alliance of workers and peasants.

ARTICLE 2 All power in the People's Republic of China belongs to the people. The organs through which the people exercise power are the National People's Congress and the local people's congresses.

The National People's Congress, the local people's congresses and other organs of state practise democratic centralism.

ARTICLE 3 The People's Republic of China is a single multi-national state.

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

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

Regional autonomy applies in areas where people of national minorities live in compact communities. National autonomous areas are inalienable parts of the People's Republic of China.

ARTICLE 4 The People's Republic of China, by relying on the organs of state and the social forces,

and by means of socialist industrialization and socialist transformation, ensures the gradual abolition of systems of exploitation and the building of a socialist society.

ARTICLE 5 At present, the following basic forms of ownership of means of production exist in the People's Republic of China: state ownership, that is, ownership by the whole people; co-operative ownership, that is, collective ownership by the working masses; ownership by individual working people; and capitalist ownership.

ARTICLE 6 The state sector of the economy is a socialist sector, owned by the whole people. It is the leading force in the national economy and the material basis on which the state carries out socialist transformation. The state ensures priority for the development of the state sector of the 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 The co-operative sector of the economy is either socialist, when collectively owned by the working masses, or semi-socialist, when in part collectively owned by the working masses. Partial collective ownership by the working masses is a transitional form by means of which individual peasants, individual handicraftsmen and other individual working people organize themselves in their advance towards collective ownership by the working masses.

The state protects the property of the co-operatives, encourages, guides and helps the development of the co-operative sector of the economy. It regards the promotion of producers' co-operatives as the chief

means for the transformation of individual farming and individual handicrafts.

ARTICLE 8 The state protects the right of peasants to own land and other means of production according to law.

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

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

ARTICLE 9 The state protects the right of handicraftsmen and other non-agricultural individual working people to own means of production according to law.

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

ARTICLE 10 The state protects the right of capitalists to own means of production and other capital according to law.

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

by administrative organs of state, the leadership given by the state sector of the economy, and supervision by the workers.

The state forbids capitalists to engage in unlawful activities which injure the public interest, disrupt the social-economic order, or undermine the economic plan of the state.

ARTICLE 11 The state protects the right of citizens to own lawfully-earned incomes, savings, houses and other means of life.

ARTICLE 12 The state protects the right of citizens to inherit private property according to law.

ARTICLE 13 The state may, in the public interest, buy, requisition or nationalize land and other means of production both in cities and countryside according to provisions of law.

ARTICLE 14 The state forbids any person to use his private property to the detriment of the public interest.

ARTICLE 15 By economic planning, the state directs the growth and transformation of the national economy to bring about the constant increase of productive forces, in this way enriching the material and cultural life of the people and consolidating the independence and security of the country.

ARTICLE 16 Work is a matter of honour for every citizen of the People's Republic of China who is able to work. The state encourages citizens to take an active and creative part in their work.

ARTICLE 17 All organs of state must rely on the masses of the people, constantly maintain close contact with them, heed their opinions and accept their supervision.

ARTICLE 18 All servants 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, suppresses all treasonable and counter-revolutionary activities and punishes all traitors and counter-revolutionaries.

The state deprives feudal landlords and bureaucrat-capitalists of political rights for a specific period of time according to law; at the same time it provides them with a way to earn a living, in order to enable them to reform through work and become 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; their duty is to safeguard the gains of the people's revolution and the achievements of national construction, and to defend the sovereignty, territorial integrity and security of the country.

CHAPTER TWO

THE STATE STRUCTURE

SECTION I. THE NATIONAL PEOPLE'S CONGRESS

ARTICLE 21 The National People's Congress is the highest organ of state authority in the People's Republic of China.

ARTICLE 22 The National People's Congress is the only legislative authority in the country.

ARTICLE 23 The National People's Congress is composed of deputies elected by provinces, autonomous regions, municipalities directly under the central authority, the armed forces and Chinese resident abroad.

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

ARTICLE 24 The National People's Congress is elected for a term of four years.

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

ARTICLE 25 The National People's Congress meets once a year, convened by its Standing Committee. It may also be convened whenever its Standing Committee deems this necessary or one-fifth of the deputies so propose.

ARTICLE 26 When the National People's Congress meets, it elects a presidium to conduct its sittings.

ARTICLE 27 The National People's Congress exercises the following functions and powers:

(1) to amend the Constitution;

(2) to enact laws;

(3) to supervise the enforcement of the Constitution;

(4) to elect the Chairman and the Vice-Chairman of the People's Republic of China;

(5) to decide on the choice of the Premier of the State Council upon recommendation by the Chairman of the People's Republic of China, and of the component members of the State Council upon recommendation by the Premier;

(6) to decide on the choice of the Vice-Chairmen and other members of the Council of National Defence upon recommendation by the Chairman of the People's Republic of China;

(7) to elect the President of the Supreme People's Court;

(8) to elect the Chief Procurator of the Supreme People's Procuratorate;

(9) to decide on the national economic plans;

(10) to examine and approve the state budget and the financial report;

(11) to ratify the status and boundaries of provinces, autonomous regions, and municipalities directly under the central authority;

(12) to decide on general amnesties;

(13) to decide on questions of war and peace; and

(14) to exercise such other functions and powers as the National People's Congress considers necessary.

ARTICLE 28 The National People's Congress has power to remove from office:

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

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

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

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

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

ARTICLE 29 Amendments to the Constitution require a two-thirds majority vote of all the deputies to the National People's Congress.

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

ARTICLE 30 The Standing Committee of the National People's Congress is a permanently acting body of the National People's Congress.

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

the Chairman;
the Vice-Chairmen;
the Secretary-General; and
other members.

ARTICLE 31 The Standing Committee of the National People's Congress exercises the following functions and powers:

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

(2) to convene the National People's Congress;

(3) to interpret the laws;

(4) to adopt decrees;

(5) to supervise the work of the State Council, the Supreme People's Court and the Supreme People's Procuratorate;

(6) to annul decisions and orders of the State Council which contravene the Constitution, laws or decrees;

(7) to revise or annul inappropriate decisions issued by the government authorities of provinces, autonomous regions, and municipalities directly under the central authority;

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

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

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

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

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

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

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

(15) to decide on the granting of pardons;

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

(17) to decide on general or partial mobilization;

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

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

ARTICLE 32 The Standing Committee of the National People's Congress exercises its functions and powers until a new Standing Committee is elected by the succeeding National People's Congress.

ARTICLE 33 The Standing Committee of the National People's Congress is responsible to the National People's Congress and reports to it.

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

ARTICLE 34 The National People's Congress establishes a Nationalities Committee, a Bills Committee, a Budget Committee, a Credentials Committee and other necessary committees.

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

ARTICLE 35 The National People's Congress, or its Standing Committee if the National People's

Congress is not in session, may, if necessary, appoint commissions of inquiry for the investigation of specific questions.

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

ARTICLE 36 Deputies to the National People's Congress have the right to address questions to the State Council, or to the Ministries and Commissions of the State Council, which are under obligation to answer.

ARTICLE 37 No deputy to the National People's Congress may be arrested or placed on trial without the consent of the National People's Congress or, when the National People's Congress is not in session, of its Standing Committee.

ARTICLE 38 Deputies to the National People's Congress are subject to the supervision of the units which elect them. These electoral units have power to replace at any time the deputies they elect, according to the procedure prescribed by law.

SECTION II. THE CHAIRMAN OF THE PEOPLE'S REPUBLIC OF CHINA

ARTICLE 39 The Chairman of the People's Republic of China is elected by the National People's Congress. Any citizen of the People's Republic of China who has the right to vote and stand for election and has reached the age of thirty-five is eligible for election as Chairman of the People's Republic of China.

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

ARTICLE 40 The Chairman of the People's Republic of China, in pursuance of decisions of the National People's Congress or the Standing Committee of the National People's Congress, promulgates laws and decrees; appoints or removes the Premier, Vice-Premiers, Ministers, Heads of Commissions and the Secretary-General of the State Council; appoints or removes the Vice-Chairmen and other members of the Council of National Defence; confers state orders, medals and titles of honour; proclaims general amnesties and grants pardons; proclaims martial law; proclaims a state of war; and orders mobilization.

ARTICLE 41 The Chairman of the People's Republic of China represents the People's Republic of China in its relations with foreign states, receives foreign diplomatic representatives and, in pursuance of decisions of the Standing Committee of the National People's Congress, appoints or recalls plenipotentiary representatives to foreign states and ratifies treaties concluded with foreign states.

ARTICLE 42 The Chairman of the People's Republic of China commands the armed forces of the country, and is Chairman of the Council of National Defence.

ARTICLE 43 The Chairman of the People's Republic of China, whenever necessary, convenes a Supreme State Conference and acts as its chairman.

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

The Chairman of the People's Republic of China submits the views of the Supreme State Conference

on important affairs of state to the National People's Congress, its Standing Committee, the State Council, or other bodies concerned for their consideration and decision.

ARTICLE 44 The Vice-Chairman of the People's Republic of China assists the Chairman in his work. The Vice-Chairman may exercise such part of the functions and powers of the Chairman as the Chairman may entrust to him.

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

ARTICLE 45 The Chairman and the Vice-Chairman of the People's Republic of China exercise their functions and powers until the new Chairman and Vice-Chairman elected by the succeeding National People's Congress take office.

ARTICLE 46 Should the Chairman of the People's Republic of China be incapacitated for a prolonged period by reason of health, the functions of Chairman shall be exercised by the Vice-Chairman.

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

SECTION III. THE STATE COUNCIL

ARTICLE 47 The State Council of the People's Republic of China, that is, the Central People's Government, is the executive organ of the highest state authority; it is the highest administrative organ of state.

ARTICLE 48 The State Council is composed of the following members:

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

The organization of the State Council is determined by law.

ARTICLE 49 The State Council exercises the following functions and powers:

(1) to formulate administrative measures, issue decisions and orders and verify their execution, in accordance with the Constitution, laws and decrees;

(2) to submit bills to the National People's Congress or its Standing Committee;

(3) to co-ordinate and lead the work of Ministries and Commissions;

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

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

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

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

(8) to control foreign and domestic trade;

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

(10) to administer affairs concerning the nationalities;

(11) to administer affairs concerning Chinese resident abroad;

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

(13) to direct the conduct of external affairs;

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

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

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

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

ARTICLE 50 The Premier directs the work of the State Council and presides over its meetings.

The Vice-Premiers assist the Premier in his work.

ARTICLE 51 The Ministers and Heads of Commissions direct the work of their respective departments. They may issue orders and directives within the jurisdiction of their respective departments and in accordance with laws and decrees, and decisions and orders of the State Council.

ARTICLE 52 The State Council is responsible to the National People's Congress and reports to it; or, when the National People's Congress is not in session, to its Standing Committee.

SECTION IV. THE LOCAL PEOPLE'S CONGRESSES AND LOCAL PEOPLE'S COUNCILS

ARTICLE 53 The administrative division of the People's Republic of China is as follows:

(1) The country is divided into provinces, autonomous regions, and municipalities directly under the central authority;

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

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

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

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

ARTICLE 54 People's congresses and people's councils are established in provinces, municipalities directly under the central authority, counties, municipalities, municipal districts, *hsiang*, nationality *hsiang*, and towns.

Organs of self-government are established in autonomous regions, autonomous *chou* and autonomous counties. The organization and work of organs of self-government are specified in Section V of Chapter Two of the Constitution.

ARTICLE 55 Local people's congresses at all levels are the organs of government authority in their respective localities.

ARTICLE 56 Deputies to the people's congresses of provinces, municipalities directly under the central authority, counties, and municipalities divided into districts are elected by the people's congresses of the next lower level; deputies to the people's congresses of municipalities not divided into districts, municipal

districts, *hsiang*, nationality *hsiang*, and towns are directly elected by the voters.

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

ARTICLE 57 The term of office of the provincial people's congresses is four years. The term of office of the people's congresses of municipalities directly under the central authority, counties, municipalities, municipal districts, *hsiang*, nationality *hsiang*, and towns is two years.

ARTICLE 58 The local people's congresses at every level ensure the observance and execution of laws and decrees in their respective administrative areas; draw up plans for local economic and cultural development and for public works; examine and approve local budgets and financial reports; protect public property; maintain public order; safeguard the rights of citizens and the equal rights of national minorities.

ARTICLE 59 The local people's congresses elect, and have power to recall, members of the people's councils at corresponding levels.

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

ARTICLE 60 The local people's congresses adopt and issue decisions within the limits of the authority prescribed by law.

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

The local people's congresses have power to revise or annul inappropriate decisions and orders issued by people's councils at corresponding levels.

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

ARTICLE 61 Deputies to the people's congresses of provinces, municipalities directly under the central authority, counties, and municipalities divided into districts are subject to supervision by the units which elect them; deputies to the people's congresses of municipalities not divided into districts, municipal districts, *hsiang*, nationality *hsiang*, and towns are subject to supervision by their electorates. The electoral units and electorates which elect the deputies to the local people's congresses have power at any time to recall their deputies according to the procedure prescribed by law.

ARTICLE 62 Local people's councils, that is, local people's governments, are the executive organs of local people's congresses at corresponding levels, and are the administrative organs of state in their respective localities.

ARTICLE 63 A local people's council is composed, according to its level, of the provincial governor and deputy provincial governors; or the mayor and deputy mayors; or the county head and deputy county heads; or the district head and deputy district heads; or the *hsiang* head and deputy *hsiang* heads; or the town head and deputy town heads, as the case may be; together with council members.

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

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

ARTICLE 64 The local people's councils administer their respective areas within the limits of the authority prescribed by law.

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

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

ARTICLE 65 The people's councils at county level and above direct the work of all their subordinate departments and of people's councils at lower levels, as well as appoint or remove personnel of organs of state according to provisions of law.

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

ARTICLE 66 The local people's councils are responsible to the people's congresses at corresponding levels and to the administrative organs of state at the next higher level, and report to them.

The local people's councils throughout the country are administrative organs of state, and are subordinate to and under the co-ordinating direction of the State Council.

Section V. The Organs of Self-government of National Autonomous Areas

Article 67 The organs of self-government of all autonomous regions, autonomous *chou* and autonomous counties are formed in accordance with the basic principles governing the organization of local organs of state as specified in Section IV of Chapter Two of the Constitution. The form of each organ of self-government may be determined in accordance with the wishes of the majority of the people of the nationality or nationalities enjoying regional autonomy in a given area.

Article 68 In all autonomous regions, autonomous *chou* and autonomous counties where a number of nationalities live together, each nationality is entitled to appropriate representation on the organs of self-government.

Article 69 The organs of self-government of all autonomous regions, autonomous *chou* and autonomous counties exercise the functions and powers of local organs of state as specified in Section IV of Chapter Two of the Constitution.

Article 70 The organs of self-government of all autonomous regions, autonomous *chou* and autonomous counties exercise autonomy within the limits of the authority prescribed by the Constitution and the law.

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

The organs of self-government of all autonomous regions, autonomous *chou* and autonomous counties

organize their local public security forces in accordance with the military system of the state.

The organs of self-government of all autonomous regions, autonomous *chou* and autonomous counties may draw up statutes governing the exercise of autonomy or separate regulations suited to the political, economic and cultural characteristics of the nationality or nationalities in a given area, which statutes and regulations are subject to endorsement by the Standing Committee of the National People's Congress.

ARTICLE 71 In performing their duties, organs of self-government of all autonomous regions, autonomous *chou* and autonomous counties employ the spoken and written language or languages commonly used in the locality.

ARTICLE 72 The higher organs of state should fully safeguard the right of organs of self-government of all autonomous regions, autonomous *chou* and autonomous counties to exercise autonomy, and should assist the various national minorities in their political, economic and cultural development.

SECTION VI. THE PEOPLE'S COURTS AND THE PEOPLE'S PROCURATORATE

ARTICLE 73 In the People's Republic of China judicial authority is exercised by the Supreme People's Court, local people's courts and special people's courts.

ARTICLE 74 The term of office of the President of the Supreme People's Court and presidents of local people's courts is four years.

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

ARTICLE 75 The system of people's assessors applies, in accordance with law, to judicial proceedings in the people's courts.

ARTICLE 76 Cases in the people's courts are heard in public unless otherwise provided for by law. The accused has the right to defence.

ARTICLE 77 Citizens of all nationalities have the right to use their own spoken and written languages in court proceedings. The people's courts are to provide interpretation for any party unacquainted with the spoken or written language commonly used in the locality.

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

ARTICLE 78 In administering justice the people's courts are independent, subject only to the law.

ARTICLE 79 The Supreme People's Court is the highest judicial organ.

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

ARTICLE 80 The Supreme People's Court is responsible to the National People's Congress and reports to it; or, when the National People's Congress is not in session, to its Standing Committee. Local people's courts are responsible to the local people's congresses at corresponding levels and report to them.

ARTICLE 81 The Supreme People's Procuratorate of the People's Republic of China exercises procuratorial authority over all departments of the State Council, all local organs of state, persons working in organs of state, and citizens, to ensure observance of the law. Local organs of the people's procuratorate and special people's procuratorates exercise procuratorial authority within the limits prescribed by law.

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

ARTICLE 82 The term of office of the Chief Procurator of the Supreme People's Procuratorate is four years.

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

ARTICLE 83 In the exercise of their authority local organs of the people's procuratorate are independent and are not subject to interference by local organs of state.

ARTICLE 84 The Supreme People's Procuratorate is responsible to the National People's Congress and reports to it; or, when the National People's Congress is not in session, to its Standing Committee.

CHAPTER THREE

FUNDAMENTAL RIGHTS AND DUTIES OF CITIZENS

ARTICLE 85 Citizens of the People's Republic of China are equal before the law.

ARTICLE 86 Citizens of the People's Republic of China who have reached the age of eighteen have the right to vote and stand for election whatever their nationality, race, sex, occupation, social origin, religious belief, education, property status, or length of residence, except insane persons and persons deprived by law of the right to vote and stand for election.

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

ARTICLE 87 Citizens of the People's Republic of China enjoy freedom of speech, freedom of the press, freedom of assembly, freedom of association, freedom of procession and freedom of demonstration. The state guarantees to citizens enjoyment of these freedoms by providing the necessary material facilities.

ARTICLE 88 Citizens of the People's Republic of China enjoy freedom of religious belief.

ARTICLE 89 Freedom of the person of citizens of the People's Republic of China is inviolable. No citizen may be arrested except by decision of a

people's court or with the sanction of a people's procuratorate.

ARTICLE 90 The homes of citizens of the People's Republic of China are inviolable, and privacy of correspondence is protected by law.

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

ARTICLE 91 Citizens of the People's Republic of China have the right to work. To guarantee enjoyment of this right, the state, by planned development of the national economy, gradually creates more employment, and better working conditions and wages.

ARTICLE 92 Working people in the People's Republic of China have the right to rest and leisure. To guarantee enjoyment of this right, the state prescribes working hours and holidays for workers and office employees; at the same time it gradually expands material facilities to enable working people to rest and build up their health.

ARTICLE 93 Working people in the People's Republic of China have the right to material assistance in old age, and in case of illness or disability. To guarantee enjoyment of this right, the state provides social insurance, social assistance and public health services and gradually expands these facilities.

ARTICLE 94 Citizens of the People's Republic of China have the right to education. To guarantee enjoyment of this right, the state establishes and gradually extends the various types of schools and other cultural and educational institutions.

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

ARTICLE 95 The People's Republic of China safeguards the freedom of citizens to engage in scientific research, literary and artistic creation and other cultural pursuits. The state encourages and assists creative work in science, education, literature, art and other cultural pursuits.

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, and the mother and child.

ARTICLE 97 Citizens of the People's Republic of China have the right to bring complaints against any person working in organs of state for transgression of law or neglect of duty by making a written or verbal statement to any organ of state at any level. People suffering loss by reason of infringement by persons working in organs of state of their rights as citizens have the right to compensation.

ARTICLE 98 The People's Republic of China protects the proper rights and interests of Chinese resident abroad.

ARTICLE 99 The People's Republic of China grants the right of asylum to any foreign national persecuted for supporting a just cause, for taking part in the peace movement or for engaging in scientific activity.

ARTICLE 100 Citizens of the People's Republic of China must abide by the Constitution and the law, uphold discipline at work, keep public order and respect social ethics.

ARTICLE 101 The public property of the People's Republic of China is sacred and inviolable. It is

the duty of every citizen to respect and protect public property.

ARTICLE 102 It is the duty of citizens of the People's Republic of China to pay taxes according to law.

ARTICLE 103 It is the sacred duty of every citizen of the People's Republic of China to defend the homeland.

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

CHAPTER FOUR

NATIONAL FLAG, NATIONAL EMBLEM, CAPITAL

ARTICLE 104 The national flag of the People's Republic of China is a red flag with five stars.

ARTICLE 105 The national 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.

ORGANIC LAW OF THE NATIONAL PEOPLE'S CONGRESS OF THE PEOPLE'S REPUBLIC OF CHINA

Adopted by the First Session
of the First National People's Congress
on September 20, 1954

CHAPTER ONE

SESSIONS OF THE NATIONAL PEOPLE'S CONGRESS

ARTICLE 1 Sessions of the National People's Congress are convened in accordance with the provisions of Article 25 of the Constitution of the People's Republic of China.

The first session of a new National People's Congress is convened, within two months of the election of its deputies, by the Standing Committee of the current National People's Congress.

ARTICLE 2 When deputies to each National People's Congress attend a session for the first time, they submit their credentials for examination by the Credentials Committee.

Based on the reports submitted by the Credentials Committee, the National People's Congress affirms the qualifications of deputies or declares them unqualified to sit.

ARTICLE 3 Deputies to the National People's Congress are divided into groups based on the units which elect them.

Before each session of the National People's Congress is convened, the deputies in each group consult together on matters concerning preparations for the session put forward by the Standing Committee of the National People's Congress. When the Congress is in session, the groups discuss matters put

forward by the National People's Congress or its Presidium.

ARTICLE 4 At the beginning of each session, the National People's Congress elects a Presidium and a Secretary-General for the session, and adopts an agenda for that session.

ARTICLE 5 The Presidium presides over the sittings of the National People's Congress. Executive chairmen to preside over the sittings by turn are elected by and from among the members of the Presidium.

To convene meetings of the Presidium and preside at them, standing chairmen are elected by and from among its members.

ARTICLE 6 For each session, the National People's Congress sets up a Secretariat which works under the direction of the Secretary-General.

Each session of the National People's Congress appoints Deputy Secretaries-General selected by the Presidium.

ARTICLE 7 Responsible officers of the State Council, the various Ministries and Commissions, the Council of National Defence, the Supreme People's Court, and the Supreme People's Procuratorate, if not deputies to the National People's Congress, may, when the Presidium so decides, attend meetings of the National People's Congress and participate in the proceedings.

ARTICLE 8 Bills are submitted to the National People's Congress by the Chairman and Vice-Chairman of the People's Republic of China, by deputies to the National People's Congress, by the Presidium, the Standing Committee and the various other committees of the National People's Congress, and by the State Council.

ARTICLE 9 Candidates for election to the posts of Chairman and Vice-Chairman of the People's Republic of China are nominated by deputies to the National People's Congress acting either collectively or as individuals.

ARTICLE 10 The Premier and other members of the State Council, and the Vice-Chairmen and members of the Council of National Defence, are nominated in accordance with the provisions of Article 27 of the Constitution of the People's Republic of China.

Members of the Standing Committee of the National People's Congress, the President of the Supreme People's Court and the Chief Procurator of the Supreme People's Procuratorate, are nominated by deputies to the National People's Congress acting either collectively or as individuals.

ARTICLE 11 Bills submitted to the National People's Congress are brought before a session of the National People's Congress for discussion by the Presidium; or they are brought before a session of the National People's Congress for discussion after being referred to the Committee or Committees concerned for joint or separate examination.

ARTICLE 12 Bills amending the Constitution, legislative and other bills are adopted by a session of the National People's Congress in accordance with the provisions of Article 29 of the Constitution of the People's Republic of China.

ARTICLE 13 At sessions of the National People's Congress elections are conducted and bills passed by secret ballot or by a show of hands.

ARTICLE 14 When the National People's Congress is in session, deputies from the national

minorities are provided with the necessary facilities for interpretation.

ARTICLE 15 Sittings of the National People's Congress are public, but secret sittings may be held when necessary and when the National People's Congress so resolves.

CHAPTER TWO

THE STANDING COMMITTEE OF THE NATIONAL PEOPLE'S CONGRESS

ARTICLE 16 The Standing Committee of the National People's Congress exercises the functions and powers prescribed in Article 31 of the Constitution of the People's Republic of China.

ARTICLE 17 The Chairman, Vice-Chairmen, Secretary-General and members of the Standing Committee of the National People's Congress are elected at the first session of each National People's Congress.

Should the Chairman of the Standing Committee be incapacitated for a prolonged period for reasons of health, or should his office fall vacant, the Standing Committee elects one from among the Vice-Chairmen to exercise the functions of the Chairman until his recovery or until a new Chairman is elected by the National People's Congress.

ARTICLE 18 Meetings of the Standing Committee are presided over by its Chairman, who directs the work of the Standing Committee.

ARTICLE 19 The Standing Committee has a general office which works under the direction of the Secretary-General.

The Standing Committee has Deputy Secretaries-General, whom it appoints on the nomination of the Chairman of the Standing Committee.

ARTICLE 20 Meetings of the Standing Committee are called by the Chairman twice a month. When necessary, the number of such meetings may be increased or reduced.

ARTICLE 21 Bills are submitted to the Standing Committee by the Chairman and Vice-Chairman of the People's Republic of China; by the Chairman, Vice-Chairmen and members of the Standing Committee of the National People's Congress; by the Nationalities Committee and the Bills Committee of the National People's Congress; and by the State Council.

Proposals for the appointment or removal of any Vice-Premier, Minister, Head of Commission or the Secretary-General of the State Council, or for the appointment or recall of plenipotentiary representatives to foreign states, are submitted to the Standing Committee by the Premier of the State Council.

Proposals for the appointment or removal of Vice-Presidents, presiding judges, deputy presiding judges, judges, and other members of the Judicial Committee of the Supreme People's Court, or for the appointment or removal of Deputy Chief Procurators, procurators, and other members of the Procuratorial Committee of the Supreme People's Procuratorate, are submitted to the Standing Committee by its Chairman.

ARTICLE 22 Bills submitted to the Standing Committee are brought before it for discussion by its Chairman; or they are brought before the Standing Committee for discussion after being referred to the appropriate Committee or Committees of the National People's Congress for joint or separate examination.

ARTICLE 23 Resolutions of the Standing Committee require a simple majority vote of all its members.

ARTICLE 24 The Standing Committee must make a report on its work to the National People's Congress at each session of the latter.

CHAPTER THREE

THE COMMITTEES OF THE NATIONAL PEOPLE'S CONGRESS

ARTICLE 25 The National People's Congress establishes a Nationalities Committee, a Bills Committee, a Budget Committee, a Credentials Committee and other necessary committees. These Committees assist the National People's Congress in its work. When the National People's Congress is not in session, the Nationalities Committee and the Bills Committee assist the Standing Committee of the National People's Congress in its work.

Each such Committee is composed of a Chairman, Vice-Chairmen and members.

Candidates for chairmanship or membership of such Committees are nominated from among the deputies by the Presidium of that session of the National People's Congress, subject to approval by the National People's Congress. Vice-Chairmen are elected by and from among members of such Committees.

Meetings of each Committee are presided over by its Chairman, who directs the work of the Committee.

ARTICLE 26 The work of the Nationalities Committee is as follows:

(1) To examine bills or sections of bills that concern the affairs of the nationalities referred to it by the National People's Congress or its Standing Committee;

(2) To examine statutes governing the exercise of autonomy or separate regulations which are submitted by autonomous regions, autonomous *chou* and autonomous counties for ratification by the Standing Committee of the National People's Congress;

(3) To submit bills and views concerning the affairs of the nationalities to the National People's Congress or its Standing Committee;

(4) To study matters concerning the affairs of the nationalities.

ARTICLE 27 The work of the Bills Committee is as follows:

(1) To examine statutory and other legislative bills referred to it by the National People's Congress; to examine statutory and other bills concerning laws and decrees referred to it by the Standing Committee of the National People's Congress;

(2) To draft laws and decrees in accordance with decisions of the National People's Congress or its Standing Committee;

(3) To submit bills and views concerning laws and decrees to the National People's Congress or its Standing Committee.

ARTICLE 28 The Budget Committee examines the state budget, the financial report and bills concerning the budget referred to it by the National People's Congress.

ARTICLE 29 The Credentials Committee examines the qualifications of the deputies to the National People's Congress, in the light of their credentials and other references, when each National People's Congress meets for its first session.

The Credentials Committee examines the qualifications of deputies elected at by-elections in the same manner.

ARTICLE 30 Commissions of inquiry for the investigation of specific questions may be appointed by the National People's Congress or its Standing Committee in accordance with the provisions of Article 35 of the Constitution of the People's Republic of China. The organization and work of such commissions are laid down by the National People's Congress or its Standing Committee at the proper time.

CHAPTER FOUR

DEPUTIES TO THE NATIONAL PEOPLE'S CONGRESS

ARTICLE 31 The term of office of deputies to each National People's Congress begins with its first session, and ends with the first session of the succeeding National People's Congress.

ARTICLE 32 Deputies to the National People's Congress must be loyal to the people's democratic system, observe the Constitution and the law and strive to serve the people; they must also, in the course of production or other work and the public activities in which they take part, give active help to the implementation of the Constitution, the law and the policy of the state.

ARTICLE 33 Deputies to the National People's Congress may attend meetings of the people's congresses of the units which elect them and participate in the proceedings.

ARTICLE 34 Questions which the deputies to the National People's Congress address to the State Council or to its Ministries and Commissions are forwarded to the organs concerned through the Presidium or the Standing Committee of the National People's Congress. The organs to which questions are addressed are obliged to give an answer to the National People's Congress or its Standing Committee.

ARTICLE 35 Deputies to the National People's Congress, attending meetings of the National People's Congress or performing other duties required of them as deputies, are provided by the state with appropriate allowances and material facilities as needed.

ARTICLE 36 No deputy to 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, of its Standing Committee. When a deputy is apprehended while actually committing a criminal act, the organ detaining him must immediately report the matter to the National People's Congress or its Standing Committee for approval.

ARTICLE 37 Deputies to the National People's Congress are subject to the supervision of the units which elect them. These electoral units have the power to replace their deputies at any time. The recall of a deputy requires a simple majority vote of all the deputies of the unit which elects him.

ARTICLE 38 When deputies to the National People's Congress are for some reason unable to perform their duties, the electoral units which elect them are to hold by-elections to fill the vacancies. The term of office of deputies so seated ends with the expiry of the term of office of other deputies to that National People's Congress.

AMENDMENTS TO THE ORGANIC LAW OF THE STATE COUNCIL OF THE PEOPLE'S REPUBLIC OF CHINA AND TO THE ORGANIC LAW OF THE LOCAL PEOPLE'S CONGRESSES AND LOCAL PEOPLE'S COUNCILS OF THE PEOPLE'S REPUBLIC OF CHINA

On July 30, 1955, the First National People's Congress of the People's Republic of China at its second session adopted amendments to the Organic Law of the State Council of the People's Republic of China and to the Organic Law of the Local People's Congresses and Local People's Councils of the People's Republic of China. It resolved that:

1) the Ministry of Fuel Industries, established under Article 2 of the Organic Law of the State Council of the People's Republic of China, be abolished and, under this article, the Ministry of Coal Industry, the Ministry of Electric Power Industry, the Ministry of Petroleum Industry, the Ministry for the Purchase of Agricultural Produce, and the Third Ministry of Machine Building be established.
2) the first item in paragraph two, Article 25 of the Organic Law of the Local People's Congresses and Local People's Councils of the People's Republic of China, referring to numbers of members of the local people's councils, be amended to read:

(1) In provinces or in municipalities directly under the central authority —25 to 55; if more than 55 are deemed necessary in provinces with an exceptionally large population, then the approval of the State Council must be obtained.

— *Editor*

ORGANIC LAW OF THE STATE COUNCIL OF THE PEOPLE'S REPUBLIC OF CHINA

Adopted by the First Session
of the First National People's Congress
on September 21, 1954

ARTICLE 1 The Organic Law of the State Council of the People's Republic of China is enacted in accordance with the second paragraph of Article 48 of the Constitution of the People's Republic of China.

ARTICLE 2 The State Council is composed of the following ministries and commissions:

The Ministry of Internal Affairs;
The Ministry of Foreign Affairs;
The Ministry of Defence;
The Ministry of Public Security;
The Ministry of Justice;
The Ministry of Supervision;
The State Planning Commission;
The National Construction Commission;
The Ministry of Finance;
The Ministry of Food;
The Ministry of Commerce;
The Ministry of Foreign Trade;
The Ministry of Heavy Industry;
The First Ministry of Machine Building;
The Second Ministry of Machine Building;
The Ministry of Fuel Industries;
The Ministry of Geology;
The Ministry of Building;
The Ministry of Textile Industry;
The Ministry of Light Industry;
The Ministry of Local Industry;
The Ministry of Railways;
The Ministry of Communications;
The Ministry of Posts and Tele-Communications;
The Ministry of Agriculture;

The Ministry of Forestry;
The Ministry of Water Conservancy;
The Ministry of Labour;
The Ministry of Culture;
The Ministry of Higher Education;
The Ministry of Education;
The Ministry of Public Health;
The Physical Culture and Sports Commission;
The Nationalities Affairs Commission;
The Overseas Chinese Affairs Commission.

The addition of new ministries or commissions under the State Council and the abolition or merging of existing ones are decided by the National People's Congress, or by its Standing Committee when the National People's Congress is not in session, on the recommendation of the Premier.

ARTICLE 3 Each ministry has a Minister and Vice-Ministers; and when necessary Assistants to the Minister may be appointed.

Each commission has a Head, Deputy Heads and members.

ARTICLE 4 The meetings of the State Council are of two kinds: plenary and executive.

Plenary meetings of the State Council are attended by the Premier, the Vice-Premiers, the Ministers, the Heads of Commissions and the Secretary-General. They are held once every month and may be called by the Premier at such other times as may be necessary.

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

ARTICLE 5 Any resolution or order issued by the State Council must first have been adopted by a plenary or an executive meeting of the State Council.

ARTICLE 6 The State Council may, when necessary, establish organs directly subordinate to it to take charge of various specific matters. The establishment, merging or abolition of such organs is subject to approval by the Standing Committee of the National People's Congress on the recommendation of the Premier.

ARTICLE 7 The State Council may, when necessary, establish administrative organs to assist the Premier in directing the work of the various departments under the State Council.

ARTICLE 8 The State Council has a Secretariat under the direction of the Secretary-General.

The State Council has Deputy Secretaries-General to assist the Secretary-General in his work.

ARTICLE 9 The State Council appoints and removes the following administrative officers:

(1) The Deputy Secretaries-General of the State Council, the Vice-Ministers and Assistants to Ministers, the Deputy Heads and members of Commissions, the Heads and Vice-Heads of Departments and the Directors and Vice-Directors of Bureaux under the Ministries and Commissions;

(2) Heads and Deputy Heads of Boards, Directors and Vice-Directors of Bureaux under the people's councils of provinces and municipalities directly subject to the central authority;

(3) Commissioners of Special Administrative Offices;[1]

(4) Officers in autonomous regions whose positions correspond to those enumerated in Sections (2) and (3);

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[1]This is an office administering an area containing several counties under the province.

(5) Counsellors of Embassy and consuls-general accredited to foreign countries;

(6) Presidents and vice-presidents of universities and colleges of higher learning;

(7) Other officers whose positions are equivalent to those enumerated in the above sections.

ORGANIC LAW OF THE PEOPLE'S COURTS OF THE PEOPLE'S REPUBLIC OF CHINA

Adopted by the First Session
of the First National People's Congress
on September 21, 1954

CHAPTER ONE

GENERAL PRINCIPLES

ARTICLE 1 The judicial authority of the People's Republic of China is exercised by the following people's courts:

(1) Local people's courts;

(2) Special people's courts;

(3) The Supreme People's Court.

Local people's courts are divided into the following grades: basic people's courts, intermediate people's courts and higher people's courts.

ARTICLE 2 The establishment of higher people's courts and special people's courts is determined by the recommendation of the Ministry of Justice and the approval of the State Council. The establishment of intermediate people's courts and basic people's courts is determined by the recommendation of the judicial administrative organs of the provinces, autonomous regions or municipalities directly under the central authority, and the approval of the people's councils of the provinces or municipalities directly under the central authority, or of the organs of self-government of the autonomous regions.

ARTICLE 3 The task of the people's courts is to try criminal and civil cases, and, by judicial process, to punish criminals and settle civil disputes, in order to safeguard the people's democratic system, maintain public order, protect public property, safe-

guard the rights and lawful interests of citizens, and ensure the successful carrying out of socialist construction and socialist transformation in the country.

The people's courts, in all their activities, educate citizens in loyalty to their country and voluntary observance of law.

ARTICLE 4 The people's courts administer justice independently, subject only to the law.

ARTICLE 5 In judicial proceedings in the people's courts, the law is applied equally to all citizens, irrespective of their nationality, race, sex, occupation, social origin, religious belief, education, property status, or length of residence.

ARTICLE 6 Citizens of all nationalities have the right to use their own spoken and written languages in court proceedings. The people's courts are to provide interpretation for any party unacquainted with the spoken or written language commonly used in the locality. In an area where people of national minorities live in compact communities or where a number of nationalities live together, hearings in people's courts are conducted in the language commonly used in the locality, and judgments, notices and all other documents of the people's courts are made public in such language.

ARTICLE 7 Cases in the people's courts are heard in public unless otherwise provided for by law. The accused has the right to defence.

The accused, besides personally defending his case, may designate advocates to defend it, or have it defended by a citizen recommended by a people's organization or approved by the people's court, or defended by a near relative or guardian. The people's court may also, when it deems it necessary, appoint a counsel for the accused.

ARTICLE 8 The people's courts carry out the system of people's assessors in all cases of first instance, with the exception of simple civil cases, minor criminal cases and cases otherwise provided for by law.

ARTICLE 9 The people's courts carry out the collegiate system in the administration of justice.

In cases of first instance in the people's courts, justice is administered by a collegiate bench of a judge and people's assessors, with the exception of simple civil cases, minor criminal cases and cases otherwise provided for by law.

In cases of appeal or protest in the people's courts, justice is administered by a collegiate bench of judges.

The presiding judge of the collegiate bench is appointed by the president of the court or by the chief judge of the division from among the judges. If the president or the chief judge takes part in the judicial proceedings, he acts as the presiding judge.

ARTICLE 10 People's courts at all levels are to set up judicial committees. The tasks of the judicial committees are to sum up judicial experience and to discuss cases of great importance or difficult cases as well as other questions relating to the judicial work.

Members of judicial committees of local people's courts are appointed and removed by the people's councils at the corresponding levels, upon the recommendation of the presidents of the local people's courts. Members of the Judicial Committee of the Supreme People's Court are appointed and removed by the Standing Committee of the National People's Congress, upon the recommendation of the President of the Supreme People's Court.

Meetings of judicial committees of people's courts are presided over by the presidents of the courts; the chief procurators of the people's procuratorates at the

corresponding levels have the right to attend such meetings and participate in the discussions.

ARTICLE 11 The people's courts, in the administration of justice, carry out the system of the court of second instance as the court of last instance.

An appeal may be brought by a party from a judgment or order made by a local people's court as a court of first instance to the people's court at the next higher level in accordance with the procedure prescribed by law. The people's procuratorate may lodge a protest against such a judgment or order before the people's court at the next higher level in accordance with the procedure prescribed by law.

A judgment or order of a local people's court as a court of first instance becomes a legally effective judgment or order, if, within the period for appeal, no party to the case has appealed, nor has the people's procuratorate protested.

Judgments or orders of intermediate people's courts, higher people's courts or the Supreme People's Court, as courts of second instance, and judgments or orders of the Supreme People's Court as a court of first instance, are judgments or orders in the last instance, that is, legally effective judgments or orders.

If a person sentenced to capital punishment considers as erroneous the judgment or order of an intermediate people's court or a higher people's court as a court of last instance, he may apply to the people's court at the next higher level for re-examination. A judgment of a basic people's court and a judgment or order of an intermediate people's court, in a case of capital punishment, shall be submitted to the higher people's court for approval before execution, even if no party has appealed or applied for re-examination.

ARTICLE 12 If the president of a people's court finds, in a legally effective judgment or order

of his court, some definite error in the determination of facts or application of law, he must submit the judgment or order to the judicial committee for disposal.

If the Supreme People's Court finds some definite error in a legally effective judgment or order of any lower people's court, or if an upper people's court finds such error in such a judgment or order of a lower people's court, they have the authority to review the cases themselves or to direct a lower court to conduct a retrial.

If the Supreme People's Procuratorate finds some definite error in a legally effective judgment or order of a people's court at any level, or if an upper people's procuratorate finds such error in such a judgment or order of a lower people's court, they have the authority to lodge a protest against the judgment or order in accordance with the procedure of judicial supervision.

ARTICLE 13 If a party to a case considers that a judicial officer has a personal interest in the case or, for any other reason, cannot administer justice impartially, he may ask the judicial officer to withdraw. The president of the court is to decide whether the judicial officer should withdraw.

ARTICLE 14 The Supreme People's Court is responsible to the National People's Congress and reports to it; or, when the National People's Congress is not in session, to its Standing Committee. Local people's courts are responsible to the local people's congresses at corresponding levels and report to them.

The judicial work of the lower people's courts is subject to supervision by the upper people's courts.

The judicial administrative work of people's courts at all levels is directed by the judicial administrative organs.

CHAPTER TWO

ORGANIZATION AND FUNCTIONS OF THE PEOPLE'S COURTS

SECTION 1. BASIC PEOPLE'S COURTS

ARTICLE 15 Basic people's courts are:

(1) County people's courts and municipal people's courts;

(2) People's courts of autonomous counties;

(3) People's courts of municipal districts.

ARTICLE 16 A basic people's court is composed of a president, one or two vice-presidents, and judges.

A basic people's court may set up a criminal division and a civil division, each with a chief judge and, when necessary, associate chief judges.

ARTICLE 17 A basic people's court may, according to the conditions of the locality, population and cases, set up people's tribunals. A people's tribunal is a component part of the basic people's court, and its judgments and orders are the judgments and orders of the basic people's court.

ARTICLE 18 Basic people's courts take cognizance of criminal and civil cases of first instance, except such cases as are otherwise provided for by laws and decrees.

If a basic people's court considers that a criminal or civil case, of which it has taken cognizance, is of

great importance and ought to be tried by an upper people's court, it may request the upper people's court to transfer the case to it for trial.

ARTICLE 19 Basic people's courts, besides trying cases, have the following duties:

(1) To settle civil disputes and minor criminal cases which do not need a trial;

(2) To direct the work of people's conciliation committees;

(3) To direct the judicial administrative work within the scope of the authority given by an upper judicial administrative organ.

SECTION 2. INTERMEDIATE PEOPLE'S COURTS

ARTICLE 20 Intermediate people's courts are:

(1) Intermediate people's courts established in various areas of a province or autonomous region;

(2) Intermediate people's courts established in municipalities directly under the central authority;

(3) Intermediate people's courts of comparatively large municipalities;

(4) Intermediate people's courts of autonomous *chou*.

ARTICLE 21 An intermediate people's court is composed of a president, one or two vice-presidents, chief judges of divisions, associate chief judges of divisions and judges.

An intermediate people's court has a criminal division and a civil division, and such other divisions as are deemed necessary.

ARTICLE 22 Intermediate people's courts take cognizance of:

(1) Cases of first instance assigned by laws and decrees to their jurisdiction;

(2) Cases of first instance transferred from the basic people's courts;

(3) Appeals and protests against judgments and orders of the basic people's courts;

(4) Protests lodged by the people's procuratorates in accordance with the procedure of judicial supervision.

If an intermediate people's court considers that a criminal or civil case, of which it has taken cognizance, is of great importance and ought to be tried by an upper people's court, it may request the upper people's court to transfer the case to it for trial.

Section 3. Higher People's Courts

Article 23 Higher people's courts are:

(1) Higher people's courts of provinces;

(2) Higher people's courts of autonomous regions;

(3) Higher people's courts of municipalities directly under the central authority.

Article 24 A higher people's court is composed of a president, vice-presidents, chief judges of divisions, associate chief judges of divisions and judges.

A higher people's court has a criminal division and a civil division, and such other divisions as are deemed necessary.

Article 25 Higher people's courts take cognizance of:

(1) Cases of first instance assigned by laws and decrees to their jurisdiction;

(2) Cases of first instance transferred from lower people's courts;

(3) Appeals and protests against judgments and orders of the lower people's courts;

(4) Protests lodged by the people's procuratorates in accordance with the procedure of judicial supervision.

Section 4. Special People's Courts

Article 26 Special people's courts are:

(1) Military courts;

(2) Railway-transport courts;

(3) Water-transport courts.

Article 27 The organization of special people's courts is to be prescribed by the Standing Committee of the National People's Congress.

Section 5. The Supreme People's Court

Article 28 The Supreme People's Court is the highest judicial organ.

The Supreme People's Court supervises the judicial work of local people's courts and special people's courts.

Article 29 The Supreme People's Court is composed of a President, Vice-Presidents, chief judges of divisions, associate chief judges of divisions and judges.

The Supreme People's Court has a criminal division and a civil division, and such other divisions as are deemed necessary.

Article 30 The Supreme People's Court takes cognizance of:

(1) Cases of first instance assigned by laws and decrees to its jurisdiction or which it considers that it should try;

(2) Appeals and protests against judgments and orders of higher people's courts and special people's courts;

(3) Protests lodged by the Supreme People's Procuratorate in accordance with the procedure of judicial supervision.

CHAPTER THREE

JUDICIAL OFFICERS AND OTHER OFFICERS OF PEOPLE'S COURTS

SECTION 1. PRESIDENTS, CHIEF JUDGES OF DIVISIONS AND JUDGES

ARTICLE 31 Citizens who have the right to vote and stand for election and have reached the age of twenty-three are eligible to be elected presidents of people's courts, or appointed vice-presidents, chief judges of divisions, associate chief judges of divisions, judges and assistant judges; but persons who have ever been deprived of political rights are excluded.

ARTICLE 32 Presidents of local people's courts are elected by the local people's congresses at the corresponding levels; vice-presidents, chief judges of divisions, associate chief judges of divisions and judges are appointed and removed by the local people's councils at the corresponding levels.

Presidents of intermediate people's courts established in various areas in provinces or municipalities directly under the central authority are elected by the people's congresses of the provinces or of the municipalities directly under the central authority; vice-presidents, chief judges of divisions, associate chief judges of divisions and judges are appointed and removed by the people's councils of the provinces or of the municipalities directly under the central authority.

Presidents, vice-presidents, chief judges of divisions, associate chief judges of divisions and judges of local people's courts in national autonomous areas are elected or appointed and removed by the organs of self-government at the corresponding levels.

The President of the Supreme People's Court is elected by the National People's Congress; Vice-Presidents, chief judges of divisions, associate chief judges of divisions and judges are appointed and removed by the Standing Committee of the National People's Congress.

ARTICLE 33 The term of office of presidents of people's courts at all levels is four years.

A people's congress has the power to remove from office the presidents of the people's courts whom it elects.

ARTICLE 34 People's courts at all leve's may, according to their need, have assistant judges.

Assistant judges of local people's courts are appointed and removed by judicial administrative organs at the next higher level. Assistant judges of the Supreme People's Court are appointed and removed by the Ministry of Justice.

Assistant judges help the judges in their work. Assistant judges may provisionally exercise the functions of a judge, upon the recommendation of the president of the court and the approval of the judicial committee.

SECTION 2. PEOPLE'S ASSESSORS

ARTICLE 35 Citizens who have the right to vote and stand for election and have reached the age of twenty-three are eligible to be elected people's

assessors; but persons who have ever been deprived of political rights are excluded.

The numbers, term of office and way of selection of the people's assessors of the people's courts at all levels are to be prescribed by the Ministry of Justice.

ARTICLE 36 The people's assessors, during the period of the exercise of their functions in the people's courts, are members of the divisions of the courts in which they participate, and have equal rights with the judges.

ARTICLE 37 The people's assessors must attend the courts to exercise their functions at the time appointed by the people's courts.

During the period of the exercise of their functions, the people's assessors continue to receive wages as usual from their regular place of employment. People's assessors who are not wage-earners are given adequate allowances by the people's courts.

SECTION 3. OTHER OFFICERS

ARTICLE 38 Local people's courts have marshals to carry out the execution of judgments and orders in civil cases and the execution, in criminal cases, of the parts of judgments and orders concerned with property.

ARTICLE 39 Local people's courts have clerks to record the court proceedings and to take charge of other matters properly their concern.

ARTICLE 40 The staff and administrative offices of the people's courts at all levels are to be prescribed by the Ministry of Justice.

ORGANIC LAW
OF THE PEOPLE'S PROCURATORATES OF THE PEOPLE'S REPUBLIC OF CHINA

Adopted by the First Session
of the First National People's Congress
on September 21, 1954

CHAPTER ONE

GENERAL PRINCIPLES

ARTICLE 1 The People's Republic of China establishes the Supreme People's Procuratorate, local people's procuratorates and special people's procuratorates.

Local people's procuratorates are established in provinces, autonomous regions, municipalities directly under the central authority, autonomous *chou,* counties, municipalities and autonomous counties. People's procuratorates of provinces, autonomous regions and municipalities directly under the central authority may set up branches as required. People's procuratorates of municipalities directly under the central authority and of municipalities divided into districts may set up people's procuratorates for municipal districts as required.

The organization of special people's procuratorates is to be prescribed separately by the Standing Committee of the National People's Congress.

ARTICLE 2 A people's procuratorate, whatever its level, is composed of a chief procurator, a number of deputy chief procurators and procurators.

The chief procurators of the people's procuratorates at all levels direct the work of the latter.

People's procuratorates at all levels set up procuratorial committees which, under the direction of chief procurators, deal with important questions relating to their work.

ARTICLE 3 The Supreme People's Procuratorate exercises procuratorial authority over all departments of the State Council, all local organs of state, persons working in organs of state, and citizens, to ensure observance of the law.

ARTICLE 4 Local people's procuratorates exercise the following functions and powers in accordance with the procedure provided in the second chapter of this law:

(1) To see that the resolutions, orders and measures of local organs of state conform to the law, and to see that the law is observed by persons working in these organs and by all citizens;

(2) To investigate, prosecute, and sustain the prosecution of criminal cases;

(3) To see that the investigatory activities of investigation departments conform to the law;

(4) To see that the judicial process of people's courts conforms to the law;

(5) To see that the execution of judgments in criminal cases, and the activities of departments in charge of reform through labour, conform to the law;

(6) To institute or intervene in legal actions with regard to weighty civil cases which affect the interests of the state and the people.

ARTICLE 5 In the exercise of procuratorial authority by the people's procuratorates, the law is applied equally to all citizens, irrespective of their nationality, race, sex, occupation, social origin, religious belief, education, property status, or length of residence.

ARTICLE 6 Local people's procuratorates exercise their functions and powers independently, and are not subject to interference by local organs of state.

Local people's procuratorates and the special people's procuratorates work under the leadership of the people's procuratorates at higher levels, and all work under the co-ordinating direction of the Supreme People's Procuratorate.

ARTICLE 7 The Supreme People's Procuratorate is responsible to the National People's Congress and reports to it; or, when the National People's Congress is not in session, to its Standing Committee.

CHAPTER TWO

THE PROCEDURE OF THE EXERCISE BY THE PEOPLE'S PROCURATORATES OF THEIR POWERS AND FUNCTIONS

ARTICLE 8 The Supreme People's Procuratorate has the right to protest the resolutions, orders or measures of any department of the State Council or of any local organ of state, which it finds to be illegal.

Local people's procuratorates have the right to demand the rectification of resolutions, orders or measures of the organs of state at corresponding levels, which they find to be illegal. If the demand is not accepted, they should report to the people's procuratorates at the next higher level in order to lodge a protest before the organs of state one level higher than those originally concerned. If local people's procuratorates find the resolutions, orders or measures of any department of the State Council or of the organs of state at higher levels to be illegal, they should report to people's procuratorates at higher levels for decision.

People's procuratorates do not have the power directly to annul, modify, or suspend the execution of illegal resolutions, orders or measures.

The organs of state concerned have the responsibility to consider and answer the demands or protests of the people's procuratorates.

ARTICLE 9 If a people's procuratorate discovers that any person working in an organ of state has committed an illegal act, it should notify the organ of state to which he belongs to take steps for rectification. If such an illegal act constitutes a crime, the people's procuratorate should ascertain the criminal responsibility for it.

ARTICLE 10 If a people's procuratorate finds and confirms that a crime has been committed, it should bring up and investigate the criminal case in accordance with the procedure provided by law or transfer it to an organ of public security for investigation; if, upon completion of the investigation, it deems it necessary to hold the accused to criminal responsibility, it should prosecute the accused before a people's court.

ARTICLE 11 If a people's procuratorate discovers that investigatory activities are being conducted in an illegal manner by an organ of public security at the corresponding level, it should notify that organ of public security to rectify its illegal practices.

If an organ of public security, after investigations in the criminal case brought up by it, thinks that prosecution is called for, it should, in accordance with the provisions of law, transfer the case to the appropriate people's procuratorate for examination and decision as to whether legal proceedings are to be instituted.

ARTICLE 12 The arrest of any citizen must first be approved by the people's procuratorates, except for cases in which it has been authorized by a people's court.

ARTICLE 13 If an organ of public security discovers errors in any decision by a people's procu-

ratorate to disallow its request for an arrest, or in any decision by a people's procuratorate not to bring charges on a case transferred by it to the people's procuratorate, it has the right to submit its views or bring charges before a people's procuratorate at the next higher level.

ARTICLE 14 In legal proceedings instituted by a people's procuratorate, the chief procurator or any procurator appointed by him attends the trial, in the capacity of state prosecutor, to carry on the prosecution and to see that the judicial process conforms to the law. In legal proceedings not instituted by the people's procuratorates, the chief procurator may also designate a person to attend the trial for the purpose of supervision.

If a people's court decides that the people's procuratorate must send a delegate to attend the trial, the chief procurator should either attend himself or appoint another procurator to do so.

ARTICLE 15 If a local people's procuratorate finds any error in a judgment or order of a people's court at the corresponding level in cases of first instance, it has the authority to lodge a protest against the judgment or order in accordance with the procedure of appeal.

ARTICLE 16 If the Supreme People's Procuratorate finds some definite error in a legally effective judgment or order of a people's court at any level, or if an upper people's procuratorate finds such error in such a judgment or order of a lower people's court, they have the authority to lodge a protest against the judgment or order in accordance with the procedure of judicial supervision.

ARTICLE 17 The Chief Procurator of the Supreme People's Procuratorate attends the meetings

of the Judicial Committee of the Supreme People's Court and participates in the proceedings. If he does not agree to any decision of the Judicial Committee, he has the power to refer it to the Standing Committee of the National People's Congress for examination and decision.

Chief procurators of local people's procuratorates have the right to attend the meetings of the judicial committees of the people's courts at corresponding levels and participate in the proceedings.

ARTICLE 18 The people's procuratorates supervise the execution of judgments in criminal cases, and if they find that there is violation of the law in the execution of such judgments, they should notify the responsible organs to correct such violations.

The people's procuratorates supervise the activities of organs in charge of reform through labour. If they find that there is violation of the law in such activities, they should notify the organs responsible to correct them.

ARTICLE 19 In exercising their procuratorial authority, people's procuratorates have the right to send delegates to attend the meetings of the organs concerned and participate in the proceedings, and to read the relevant resolutions, orders, files or other documents of the organs, enterprises, co-operatives, or social organizations concerned; the organs, organizations and persons concerned have the obligation to provide data and explanations on the demand of the people's procuratorates.

CHAPTER THREE

THE APPOINTMENT AND REMOVAL OF OFFICERS OF PEOPLE'S PROCURATORATES

ARTICLE 20 The Chief Procurator of the Supreme People's Procuratorate is elected by the National People's Congress for a term of four years.

The Deputy Chief Procurators of the Supreme People's Procuratorate are appointed and removed by the Standing Committee of the National People's Congress.

The procurators of the Supreme People's Procuratorate and the members of its Procuratorial Committee are appointed and removed by the Standing Committee of the National People's Congress, upon the recommendation of the Chief Procurator of the Supreme People's Procuratorate.

ARTICLE 21 The chief procurators, deputy chief procurators, procurators and members of the procuratorial committees of the people's procuratorates of provinces, autonomous regions and municipalities directly under the central authority are appointed and removed by the Supreme People's Procuratorate with the approval of the Standing Committee of the National People's Congress. The chief procurators, deputy chief procurators, procurators and members of the procuratorial committees of the branch procuratorates of provinces, autonomous regions and municipalities directly under the central authority and of the

people's procuratorates of counties, municipalities, autonomous *chou*, autonomous counties and municipal districts are appointed and removed by the people's procuratorates of provinces, autonomous regions and municipalities directly under the central authority with the approval of the Supreme People's Procuratorate.

ARTICLE 22 The staff and administrative offices of the people's procuratorates at all levels are to be prescribed by the Supreme People's Procuratorate.

ORGANIC LAW OF THE LOCAL PEOPLE'S CONGRESSES AND LOCAL PEOPLE'S COUNCILS OF THE PEOPLE'S REPUBLIC OF CHINA

Adopted by the First Session
of the First National People's Congress
on September 21, 1954

CHAPTER ONE

GENERAL PRINCIPLES

ARTICLE 1 People's congresses and people's councils are established in provinces, municipalities directly under the central authority, counties, municipalities, municipal districts, *hsiang*, nationality *hsiang*, and towns.

ARTICLE 2 The organization and work of the organs of self-government of autonomous regions, autonomous *chou* and autonomous counties are specified in accordance with Section V of Chapter II of the Constitution of the People's Republic of China.

CHAPTER TWO

THE LOCAL PEOPLE'S CONGRESSES

ARTICLE 3 Local people's congresses at all levels are the organs of government authority in their respective localities.

ARTICLE 4 Deputies to the people's congresses of provinces, municipalities directly under the central authority, counties, and municipalities divided into districts are elected by the people's congresses of the next lower level; deputies to the people's congresses of municipalities not divided into districts, municipal districts, *hsiang*, nationality *hsiang* and towns are directly elected by the voters.

The number of deputies to local people's congresses and the manner of their election are prescribed by electoral law. In all administrative areas, each national minority is entitled to appropriate representation in the people's congresses of the administrative areas concerned.

ARTICLE 5 The term of office of the provincial people's congresses is four years. The term of office of the people's congresses of municipalities directly under the central authority, counties, municipalities, municipal districts, *hsiang*, nationality *hsiang* and towns is two years.

ARTICLE 6 Local people's congresses at or above the county level exercise the following functions and powers in their respective administrative areas:

(1) To ensure the observance and execution of laws and decrees, and of decisions of the people's congresses at higher levels;

(2) To adopt and issue decisions within the limits of the functions and powers vested in them;

(3) To draw up plans for economic and cultural development, for public works, for looking after the dependents of soldiers and of those who have fallen for the revolutionary cause, and for relief work;

(4) To examine and approve budgets and financial reports;

(5) To elect members of the people's councils at corresponding levels;

(6) To elect presidents of the people's courts at corresponding levels (in addition, the people's congresses of provinces and municipalities directly under the central authority elect presidents of intermediate people's courts);

(7) To elect deputies to the people's congresses at the next higher level;

(8) To hear and examine reports on the work of the people's councils and people's courts at corresponding levels;

(9) To revise or annul inappropriate decisions and orders of the people's councils at corresponding levels;

(10) To revise or annul inappropriate decisions of the people's congresses at the next lower level as well as inappropriate decisions and orders of the people's councils at the next lower level;

(11) To protect public property, maintain public order and safeguard the rights of citizens;

(12) To safeguard the equal rights of national minorities.

ARTICLE 7 The people's congresses of *hsiàng*, nationality *hsiang*, and towns exercise the

following functions and powers in their respective administrative areas:

(1) To ensure the observance and execution of laws and decrees, and of decisions of the people's congresses at higher levels;

(2) To adopt and issue decisions within the limits of the functions and powers vested in them;

(3) To approve plans for agricultural and handicraft production and decide on concrete plans for the development of mutual aid and co-operation in agriculture and handicrafts, and for other economic activities;

(4) To draw up plans for public works;

(5) To decide on detailed measures for the implementation of plans for cultural, educational and public health services, and of plans for looking after the dependents of soldiers and of those who have fallen for the revolutionary cause, and for relief work;

(6) To examine financial revenue and expenditure;

(7) To elect members of the people's councils at corresponding levels;

(8) To elect deputies to the people's congresses at the next higher level;

(9) To hear and examine reports on the work of the people's councils at corresponding levels;

(10) To revise or annul inappropriate decisions and orders of the people's councils at corresponding levels;

(11) To protect public property, maintain public order and safeguard the rights of citizens;

(12) To safeguard the equal rights of national minorities.

In exercising their functions and powers, the people's congresses of nationality *hsiang* may take specific

measures appropriate to the characteristics of the nationalities concerned.

ARTICLE 8 Local people's congresses have the power to recall members of the people's councils at corresponding levels, and presidents of the people's courts elected by them.

ARTICLE 9 Local people's congresses are convened by the people's councils at corresponding levels.

ARTICLE 10 The people's congresses of provinces, municipalities directly under the central authority, counties, municipalities, and municipal districts meet twice a year; the people's congresses of provinces where communications are inconvenient may meet once a year; the people's congresses of *hsiang*, nationality *hsiang*, and towns meet every three months.

Local people's congresses may also be convened whenever the people's councils at corresponding levels deem it necessary, or one-fifth of the deputies so propose.

ARTICLE 11 When a local people's congress meets, it elects a presidium to conduct its sessions.

When a people's congress at or above the county level meets, it chooses a secretary-general and deputy secretaries-general. The secretary-general is chosen by the people's congress concerned on the recommendation of the presidium; the deputy secretaries-general are chosen by the presidium.

ARTICLE 12 When a local people's congress meets, it may set up a credentials committee, a bills committee and other necessary committees, which work under the direction of the presidium.

ARTICLE 13 When a local people's congress meets, the deputies, the presidium and the people's

council at the corresponding level may submit proposals (bills) to the session.

Proposals submitted to a local people's congress are referred to it by the presidium for discussion; or they may be referred to the bills committee for examination before they are discussed by the session.

ARTICLE 14 Decisions of a local people's congress require a simple majority vote of all the deputies to the congress.

ARTICLE 15 Members of the local people's councils, and presidents of the people's courts are nominated by the deputies to the people's congresses at corresponding levels acting either collectively or as individuals.

The local people's congresses at or above the county level elect members of the people's councils and presidents of the people's courts at corresponding levels by secret ballot; the people's congresses of *hsiang*, nationality *hsiang*, and towns may elect members of the people's councils at corresponding levels by a show of hands.

ARTICLE 16 When local people's congresses meet, responsible personnel of the departments under the people's councils, presidents of the people's courts and chief procurators of the people's procuratorates at corresponding levels may attend the session and participate in the proceedings.

ARTICLE 17 When local people's congresses meet, questions addressed by the deputies to the people's councils at corresponding levels, or to the departments under them, are forwarded by the presidium to the organs concerned, which are under obligation to answer at the session.

ARTICLE 18 No deputy to a local people's congress may be arrested or placed on trial without permission of the presidium during the period of his attendance at a session of the people's congress; if a deputy is apprehended while actually committing a criminal act, the organ detaining him must immediately report the matter to the presidium for approval.

ARTICLE 19 The state provides, according to requirements, travelling expenses and necessary material facilities to the deputies to local people's congresses when they attend the sessions of a people's congress.

ARTICLE 20 Deputies to local people's congresses are required to maintain close contact with the units which elect them, or with their electorates; to publicize laws, decrees and policies; to help the people's councils at corresponding levels in their work; and to bring the opinions and demands of the people to the attention of the people's congresses and people's councils concerned.

Deputies to the local people's congresses at or above the county level may attend sessions of the people's congresses of the units which elect them and participate in the proceedings.

Deputies to the people's congresses of *hsiang*, nationality *hsiang*, towns, municipal districts, and municipalities not divided into districts maintain contact with their electorates in such a manner as to enable each deputy to work among certain groups of voters; in a residential area of productive unit which elects three or more deputies, these deputies may organize into groups to help promote the work of the people's councils at corresponding levels.

ARTICLE 21 Deputies to the people's congresses of provinces, municipalities directly under the

central authority, counties, and municipalities divided into districts are subject to supervision by the units which elect them; deputies to the people's congresses of municipalities not divided into districts, municipal districts, *hsiang*, nationality *hsiang*, and towns are subject to supervision by their electorates.

The units and electorates which elect the deputies to local people's congresses have the power to recall their deputies at any time. The recall of any deputy requires a simple majority vote of all deputies of the unit which elected him, or a simple majority vote of all present at the meeting of voters in the district which elected him.

ARTICLE 22 Should deputies to local people's congresses be unable to perform their duties for any reason, the units which elected them, or the voters in the districts which elected them, should hold by-elections to fill the vacancies.

CHAPTER THREE

THE LOCAL PEOPLE'S COUNCILS

ARTICLE 23 Local people's councils, that is, local people's governments, are the executive organs of local people's congresses at corresponding levels, and are the administrative organs of state in their respective localities.

ARTICLE 24 The local people's councils are responsible to the people's congresses at corresponding levels and to the administrative organs of state at the next higher level, and report to them.

The local people's councils throughout the country are administrative organs of state, and are subordinate to and under the co-ordinating direction of the State Council.

ARTICLE 25 A local people's council is composed, according to its level, of the provincial governor and deputy provincial governors; or of the mayor and deputy mayors; or of the county head and deputy county heads; or of the district head and deputy district heads; or of the *hsiang* head and deputy *hsiang* heads; or of the town head and deputy town heads, as the case may be; together with the council members elected by the people's congresses at corresponding levels.

The numbers of members of the local people's councils are as follows:

(1) In provinces or in municipalities directly under the central authority—25 to 55;

(2) In municipalities—9 to 25; in municipalities with an exceptionally large population—up to 45;

(3) In counties—9 to 21; in counties with an exceptionally large population or number of *hsiang* and towns—up to 31;

(4) In municipal districts—9 to 21;

(5) In *hsiang*, nationality *hsiang*, and towns—3 to 13.

ARTICLE 26 The term of office of the provincial people's councils is four years. The term of office of the people's councils of municipalities directly under the central authority, counties, municipalities, municipal districts, *hsiang*, nationality *hsiang*, and towns is two years.

Should members of the local people's councils be unable to perform their duties for any reason, the people's congresses at corresponding levels should hold by-elections to fill the vacancies.

ARTICLE 27 People's councils at or above the county level exercise the following functions and powers in their respective administrative areas:

(1) To formulate administrative measures, issue decisions and orders and verify their execution, in accordance with laws, decrees, decisions of the people's congresses at corresponding levels, and decisions and orders of the administrative organs of state at higher levels;

(2) To conduct the election of deputies to the people's congresses at corresponding levels;

(3) To convene, and submit proposals to, the people's congresses at corresponding levels;

(4) To direct the work of all their subordinate departments and of the people's councils at lower levels;

(5) To suspend the carrying out of inappropriate decisions made by the people's congresses at the next lower level;

(6) To revise or annul inappropriate orders and directives issued by their subordinate departments, and inappropriate decisions and orders issued by the people's councils at lower levels;

(7) To appoint or remove government workers according to provisions of law;

(8) To put into effect economic plans and the provisions of budgets;

(9) To control the market and such state-owned industrial and commercial enterprises as are under the local authority, and to guide the socialist transformation of capitalist industry and commerce;

(10) To direct agricultural and handicraft production, and the development of mutual aid and cooperation in agriculture and handicrafts;

(11) To direct the collection of taxes;

(12) To administer communications and public works;

(13) To direct cultural, educational and public health work, the work of looking after the dependents of soldiers and of those who have fallen for the revolutionary cause, and relief and welfare services;

(14) To administer affairs concerning military service;

(15) To protect public property, maintain public order and safeguard the rights of citizens;

(16) To safeguard the equal rights of national minorities. The provincial people's councils help areas under their respective jurisdiction where people of national minorities live in compact communities to exercise their right of regional autonomy, and also help the various national minorities in their political, economic and cultural development;

(17) To fulfil other tasks assigned by the administrative organs of state at higher levels.

ARTICLE 28 The people's councils of *hsiang*, nationality *hsiang*, and towns exercise the following functions and powers in their respective administrative areas:

(1) To issue decisions and orders in accordance with laws, decrees, decisions of the people's congresses at corresponding levels, and decisions and orders of the administrative organs of state at higher levels;

(2) To conduct the election of deputies to the people's congresses at corresponding levels;

(3) To convene, and submit proposals to, the people's congresses at corresponding levels;

(4) To administer finances;

(5) To direct agricultural and handicraft production, the development of mutual aid and co-operation in agriculture and handicrafts, and other economic activities;

(6) To administer public works;

(7) To direct cultural, educational and public health work, the work of looking after the dependents of soldiers and of those who have fallen for the revolutionary cause, and relief service;

(8) To administer affairs concerning military service;

(9) To protect public property, maintain public order and safeguard the rights of citizens;

(10) To safeguard the equal rights of national minorities; and

(11) To fulfil other tasks assigned by the people's councils at higher levels.

ARTICLE 29 People's councils at or above the county level meet once a month; the people's councils

of *hsiang*, nationality *hsiang*, and towns meet once every half a month; they may also be convened whenever necessary.

When a local people's council meets, other persons concerned may be invited to attend the session and participate in the proceedings.

When a people's council at or above the county level meets, the president of the people's court and chief procurator of the people's procuratorate at the corresponding level may attend the session and participate in the proceedings.

ARTICLE 30 Provincial governors, mayors, county heads, district heads, *hsiang* heads and town heads preside over the sessions of the people's councils at the respective levels and direct their work.

Deputy provincial governors, deputy mayors, deputy county heads, deputy district heads, deputy *hsiang* heads, and deputy town heads give assistance respectively to the provincial governors, mayors, county heads, district heads, *hsiang* heads, and town heads in their work.

Provincial governors, mayors, county heads, and district heads may convene administrative meetings to deal with day-to-day affairs.

ARTICLE 31 Provincial people's councils may set up boards, bureaux, divisions, committees or commissions to take charge of civil affairs, public security, justice, supervision, planning, finances, food, industry, commerce, communications, agriculture and forestry, water conservancy, labour, culture, education, public health, and physical culture and sports; they may also set up general offices. Provincial people's councils which have to deal with a comparatively greater number of matters concerning the nationalities may set up commissions to take charge of such work as required.

Provincial people's councils which have to deal with a comparatively greater number of matters concerning Chinese who have returned home after having been domiciled abroad may set up organizations to take charge of such work as required.

ARTICLE 32 People's councils of municipalities directly under the central authority, and of municipalities divided into districts may set up bureaux, divisions, committees or commissions to take charge of civil affairs, public security, justice, supervision, planning, finances, food, taxation, industry, commerce, labour, culture, education, public health, physical culture and sports, projects of municipal construction, and public services; they may also set up general offices. People's councils of municipalities directly under the central authority, and of municipalities divided into districts, which have to deal with a comparatively greater number of matters concerning the nationalities, may set up commissions to take charge of such work as required. People's councils of municipalities directly under the central authority, and of municipalities divided into districts, which have to deal with a comparatively greater number of matters concerning Chinese who have returned home after having been domiciled abroad, may set up organizations to take charge of such work as required.

The people's councils of municipalities not divided into districts may set up sections or bureaux to take charge of civil affairs, public security, finances, food, taxation, industry and commerce, construction, labour, culture and education, and public health; they may also set up general offices.

ARTICLE 33 County people's councils may set up sections or bureaux to take charge of civil affairs, public security, finances, food, taxation, industry and

commerce, agriculture and forestry, communications, culture and education, and public health; they may also set up general offices.

ARTICLE 34 People's councils of municipal districts may set up sections or sub-sections to take charge of civil affairs, and of matters concerning producers' co-operatives, administration of industry and commerce, construction, labour, culture and education, and public health; they may also set up general offices. The bureaux in charge of public security and taxation under the people's councils of municipalities directly under the central authority, and of other municipalities, may set up their respective sub-bureaux in municipal districts.

ARTICLE 35 People's councils of *hsiang*, nationality *hsiang*, and towns may set up working committees to take charge of civil affairs, public security, armed forces, producers' co-operatives, finances and food, culture and education, and the settlement of disputes. Members of these working committees may be drawn from deputies to the people's congresses at corresponding levels or from among other suitable persons.

People's councils of *hsiang*, nationality *hsiang*, and towns may each have a clerk for handling public documents as required.

With the approval of county people's councils, people's councils of towns where the population and proportion of industry and commerce are comparatively large, may set up administrative organs in accordance with the provisions of Article 34 of this Organic Law.

ARTICLE 36 When setting up, amalgamating, or abolishing any administrative organs of the people's councils of provinces and municipalities directly

under the central authority, the people's councils concerned report the matter to the State Council for approval.

When setting up, amalgamating, or abolishing any administrative organs of the people's councils of counties, municipalities, municipal districts, *hsiang*, nationality *hsiang*, and towns, the people's councils concerned report the matter to the people's councils at the next higher level for approval.

ARTICLE 37 Boards, bureaux, divisions, sections and sub-sections may have board directors, bureau directors, division heads, section chiefs and sub-section chiefs respectively; these may have assistants as required.

General offices have directors; these may also have deputy directors as required.

People's councils of provinces, municipalities directly under the central authority, and municipalities divided into districts may each have a secretary-general and a number of deputy secretaries-general.

ARTICLE 38 People's councils of provinces, municipalities directly under the central authority, and municipalities divided into districts may set up various offices to assist the provincial governors or mayors in directing the work of the various administrative organs of the people's councils concerned.

ARTICLE 39 The various administrative organs of the people's councils of provinces and municipalities directly under the central authority are subject to the co-ordinating direction of the people's councils concerned, and to the leadership of the corresponding organs of the State Council.

The various administrative organs of the people's councils of counties, municipalities, and municipal districts are subject to the co-ordinating direction of

the people's councils concerned, and to the leadership of the corresponding organs of the people's councils at higher levels.

ARTICLE 40 Within the limits of their respective functions, and in accordance with laws and decrees, with decisions and orders of the people's councils concerned, and with orders and directives of the corresponding organs of the administrative organs of state at higher levels, the various administrative organs of the people's councils of provinces, of municipalities directly under the central authority, and of municipalities divided into districts may issue orders and directives to the corresponding organs of the people's councils at lower levels.

ARTICLE 41 People's councils of provinces, municipalities directly under the central authority, counties, municipalities, and municipal districts are required to assist in the work of organs of state, state-owned enterprises, and joint state-private enterprises which are located in their respective administrative areas but are not under their jurisdiction; they are also required to supervise these organs of state and enterprises in the observance and execution of laws, decrees and policies, though they have no power to interfere with their respective functions.

ARTICLE 42 With the approval of the State Council, the provincial people's councils may set up sub-provincial administrative offices as their agencies.

With the approval of the provincial people's councils, the county people's councils may set up district offices as their agencies.

With the approval of the people's councils at the next higher level, the people's councils of municipal districts, and municipalities not divided into districts may set up street offices as their agencies.