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Constitution of the People's Republic of China

中华人民共和国宪法

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

(1954年9月20日第一届全国人民代表大会第一次会议通过·1954年9月20日中华人民共和国第一届全国人民代表大会第一次会议主席团公布)

Preamble

序言

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.

中国人民经过一百多年的英勇奋斗，终于在中国共产党领导下，在一九四九年取得了反对帝国主义、封建主义和官僚资本主义的人民革命的伟大胜利，因而结束了长时期被压迫、被奴役的历史，建立了人民民主专政的中华人民共和国。中华人民共和国的人民民主制度，也就是新民主主义制度，保证我国能够通过和平的道路消灭剥削和贫困，建成繁荣幸福的社会主义社会

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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 created for planned economic construction and gradual transition to socialism.

从中华人民共和国成立到社会主义社会建成，这是一个过渡时期。国家在过渡时期的总任务是逐步实现国家的社会主义工业化，逐步完成对农业、手工业和资本主义工商业的社会主义改造。我国人民在过去几年内已经胜利地进行了改革土地制度，抗美援朝，镇压反革命分子，恢复国民经济等大规模的斗争，这就为有计划地进行经济建设，逐步过渡到社会主义社会准备了必要的条件。

The First National People's Congress of the People's Republic of China, at its first 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.

中华人民共和国第一届全国人民代表大会第一次会议，一九五四年九月二十日在首都北京，庄严地通过中华人民共和国宪法。这个宪法以一九四九年的中国人民政治协商会议共同纲领为基础，又是共同纲领的发展。这个宪法巩固了我国人民革命的成果和中华人民共和国建立以来政治上、经济上的新胜利，并且反映了国家在过渡时期的根本要求和广大人民建设社会主义社会的共同愿望。

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 fulfill the fundamental task of the stage during the transition and to oppose enemies within and without.

我国人民在建立中华人民共和国的伟大斗争中已经结成以中国共产党为领导的各民主阶级、各民主党派、各人民团体的广泛的人民民主统一战线。今后在动员和团结全国人民完成国家过渡时期总任务和反对内外敌人的斗争中，我国的人民民主统一战线将继续发挥它的作用。

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.

我国各民族已经团结成为一个自由平等的民族大家庭。在发扬各民族间的友爱互助、反对帝国主义、反对各民族内部的人民公敌、反对大民族主义和地方民族主义的基础上，我国的民族团结将继续加强。国家在经济建设和文化建设的过程中将照顾各民族的需要，而在社会主义改造的问题上将充分注意各民族发展的特点。

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 consistence policy is to strive for the noble cause of world peace and the progress of humanity.

我国同伟大的苏维埃社会主义共和国联盟、同各人民民主国家已经建立了牢不可破的友谊，我国人民同全世界爱好和平的人民的友谊也日见增进，这种友谊将继续发展和巩固。我国根据平等、互利、互相尊重主权和领土完整的原则同任何国家建立和发展外交关系的政策，已经获得成就，今后将继续贯彻。在国际事务中，我国坚定不移的方针是为世界和平和人类进步的崇高目的而努力。

Chapter One General Principles

第一章 总纲

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.

第一条 中华人民共和国是工人阶级

领导的、以工农联盟为基础的人民民主国家。

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.

第二条 中华人民共和国的一切权力属于人民。人民行使权力的机关是全国人民代表大会和地方各级人民代表大会。

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

全国人民代表大会，地方各级人民代表大会和其他国家机关，一律实行民主集中制。

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

第三条 中华人

民共和国是统一的多民族的国家。

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

各民族一律平等。禁止对任何民族的歧视和压迫，禁止破坏民族团结的行为。

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.

各民族都有使用和发展自己的语言文字的自由，都有保持或者改革自己的风俗习惯的自由。

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

各少数民族聚居的地方实行区域自治。各民族自治地方都是中华人民共和国不可分离的部分。

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.

第四条 中华人民共和

国依靠国家机关和社会力量，通过社会主义工业化和社会主义改造，保证逐步消灭剥削制度，建立社会主义社会。

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.

第五条 中华人民共和国的生产资料所有制现在主要有下列各种；国家所有制，即全民所有制；合作社所有制，即劳动群众集体所有制；个体劳动者所有制；资本家所有制。

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.

第六条 国营经济是全民所有制的社会主义经济，是国民经济中的领导力量和国家实现社会主义改造的物质基础。国家保证优先发展国营经济。

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.

矿藏，水流，由法律规定为国有的森林、荒地和其他资源，都属于全民所有。

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.

第七条 合作社经济是劳动群众集体所有制的社会主义经济，或者是劳动群众部分集体所有制的半社会主义经济。劳动群众部分集体所有制是组织个体农民、个体手工业者和其他个体劳动者走向劳动群众集体所有制的过渡形式。

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.

国家保护合作社的财产，鼓励、指导和帮助合作社经济的发展，并且以发展生产合作为改造个体农业和个体手工业的主要道路。

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

第八条 国家依照法律保护农民的土地所有权和其他生产资料所有权。

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

国家指导和帮助个体农民增加生产，并且鼓励他们根据自愿的原则组织生产合作；供销合作和信用合作。

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

国家对富农经济采取限制和逐步消灭的政策。

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

第九条 国家依照法律保护手工业者和其他非农业的个体劳动者的生产资料所有权。

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.

国家指导和帮助个体手工业者和其他非农业的个体劳动者改善经营，并且鼓励他们根据自愿的原则组织生产合作和供销合作。

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

第十条 国家依照法律保护资本家的生产资料所有权和其他资本所有权。

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 form 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.

国家对资本主义工商业采取利用、限制和改造的政策。国家通过国家行政机关的管理、国营经济的领导和工人群众的监督，利用资本主义工商业的有利于国计民生的积极作用，限制它们的不利于国计民生的消极作用，鼓励和引导它们转变为各种不同形式的国家资本主义经济，逐步以全民所有制代替资本家所有制。

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.

国家禁止资本家的危害公共利益、扰乱社会经济秩序、破坏国家经济计划的一切非法行为。

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

第十一条 国家保护公民的合法收入、储蓄、房屋和各种生活资料的所有权。

Article 12 The state protects the rights of citizens to inherit private property according to law.

第十二条 国家依照法律保护公民的私有财产的继承权。

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.

第十三条 国家为了公共利益的需要，可以依照法律规定的条件，对城乡土地和其他生产资料实行征购、征用或者收归国有。

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

第十四条 国家禁止任何人利用私有财产破坏公共利益。

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 their independence and security of the country.

第十五条 国家用经济计划指导国民经济的发展和改造，使生产力不断提高，以改进人民的物质生活和文化生活，巩固国家的独立和安全。

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 to take an active and creative part in their work. **第十六条**

条 劳动是中华人民共和国一切有劳动能力的公民的光荣的事情。国家鼓励公民在劳动中的积极性和创造性。

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. **第十七条**

一切国家机关必须依靠人民群众，经常保持同群众的密切联系，倾听群众的意见，接受群众的监督。

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. **第十八条**

一切国家机关工作人员必须效忠人民民主制度，服从宪法和法律，努力为人民服务。

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. **第十九条**

中华人民共和国保卫人民民主制度，镇压一切叛国的和反革命的活动，惩办一切卖国贼和反革命分子。

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.

国家依照法律在一定时期内剥夺封建地主和官僚资本家的政治权利，同时给以生活出路，使他们在劳动中改造成为自食其力的公民。

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. **第二十条** 中华

人民共和国的武装力量属于人民，它的任务是保卫人民革命和国家建设的成果，保卫国家的主权、领土完整和安全。

Chapter Two the State Structure

第二章 国家机构

Section I the National People's Congress

第一节 全国人民代表大会

Article 21 The National People's Congress is the highest organ of state authority in the People's Republic of China. **第二十一条** 中华人民共和国全国人民代表大会是最高国家权力机关。

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

第二十二条 全国人民代表大会是行使国家立法权的唯一机关。

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.

第二十三条 全国人民代表大会由省、自治区、直辖市、军队和华侨选出的代表组成。

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.

全国人民代表大会代表名额和代表产生办法，包括少数民族代表的名额和产生办法，由选举法规定。

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

第二十

四条 全国人民代表大会每届任期四年。

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.

全国人民代表大会任期届满的两个月以前，全国人民代表大会常务委员会必须完成下届全国人民代表大会代表的选举。如果遇到不能进行选举的非常情况，全国人民代表大会可以延长任期到下届全国人民代表大会举行第一次会议为止。

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.

第二十五条 全国人民代表大会会议每年举行一次，由全国人民代表大会常务委员会召集。如果全国人民代表大会常务委员会认为必要，或者有五分之一的代表提议，可以临时召集全国人民代表大会会议。

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

第二十六条 全国人民代表大会举行会议的时候，选举主席团主持会议。

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

第二十七条 全国人民代表大会行使下列职权：

(1) to amend the Constitution; (一)修改宪法；

(2) to enact laws; (二)制定法律；

(3) to supervise the enforcement of the Constitution; (三)监督宪法的实施；

(4) to elect the Chairman the Vice-Chairman of the People's Republic of China; (四)选举中华人民共和国主席、副主席；

(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; (五)根据中华人民共和国主席的提名，决定国务院总理的人选，根据国务院总理的提名，决定国务院组成人员的人选；

(6) to decide on the choice of the Vice-Chairmen and other members of the Council of National Defense upon recommendation by the Chairman of the People's Republic of China; (六)根据中华人民共和国主席的提名，决定国防委员会副主席和委员的人选；

(7) to elect the President of the Supreme People's Court; (七)选举最高人民法院院长；

(8) to elect the Chief Procurator of the Supreme People's Procuratorate;
人民检察院检察长 ;

(八)选举最高

(9) to decide on the national economic plans;

(九)决定国民经济计划 ;

(10) to examine and approve the state budget and the financial report;
的预算和决算 ;

(十)审查和批准国家

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

(十)批准省、自治区和直辖市的划分 ;

(12) to decide on general amnesties;

(十二)决定大赦 ;

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

(十三)决定战争和和平的问题 ;

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

(十四)全国人民代表大会认为应当由它行使的其他职权。

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

第二十

八条 全国人民代表大会有权罢免下列人员 :

(1) the Chairman and the Vice-Chairman of the People's Republic of China; (一)中华人民共和国主席、副主席；

(2) the Premier and Vice-Premiers, Ministers, Heads of Commissions and the Secretary-General of the State Council; (二)国务院总理，副总理、各部部长，各委员会主任、秘书长；

(3) the Vice-Chairmen and other members of the Council of National Defense; (三)国防委员会副主席和委员；

(4) the President of the Supreme People's Court; and (四)最高人民法院院长；

(5) the Chief Procurator of the Supreme People's Procuratorate. (五)最高人民检察院检察长。

Article 29 Amendments to the Constitution require a two-third majority of all the deputies to the National People's Congress. 第二十九条 宪法的修改由全国人民代表大会以全体代表的三分之二的多数通过。

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

法律和其他议案由全国人民代表大会以全体代表的过半数通过。

Article 30 The Standing Committee of the National People's Congress is a permanently acting body of the National People's Congress. 第三十条 全国人民代表大会常务委员会是全国人民代表大会的常设机关。

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

全国人民代表大会常务委员会由全国人民代表大会选出下列人员组成，

the Chairman;

委员长，

the Vice-Chairmen;

副委员长若干人，

the Secretary-General; and

秘书长，

other members.

委员若干人。

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

第三十一条 全国人民代表大会常务委员会行使下列职权：

(1) to conduct the election of deputies to the National People's Congress;
人民代表大会代表的选举；

(一)主持全国

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

(二)召集全国人民代表大会会议；

(3) to interpret the laws;

(三)解释法律；

(4) to adopt decrees; (四)制定法令；

(5) to supervise the work of the State Council, the Supreme People's Court and the Supreme People's Procuratorate; (五)监督国务院、最高人民法院和最高人民检察院的工作；

(6) to annul decisions and orders of the State Council which contravene the Constitution, laws or decrees; (六)撤销国务院的同宪法、法律和法令相抵触的决议和命令；

(7) to revise or annul inappropriate decisions issued by the government authorities of provinces, autonomous regions, and municipalities directly under the central authority; (七)改变或者撤销省、自治区、直辖市国家权力机关的不适当的决议；

(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; (八)在全国人民代表大会闭会期间，决定国务院副总理、各部部长、各委员会主任、秘书长的个别任免；

(9) to appoint or remove the Vice-Presidents, judges, and other members of the Judicial Committee of the Supreme People's Court; (九)任免最高人民法院副院长、审判员和审判委员会委员；

(10) to appoint or remove the Deputy Chief Procurators, procurators, and other members of the Procuratorial Committee of the Supreme People's Procuratorate; (十)任免最高人民检察院副检察长、检察员和检察委员会委员；

(11) to decide on the appointment or recall of plenipotentiary representatives to foreign states;
(十一)决定驻外全权代表的任免；

(12) to decide on the ratification or abrogation of treaties concluded with foreign states;
(十二)决定同外国缔结的条约的批准和废除；

(13) to institute military, diplomatic and other special titles and ranks; (十三)规定军人和外交人员的衔级和其他专门衔级；

(14) to institute and decide on the award of state orders, medals and titles of honour; (十四)规定和决定授予国家的勋章和荣誉称号；

(15) to decide on the granting of pardons; (十五)决定特赦；

(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 fulfillment of international treaty obligations concerning common defence against aggression; (十六)在全国人民代表大会闭会期间，如果遇到国家遭受武装侵犯或者必须履行国际间共同防止侵略的条约的情况，决定战争状态的宣布；

(17) to decide on general or partial mobilization; (十七)决定全国总动员或者局部动员；

(18) to decide on the enforcement of martial law throughout the country or in certain areas; and
(十八)决定全国或者部分地区的戒严；

(19) to exercise such other functions and powers as are vested in it by the National People's Congress.
(十九)全国人民代表大会授予的其他职权。

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.

第三十二条 全国人民代表大会常务委员会行使职权到下届全国人民代表大会选出新的常务委员会为止。

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

第三十三条 全国人民代表大会常务委员会对全国人民代表大会负责并报告工作。

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

全国人民代表大会有权罢免全国人民代表大会常务委员会的组成人员。

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

第三十四条 全国人民代表大会设立民族委员会、法案委员会、预算委员会、代表资格审查委员会和其他需要设立的委员会。

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.

民族委员会和法案委员会，在全国人民代表大会闭会期间，受全国人民代表大会常务委员会的领导。

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 special questions.

第三十五条 全国人民代表大会认为必要的时候，在全国人民代表大会闭会期间全国人民代表大会常务委员会认为必要的时候，可以组织对于特定问题的调查委员会。

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

调查委员会进行调查的时候，一切有关的国家机关、人民团体和公民都有义务向它提供必要的材料。

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 Councils, which are under obligations to answer.

第三十六条 全国人民代表大会代表有权向国务院或者国务院各部、各委员会提出质问，受质问的机关必须负责答复。

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.

第三十七条 全国人民代表大会代表，非经全国人民代表大会许可，在全国人民代表大会闭会期间非经全国人民代表大会常务委员会许可，不受逮捕或者审判。

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.

第三十八条 全国人民代表大会代表受原选举单位的监督。原选举单位有权依照法律规定的程序随时撤换本单位选出的代表。

Section II the Chairman of the People's Republic of China

第二节 中华人民共和国主席

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.

第三十九条 中华人民共和国主席由全国人民代表大会选举。有选举权和被选举权的年满三十五岁的中华人民共和国公民可以被选为中华人民共和国主席。

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

中华人民共和国主席任期四年。

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 Commission and the Secretary-General of the State Council; appoints or removes the Vice-Chairmen and other members of the Council of National Defense; confers state orders, medals and titles of honour; proclaim general amnesties and grants pardons; proclaims martial law; proclaims a state of law; and orders mobilization.

第四十条 中华人民共和国主席根据全国人民代表大会的决定和全国人民代表大会常务委员会的决定，公布法律和法令，任免国务院总理，副总理，各部部长，各委员会主任，秘书长，任免国防委员会副主席，委员，授予国家的勋章和荣誉称号，发布大赦令和特赦令，发布戒严令，宣布战争状态，发布动员令。

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.

第四十一条 中华人民共和国主席对外代表中华人民共和国，接受外国使

节；根据全国人民代表大会常务委员会的决定，派遣和召回驻外全权代表，批准同外国缔结的条约。

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. **第四十二条 中华人民共和国主席统率全国武装力量，担任国防委员会主席。**

Article 43 The Chairman of the People's Republic of China, whenever necessary, convenes a Supreme State Conference and acts as its chairman. **第四十三条 中华人民共和国主席在必要的时候召开最高国务会议，并担任最高国务会议主席。**

The Vice-Chairman of the People's Republic of China, the Chairmen 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.

最高国务会议由中华人民共和国副主席、全国人民代表大会常务委员会委员长、国务院总理和其他有关人员参加。

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.

最高国务会议对于国家重大事务的意见，由中华人民共和国主席提交全国人民代表大会、全国人民代表大会常务委员会、国务院或者其他有关部门讨论并作出决定。

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. **第四十四条 中华人民共和国副主席协助主席工作。副主席受主席的委托，可以代行主席的部分职权。**

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.

中华人民共和国副主席的选举和任期，适用宪法第三十九条关于中华人民共和国主席的选举和任期的规定。

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.

第四十五条 中华人民共和国主席、副主席行使职权到下届全国人民代表大会选出的下一任主席、副主席就职为止。

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.

第四十六条 中华人民共和国主席因为健康情况长期不能工作的时候，由副主席代行主席的职权。

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

中华人民共和国主席缺位的时候，由副主席继任主席的职位。

Section III the State Council

第三节 国务院

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.

第四十七条 中华人民共和国国务院，即中央人民政府，是最高国家权力机关的执行机关，是最高国家行政机关。

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

第四十八条 国

务院由下列人员组成：

the Premiers;

总理，

the Vice-Premiers;

副总理若干人，

the Ministers;

各部部长，

the Heads of Commissions; and

各委员会主任，

the Secretary-General

秘书长。

The organization of the State Council is determined by law.

国务院的组织由法律规定。

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

第四十

九条 国务院行使下列职权：

(1) to formulate administrative measures, issue decisions and orders and verify their execution, in accordance with the Constitution, laws and decrees; (一)根据宪法、法律和法令，规定

行政措施，发布决议和命令，并且审查这些决议和命令的实施情况；

(2) to submit bills to the National People's Congress or its Standing Committee; (二)向全国人民代表大会或者全国人民代表大会常务委员会提出议案 ;

(3) to co-ordinate and lead the work of Ministries and Commissions; (三)统一领导各部和各委员会的工作 ;

(4) to co-ordinate and lead the work of local administrative organs of state throughout the country; (四)统一领导全国地方各级国家行政机关的工作 ;

(5) to revise or annul inappropriate orders and directives issued by Ministers or by Heads of Commissions; (五)改变或者撤销各部部长、各委员会主任的不适当的命令和指示 ;

(6) to revise or annul inappropriate decisions and orders issued by local administrative organs of state; (六)改变或者撤销地方各级国家行政机关的不适当的决议和命令 ;

(7) to put into effect the national economic plans and provisions of the state budget; (七)执行国民经济计划和国家预算 ;

(8) to control foreign and domestic trade; (八)管理对外贸易和国内贸易 ;

(9) to direct cultural, educational and public health works; (九)管理文化、教育和卫生工作 ;

(10) to administer affairs concerning the nationalities; (十)管理民族事务；

(11) to administer affairs concerning Chinese resident abroad; (十一)管理华侨事务；

(12) to protect the interests of the state, to maintain public order and to safeguard the rights of citizens; (十二)保护国家利益，维护公共秩序，保障公民权利；

(13) to direct the conduct of external affairs; (十三)管理对外事务；

(14) to guide the building up of the defence forces; (十四)领导武装力量的建设；

(15) to ratify the status and boundaries of autonomous chou, autonomous counties and municipalities; (十五)批准自治州，县、自治县、市的划分；

(16) to appoint or remove administrative personnel according to provisions of law; and (十六)依照法律的规定任免行政人员；

(17) to exercise such other functions and powers as are vested in it by the National People's Congress or its Standing Committee. (十七)全国人民代表大会和全国人民代表大会常务委员会授予的其他职权。

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

第五十条 总理领导国务院的工作，主持国务院会议。

The Vice-Premiers assist the Premier in his work.

副总理协助总理工作。

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.

第五十一条 各部部长和各委员会主任负责管理本部门的工作。各部部长和各委员会主任在本部门的权限内，根据法律，法令和国务院的决议，命令，可以发布命令和指示。

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.

第五十二条 国务院对全国人民代表大会负责并报告工作；在全国人民代表大会闭会期间，对全国人民代表大会常务委员会负责并报告工作。

Section IV the Local People's Congresses and Local People's Councils

第四节 地方各级人民代表大会和地方各级人民委员会

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

第五十三条 中华人民共和国的行政区域划分如下：

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

(一)全国分为省、自治区、直辖市；

(2) Provinces and autonomous regions are divided into autonomous chou, counties, autonomous counties and municipalities; and (二)省、自治区分为自治州、县、自治县、市；

(3) Counties and autonomous counties are divided into hsiang, nationality hsiang, and towns. (三)县、自治县分为乡、民族乡、镇。

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

直辖市和较大的市分为区。自治州分为县、自治县、市，

Autonomous chou are divided into counties, autonomous counties are all national autonomous areas.

自治区、自治州、自治县都是民族自治地方。

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. 第五十四条 省、直辖市、县、市、市辖区、乡、民族乡、镇设立人民代表大会和人民委员会。

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.

自治区、自治州、自治县设立自治机关。自治机关的组织和工作由宪法第二章第五节规定。

Article 55 Local people's congresses at all levels are the organs of government authority in their respective localities. 第五十五条 地方各级人民代表大会都是地方国家权力机关

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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.

第五十六条 省、直辖市、县、设区的市的人民代表大会代表由下一级的人民代表大会选举；不设区的市、市辖区、乡、民族乡、镇的人民代表大会代表由选民直接选举。

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

地方各级人民代表大会代表名额和代表产生办法由选举法规定。

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.

第五十七条 省人民代表大会每届任期四年。直辖市、县、市、市辖区、乡、民族乡、镇的人民代表大会每届任期两年。

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.

第五十八条 地方各级人民代表大会在本行政区域内，保证法律、法令的遵守和执行，规划地方的经济建设、文化建设和公共事业，审查和批准地方的预算和决算，保护公共财产，维护公共秩序，保障公民权利，保障少数民族的平等权利。

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

第五十九条 地方各级人民代表大会选举并且有权罢免本级人民委员会的组成人员。

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

县级以上人民代表大会选举并且有权罢免本级人民法院院长。

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

第六十条 地方各级人民代表大会依照法律规定的权限通过和发布决议。

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.

民族乡的人民代表大会可以依照法律规定的权限采取适合民族特点的具体措施。

地方各级人民代表大会有权改变或者撤销本级人民委员会的不适当的决议和命令。县级以上人民代表大会有权改变或者撤销下一级人民代表大会的不适当的决议和下一级人民委员会的不适当的决议和命令。

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 duties according to procedure prescribed by law.

第六十一条 省、直辖市、县、设区的市的人民代表大会代表受原选举单位的监督，不设区的市、市辖区、乡、民族乡、镇的人民代表大会代表受选民的监督。地方各级人民代表大会代表的选举单位和选民有权依照法律规定的程序随时撤换自己选出的代表。

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.

第六十二条 地方各级人民委员会，即地方各级人民政府，是地方各级人民代表大会的执行机关，是地方各级国家行政机关。

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 the deputy hsiang heads; or the town head and deputy town heads, as the case may be; together with council members.

第六十三条 地方各级人民委员会分别由省长、市长、县长、区长、乡长、镇长各一人，副省长、副市长、副县长、副区长，副乡长、副镇长各若干人和委员各若干人组成。

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

地方各级人民委员会每届任期同本级人民代表大会每届任期相同。

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

地方各级人民委员会的组织由法律规定。

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

第六十四条 地方各级人民委员会依照法律规定的权限管理本行政区域的行政工作。

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.

地方各级人民委员会执行本级人民代表大会的决议和上级国家行政机关的决议和命令。

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

地方各级人民委员会依照法律规定的权限发布决议和命令。

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.

第六十五条 县级以上人民委员会

领导所属各工作部门和下级人民委员会的工作，依照法律的规定任免国家机关工作人员。

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

县级以上人民委员会有权停止下一级人民代表大会的不适当的决议的执行，有权改变或者撤销所属各工作部门的不适当的命令和指示和下级人民委员会的不适当的决议和命令。

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.

第六十六条 地方各级人民委员会都对本级人民代表大会和上一级国家行政机关负责并报告工作。

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.

全国地方各级人民委员会都是国务院统一领导下的国家行政机关，都服从国务院。

Section V the Organs of Self-government of National Autonomous Areas

第五节 民族自治地方的自治机关

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 wished of the majority of the people of the nationality or nationalities enjoying regional autonomy in a given area.

第六十七条 自治区、自治州、自治县的自治机关的组织，应当根据宪法第二章第四节规定的关于地方国家机关的组织的基本原则。自治机关的形式可以依照实行区域自治的民族大多数人民的意愿规定。

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.

第六十八条 在多民族杂居的自治区、自治州、自治县的自治机关中，各有关民族都应当有适当名额的代表。

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.

第六十九条 自治区、自治州、自治县的自治机关行使宪法第二章第四节规定的地方国家机关的职权。

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.

第七十条 自治区、自治州、自治县的自治机关依照宪法和法律规定的权限行使自治权。

The organs of self-government of all autonomous regions, autonomous chou and autonomous counties administer their local public security forces in accordance with the military system of the state.

自治区、自治州、自治县的自治机关依照法律规定的权限管理本地方的财政。

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 characteristic 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.

自治区、自治州、自治县的自治机关依照国家的军事制度组织本地方的公安部队。

自治区、自治州、自治县的自治机关可以依照当地民族的政治、经济和文化的特点，制定自治条例和单行条例，报请全国人民代表大会常务委员会批准。

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 commonly used in the locality.

第七十一条 自治区、自治州、自治县的自治机关在执行职务的时候，使用当地民族通用的一种或者几种语言文字。

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.

第七十二条 各上级国家机关应当充分保障各自治区、自治州、自治县的自治机关行使自治权，并且帮助各少数民族发展政治、经济和文化的建设事业。

Section VI the People's Courts and the People's Procuratorate

第六节 人民法院和人民检察院

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

第七十三条 中华人民共和国最高人民法院、地方各级人民法院和专门人民法院行使审判权。

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.

第七十四条 最高人民法院院长和地方各级人民法院院长任期四年。

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

人民法院的组织由法律规定。

Article 75 The system of people's assessors applies, in accordance with law, to judicial proceeding in the people's courts. **第七十五条 人民法院审判案件依照法律实行人民陪审员制度。**

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. **第七十六条 人民法院审理案件，除法律规定的特殊情况外，一律公开进行。被告人有权获得辩护。**

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. **第七十七条 各民族公民都有用本民族语言文字进行诉讼的权利。人民法院对于不通晓当地通用的语言文字的当事人，应当为他们翻译。**

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 in such language.

在少数民族聚居或者多民族杂居的地区，人民法院应当用当地通用的语言进行审讯，用当地通用的文字发布判决书、布告和其他文件。

Article 78 In administering justice the people's courts are independent, subject only to the law. **第七十八条 人民法院独立进行审判，只服从法律。**

Article 79 The Supreme People's Court is the highest judicial organ. **第七十九条 最高人民法院是最高审判机关。**

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.

最高人民法院监督地方各级人民法院和专门人民法院的审判工作，上级人民法院监督下级人民法院的审判工作。

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.

第八十条 最高人民法院对全国人民代表大会负责并报告工作；在全国人民代表大会闭会期间，对全国人民代表大会常务委员会负责并报告工作。地方各级人民法院对本级人民代表大会负责并报告工作。

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.

第八十一条 中华人民共和国最高人民检察院对于国务院所属各部门、地方各级国家机关、国家机关工作人员和公民是否遵守法律，行使检察权。地方各级人民检察院和专门人民检察院，依照法律规定的范围行使检察权。

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

地方各级人民检察院和专门人民检察院在上级人民检察院的领导下，并且一律在最高人民检察院的统一领导下，进行工作。

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

第八十二条 最高人民检察院检察长任期四年。

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

人民检察院的组织由法律规定。

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.

第八十

三条 地方各级人民检察院独立行使职权，不受地方国家机关的干涉。

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.

第八十四条 最高人民检察院对全国人民代表大会负责并报告工作；在全

国人民代表大会闭会期间，对全国人民代表大会常务委员会负责并报告工作。

Chapter Three Fundamental Rights and Duties of Citizens

第三章 公民的基本权利和义务

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

第八十

五条 中华人民共和国公民在法律上一律平等。

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.

第八十六条 中华人民

共和国年满十八岁的公民，不分民族、种族、性别、职业、社会出身、宗教信仰、教育程度、财产状况、居住期限，都有选举权和被选举权。但是有精神病的人和依照法律被剥夺选举权和被选举权的人除外。

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

妇女有同男子平等的选举权和被选举权。

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 freedom by providing necessary material facilities.

第八十七条 中华人民共和国公民有言论、出版、集会、结社、游行、示威的自由。国家供给必需的物质上的便利，以保证公民享受这些自由。

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

第八十八条 中华人民共和国公民有宗教信仰的自由。

Article 89 Freedom of the persons of citizens of the People's Republic of China is inviolable. No citizens may be arrested except by decision of a people's court or with the sanction of a people's procuratorate.

第八十九条 中华人民共和国公民的人身自由不受侵犯。任何公民，非经人民法院决定或者人民检察院批准，不受逮捕。

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

第九十条 中华人民共和国公民的住宅不受侵犯，通信秘密受法律的保护。

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

中华人民共和国公民有居住和迁徙的自由。

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.

第九十一条 中华人民共和国

公民有劳动的权利。国家通过国民经济有计划的发展，逐步扩大劳动就业，改善劳动条件和工资待遇，以保证公民享受这种权利。

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.

第九十二条 中华人民共和国劳动者有休息

的权利。国家规定工人和职员的工作时间和休假制度，逐步扩充劳动者休息和休养的物质条件，以保证劳动者享受这种权利。

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.

第九十三条 中华人民共和国劳动者在年老、疾病或者丧失劳动能力的时候，有获得物质帮助的权利。国家举办社会保险、社会救济和群众卫生事业，并且逐步扩大这些设施，以保证劳动者享受这种权利。

候，有获得物质帮助的权利。国家举办社会保险、社会救济和群众卫生事业，并且逐步扩大这些设施，以保证劳动者享受这种权利。

Article 94 Working people in 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.

第九十四条 中华人民共和国

公民有受教育的权利。国家设立并且逐步扩大各种学校和其他文化教育机关，以保证公民享受这种权利。

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

国家特别关怀青年的体力和智力的发展。

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.

第九十

五条 中华人民共和国保障公民进行科学研究、文学艺术创作和其他文化活动的自由。国家对于从事科学、教育、文学、艺术和其他文化事业的公民的创造性工作，给以鼓励和帮助。

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.

第九十六条 中华人民共和国妇女在政治的、经济的、文化的、社会的和家庭的生活各方面享有同男子平等的权利。

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

婚姻、家庭、母亲和儿童受国家的保护。

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.

第九十七条 中华人民共和国公民对于任何违法失职的国家机关工作人员，有向各级国家机关提出书面控告或者口头控告的权利。由于国家机关工作人员侵犯公民权利而受到损失的人，有取得赔偿的权利。

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

第九十八条 中华人民共和国保护国外华侨的正当的权利和利益。

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.

第九十九条 中华人民共和国对于任何由于拥护正义事业、参加和平运动，进行科学工作而受到迫害的外国人，给以居留的权利。

Article 100 Citizens of the People's Republic of China must abide by the Constitution and the law, upholds discipline at work, keep public order and respect social ethics. **第一百条 中华人民共和国公民必须遵守宪法和法律，遵守劳动纪律，遵守公共秩序，尊重社会公德。**

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. **第一百零一条 中华人民共和国的公共财产神圣不可侵犯。爱护和保卫公共财产是每一个公民的义务。**

Article 102 It is the duty of citizens of the People's Republic of China to pay taxes according to law. **第一百零二条 中华人民共和国公民有依照法律纳税的义务。**

Article 103 It is the sacred duty of every citizen of the People's Republic of China to defend the homeland. **第一百零三条 保卫祖国是中华人民共和国每一个公民的神圣职责。**

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

依照法律服兵役是中华人民共和国公民的光荣义务。

Chapter Four National Flag, National Emblem, Capital

第四章 国旗、国徽、首都

Article 104 The national flag of the People's Republic of China is a red flag with five stars. **第一百零四条 中华人民共和国国旗是五星红旗。**

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.

第一百零五条 中华人民共和国国徽，中间是五星照耀下的天安门，周围是谷穗和齿轮。

Article 106 The capital of the People's Republic of China is Peking.
中华人民共和国首都是北京。

第一百零六条

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Email:info@chinalawinfo.com 电话:86-10-82668266 400-810-8266 传真:86-10-82668268

上海办事处：86-21-63548401/02 广东办事处：86-20-86307800 江苏：025-58057108

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