

ORGANIC LAW OF THE LOCAL PEOPLE'S CONGRESSES AND LOCAL PEOPLE'S COUNCILS OF THE PEOPLE'S REPUBLIC OF CHINA

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 *hsiang*, 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 byelections 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 dependent's 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.