

Provisions of the Government Council on Confiscation of the Property of Counter-Revolutionary Criminals

(Adopted at the 90th State Council Meeting of the State Council on June 22, 1951)

Article 17 of the Regulations of the People's Republic of China on Punishing Counter-Revolutionaries stipulates: "Anyone who commits a crime under this Act may be deprived of his political rights and his property may be confiscated in whole or in part." At present, the courts of various places are still inconsistent in the judgment and handling of confiscation of counter-revolutionary property. The unifying principles are hereby stipulated as follows:

(1) Counter-revolutionary criminals sentenced in accordance with the law may have all or part of their property confiscated according to the severity of their crimes.

Confiscation of property may be applied as a separate penalty.

The scope of confiscation of all property, including all the land, houses, grain, livestock, tools, materials, enterprises, debts, shares, deposits, cash and others actually owned by the criminal himself (referring to his real name, pseudonym, church name and under the guise of others) All movable and immovable property. The scope of confiscation of a piece of property shall be determined by the court based on the specific circumstances of the case.

(2) When all the property of a counter-revolutionary criminal is confiscated, the family members who live together but do not actively participate in counter-revolutionary activities shall keep the means of production and subsistence as appropriate to enable them to live. Neither the property of the family members who do not live with them nor the property owned by the family members who live together with them shall be confiscated.

The property of impoverished counter-revolutionary criminals shall not be confiscated.

The property used by counter-revolutionary criminals for crime, even if they do not belong to them, may also be confiscated by the court.

(3) All property of counter-revolutionary criminals shall be confiscated and shall be handled by the people's government.

The property of counter-revolutionary criminals shall be confiscated, and after being approved by the statutory authority and sentenced, it shall be executed by the sentenced court in conjunction with the local public security organ. Immediately after the implementation, it shall be handed over to the local people's government and put forward opinions on handling, and shall be reported to the people's government at or above the county level for approval and handling.

If a large-scale enterprise is confiscated, it should first be managed by the agency designated by the local people's government and continue to operate, and then report to the people's government at or above the province (city) level for instructions.

The confiscation of the shares and property of counter-revolutionary criminals in enterprises shall be handled in accordance with the "Instructions on Confiscation of Property of War Criminals, Traitors, Bureaucratic Capitalists and Counter-Revolutionaries" issued by the State Council of the Central People's Government.

(4) Among the property of confiscated counter-revolutionary criminals, if there is any property of the people that has been embezzled, occupied or robbed by counter-revolutionary criminals, but the original property is still there, it shall be returned to the original owner upon the request of the original owner, and the truth is verified.

The legitimate debts borne by counter-revolutionary criminals should be paid off by the confiscated property, and upon the request of the creditor and the confirmation, they may be properly cleared and repaid within the limits of the confiscated property.

(5) After the property of a counter-revolutionary criminal has been completely confiscated in the judgment, if other property that should be confiscated is discovered, the confiscation may still be executed.

(6) The property of fugitive counter-revolutionary criminals shall also be dealt with in accordance with these regulations.