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Speeches/Documents

**Title: The agrarian reform law of the people's republic of China**

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## SECTION ONE - GENERAL PRINCIPLES

### Article 1

The land ownership system of feudal exploitation by the landlord class shall be abolished and the system of peasant land ownership shall be introduced in order to set free the rural productive forces, develop agricultural production and thus pave the way for New China's industrialisation.

## SECTION TWO - CONFISCATION & REQUISITION OF LAND

### Article 2

The land, draught animals, farm implements and surplus grain of the landlords, and their surplus houses in the countryside shall be confiscated, but their other properties shall not be confiscated.

### Article 3

The rural land belonging to ancestral shrines, temples, monasteries, churches, schools and organizations, and other land owned by public bodies shall be requisitioned. But local people's governments should devise appropriate measures to solve the financial problems facing such schools, orphanages, homes for the aged, hospitals, etc., that depend on the income from the above-mentioned land for their maintenance.

Land owned by mosques may be retained according to circumstances with the consent of the Moslems residing in the places where such mosques are situated.

### Article 4

Industry and commerce shall be protected from infringement.

Industrial and commercial enterprises operated by landlords and the land and other properties used by landlords directly for the operation of industrial and commercial enterprises shall not be confiscated. In confiscating feudal land and other properties, no infringement upon industry and commerce shall be permitted. .

Land and peasant dwellings in the countryside which are owned by industrialists and merchants shall be requisitioned, but their other rural properties and lawful businesses shall be protected from infringement.

### Article 5

Revolutionary army men, dependents of martyrs, workers, staff members, professional workers, peddlers and others who rent out small portions of land because they are engaged in other occupations or because they lack labour power shall not be classified as landlords. If the average per capita landholding of such families does not exceed 200 per cent of the average per capita landholding in the locality, it shall remain untouched. (For instance, if the average per capita landholding in the locality is two mou, the average per capita landholding of such family members shall not exceed four mou).

If it exceeds this proportion, the surplus land may be requisitioned.

If the land proves to have been purchased with the earnings of the owners' own labour or if old persons living alone, orphans, invalids, helpless widows or widowers, depend on this land for their livelihood, allowance may be made for such persons according to individual cases even though their average per capita landholding may exceed 200 per cent.

#### Article 6

Land owned by rich peasants and cultivated by themselves or by hired labour and their other properties shall be protected from infringement.

Small portions of land rented out by rich peasants shall remain untouched. But in certain special areas, the land rented out by rich peasants may be requisitioned in part or in whole with the approval of the people's governments at provincial level or above.

If the portions of land rented out by rich peasants of a semi-landlord type exceed in size the land tilled by themselves and by their hired labour the land rented out should be requisitioned.

The land let out by rich peasants should be balanced against the land which they themselves rent for their own use.

#### Article 7

Land and other properties of the middle peasants (including well-to-do middle peasants) shall be protected from infringement.

#### Article 8

Transfer or dispersal after the liberation of the locality by sale, mortgage, gift or any other means, of any land which should be confiscated or requisitioned according to this Law shall be declared null and void. Such land should be included in the land to be redistributed. But if peasants who bought such land or took mortgages on such land will thereby suffer any considerable loss, measures should be worked out for proper compensation.

#### Article 9

The legal definition of landlords, rich peasants, middle peasants, poor peasants, farm labourers and other component classes of rural society will be dealt with separately.

### SECTION THREE - DISTRIBUTION OF LAND

#### Article 10

All land and other means of production thus confiscated and requisitioned, with the exception of those to be nationalized as stipulated in this Law, shall be taken over by the 'hsiang' peasants' association for unified, equitable and rational distribution to poverty-stricken peasants who have little or no land and who lack other means of production. Landlords shall be given an equal share so that they can make their living by their own labour and thus reform themselves through labour.

#### Article 11

Land shall be distributed by taking 'hsiang' or an administrative village corresponding to a 'hsiang' as a single unit. Land shall be distributed in a unified manner according to the population therein, based upon the principle of allotting the land to its present tiller and making necessary readjustment in landholdings by taking into consideration the amount, quality and location of the land. However, 'chu' or county peasants' associations may make certain necessary adjustments between various 'hsiang' or administrative villages corresponding to a 'hsiang'. In areas of extensive territory and sparse population, for convenience in cultivation, the unit for land distribution may be smaller and below the level of the 'hsiang'. The land lying across the boundary of two 'hsiang' shall be allocated for distribution to the 'hsiang' where the actual tillers reside.

#### Article 12

Under the principle of allotting land to the present tiller, land owned by the tiller shall not be drawn upon for distribution during land distribution. When rented land is drawn upon for distribution, proper consideration should be given to the present tiller. The land he acquires through land distribution plus his own landholding (if he has land) shall be slightly and suitably more than the landholding, after distribution, of the peasants who had little or no land. The principle in this connection should be that the present tiller should retain the approximate average per capita landholding in the locality.

#### Article 13

If the tiller possesses the surface rights of the land he rents, a portion of land equivalent to the price of the surface rights in that locality shall be reserved for him if the land is drawn upon for distribution.

#### Article 14

During land distribution, certain special problems concerning the landless and land-poor population shall be settled as follows

- (a) An impoverished peasant family of one or two members who are able to work may be given more land than the allotment for one or two persons, provided the land conditions in the 'hsiang' permit.
- (b) Rural handicraftsmen, pedlars, professional workers and their dependents should be given a certain amount of land and other means of production according to individual cases. But if the earnings from their occupations are sufficient to regularly maintain their dependents no land shall be allotted to them.
- (c) If their homes are in the countryside, martyrs' families (the martyr himself can be counted as a member of the family), officers, men, wounded and demobilised servicemen of the People's Liberation Army, functionaries of the People's Government and people's organisations as well as their families (including those who travel with the Army) shall be given land and other means of production equal to those allotted to the peasants. But in the case of the functionaries of the People's Government and people's organisations, less land or none may be allotted according to the amount of their salaries and other income, and the degree to which they are able to support their dependents.
- (d) If local residents take up occupations elsewhere, their dependents still living in the village should be given land and other means of production according to individual cases. But if the income of such persons from their occupations is adequate to regularly maintain their dependents no land need be allotted to them.
- (e) Monks, nuns, Taoists, priests and Akhungs should be given shares of land and other means of production equal to those of the peasants if they have no other means of making a living and are able and willing to engage in agricultural work.
- (f) Unemployed workers and their dependents who return to the countryside with certificates from municipal governments or trade unions should be given shares of land and other means of production equal to those of the peasants if they want land and are able to engage in agricultural work and if local land conditions permit.
- (g) Landlords who have returned after running away, persons who once worked for the enemy but have returned to the countryside, and the families of such persons, should be given shares of land and other means of production equal to those of the peasants, provided they are able and willing to earn a living by agricultural work.
- (h) No land shall be given to those residing in the countryside whom the People's Government has ascertained to be collaborationists, traitors, war criminals, counter-revolutionaries who have committed extremely grave crimes, or criminals who have persistently sabotaged agrarian reform. Members of their families, who have not participated in their criminal acts and have no other occupation with which to make \* a living and who are able and willing to take up agricultural work, should be given the same shares of land and other means of production as those of the peasants. During land distribution, each 'hsiang' may reserve a small amount of land, in accordance with the local land conditions, for cultivation by natives of the 'hsiang' who have gone or fled away, whose whereabouts are unknown but who may return, or for use in adjusting land in the 'hsiang'. The land thus reserved shall be temporarily placed under the administration of the 'hsiang' people's government and rented to peasants for cultivation. However, the total amount of land reserved for this purpose must not exceed one per cent of all land in the 'hsiang'.

#### Article 15

During land distribution, the people's governments at or above the county level may, in accordance with the local land conditions, set apart a certain amount of land to be nationalised and used for

establishing experimental farms for one or more counties or model State farms. Prior to the establishment of such farms, the land may be rented to peasants for cultivation.

#### SECTION FOUR - TREATMENT OF SPECIAL LAWS

##### PROBLEMS

###### Article 16

Confiscated and requisitioned woods, fish ponds, tea groves, tung oil plantations, mulberry fields, bamboo groves, orchards, reed lands, wasteland and other distributable land should be calculated in terms of ordinary land at an appropriate ratio and distributed in a unified way.

In the interests of production, these tracts of land should first be allotted as far as possible to the peasants who have hitherto utilised them. Persons receiving this kind of land may be given little or no ordinary arable land. If this kind of distribution is detrimental to production, the land may be operated by the local people's governments in a proper manner and under democratic management in conformity with established customs.

###### Article 17

Confiscated and requisitioned irrigation works, such as dams and ponds, if they are distributable, should be distributed together with the fields. If it is not convenient to distribute them, they should be democratically managed by the local people's governments in conformity with established customs,

###### Article 18

All large forests, large water conservancy works, large expanses of wasteland, large uncultivated hillsides, big salt fields and mines as well as lakes, marshes, rivers and ports must be nationalised and be managed and operated by the People's Government. Those in which private capital has been invested and which have so far been privately managed shall continue to be operated by the existing management, according to the decrees promulgated by the People's Government.

###### Article 19

The farms, seedling nurseries and experimental farms that are cultivated with machinery or other modern equipment, and the large bamboo groves, large orchards, large tea groves, large tung oil plantations, large mulberry fields and large pastures - where technique is essential - shall continue to be operated by their existing managements, and should not be dispersed. But if such land is owned by landlords, it may be nationalised with the approval of the people's governments at provincial level or above.

###### Article 20

In the course of the confiscation and requisition of land, all graveyards and woods therein must remain intact.

###### Article 21

Scenic spots, historical relics and places of historical interest should receive proper protection. Ancestral shrines, temples, monasteries, churches and other public buildings and landlords' houses should not be damaged. Surplus houses of landlords in the countryside which are not suitable for the use of peasants may be placed under the management of the local people's governments and be used for public purposes.

###### Article 22

Wasteland reclaimed after the liberation should not be confiscated during land distribution and should continue to be tilled by those who reclaimed it. It should not be included in the amount of land for distribution,

###### Article 23

Small amount of land, the proceeds from which are essential for the upkeep of bridges, lanes, wayside tea pavilions, free ferries and other public facilities in rural areas may remain intact according to established customs,

#### Article 24

Land and houses owned by overseas Chinese should be dealt with in accordance with appropriate measures to be determined by the people's governments (or military and administrative committees] of the various Greater Administrative Areas or by provincial people's governments on the principle of having regard for the interests of overseas Chinese and in keeping with the general principles of this Law.

#### Article 25

Sandy and shoaly land owned by landlords or public bodies should be nationalised and handled in accordance with appropriate measures to be determined by the people's governments at provincial level or above.

#### Article 26

Land bordering railways, highways, river banks and river dykes that is needed for their protection or land occupied by airfields, harbours and fortifications should not be distributed. The sites of projected railways, highways, waterways and airfields whose date of construction has been fixed shall be reserved with the approval of the people's governments at provincial level or above.

#### Article 27

Private persons managing land owned by the State shall not rent it out, sell it or leave it untended. If the private operators no longer need the land, they must return it to the State.

### SECTION FIVE - ORGANISATIONS § METHODS FOR CARRYING OUT AGRARIAN REFORM

#### Article 28

In order to strengthen the leadership of the people's governments in the work of agrarian reform, the people's governments at county level or above should, at the time of agrarian reform, organise agrarian reform committees to be composed of persons elected by people's representative conferences or persons appointed by the people's governments of a higher level. These committees are responsible for directing and handling all matters concerning agrarian reform

#### Article 29

'Hsiang' and village peasant meetings, peasant representative conferences and committees of peasants' associations elected at such conferences, the peasant congresses at 'chu', county and provincial levels and committees of peasants' associations elected at such congresses are the legal executive organisations for reforming the agrarian system.

#### Article 30

After agrarian reform is completed, the People's Government shall issue title deeds and shall recognise the right of all land owners to manage, buy, sell or rent out land freely. All land contracts made before the reform of the agrarian system shall be null and void.

#### Article 31

The determination of class status shall be carried out according to the decisions on class differentiation in the countryside issued by the Central People's Government. It shall be determined by democratic estimation and decision at the village peasant meetings and peasant representative

conferences under the leadership of the village people's governments, by the method of self-assessment and public discussion. If any person concerned is not a member of a peasants' association, he should nevertheless, be invited to participate in the estimation and decision at the meetings and be allowed to argue his case.

The estimation and decision must be reported to the 'chu' people's government for ratification. If any person concerned, or any other person, does not agree with the result, he may within 15 days after the announcement of such ratification lodge an appeal with the county people's tribunal, which shall pass judgement and carry it into effect.

#### Article 32

In the course of agrarian reform a people's tribunal shall be set up in every county to ensure that it is carried out, The tribunal shall travel to different places, to try and punish, according to law, the hated despotic elements who have committed heinous crimes, whom the masses of the people demand to be brought to justice, and all such persons who resist or violate the provisions of the Agrarian Reform Law and decrees. Indiscriminate arrest, beating or killing of people, corporal punishment and the like are strictly forbidden.

The regulations governing the organisation of the people's tribunal will be enacted separately,

#### Article 35

To maintain order during agrarian reform and to protect the people's property, it is strictly prohibited to slaughter draught animals or fell trees without authorisation, let land lie untended, and destroy farm implements, irrigation works, buildings, crops or the like. Offenders shall be tried and punished by the people's tribunal.

#### Article 34

To ensure that all agrarian reform measures conform to the interests and wishes of the overwhelming majority of the people, the people's governments at all levels shall be responsible for effectively safeguarding the democratic rights of the people. The peasants and their representatives shall have the right to freely criticize and impeach functionaries of any sphere or level at all meetings. Anyone who infringes on these rights shall be punished according to law.

### SECTION SIX - BY-LAWS

#### Article 35

This Law shall apply to the rural areas in general, but not the areas in the vicinity of big cities for which agrarian reform regulations will be formulated separately. The big cities referred to in this article shall be determined by the people's governments (or military and administrative committees) of the Greater Administrative Areas according to the circumstances of the cities.

#### Article 36

This Law shall not apply to areas inhabited by national minorities.

But in areas where the 'Han' nationality is in the majority, scattered inhabitants of national minorities shall be treated in the same way under this Law as the people of 'Han' nationality during the agrarian reform in those localities.

#### Article 37

This Law shall not apply to areas where agrarian reform has in the main been completed.

#### Article 38

All areas which begin agrarian reform after the promulgation of this Law, with the exception of the areas referred to in Articles 35, 36 and 37 of this Law, shall proceed in accordance with this Law. The time for starting agrarian reform in various places shall be regulated by decree and made public by the people's governments (or military and administrative committees) of the Greater Administrative Areas and provincial people's governments.

#### Article 39

When this Law is made public, each provincial people's government shall formulate regulations for carrying out agrarian reform within its territory in accordance with the principles as laid down in this Law and the concrete conditions of the territory and shall submit them to the people's governments (or military and administrative committees) of the Greater Administrative Areas and on ratification they shall be put into effect, They shall also be submitted to the Government Administration Council of the Central People's Government for registration.

#### Article 40

This Law shall come into force after it is ratified and promulgated by the Central People's Government Council.