

# **THE ORGANIC LAW OF THE CENTRAL PEOPLE'S GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA**

*-- Adopted by the First Plenary Session of the Chinese People's PCC on September 29th, 1949 in Peking.*

## **CHAPTER I. GENERAL PRINCIPLES**

ARTICLE 1. The People's Republic of China is a state of the people's democratic dictatorship, led by the working class, based on alliance of workers and peasants, and uniting all democratic classes and the various nationalities within the country.

ARTICLE 2. The Government of the People's Republic of China is a government of the people's congress system based on the principle of democratic centralism.

ARTICLE 3. Prior to the convocation of the All-China People's Congress by universal franchise, the Plenary Session of the Chinese People's Political Consultative Conference shall perform the functions and exercise the power of the All-China People's Congress, enact the Organic Law of the Central People's Government of the People's Republic of China, elect

the Central People's Government Council of the People's Republic of China and vest it with the authority to exercise state power.

ARTICLE 4. The Central People's Government Council represents the People's Republic of China in international relations and assumes the leadership of the state apparatus at home.

ARTICLE 5. The Central People's Government Council shall set up: the Government Administration Council as the highest executive body for state administration; the People's Revolutionary Military Council as the supreme military command of the state; and the Supreme People's Court and the People's Procurator General's Office as the highest judicial and supervisory bodies of the country.

## **CHAPTER II. THE CENTRAL PEOPLE'S GOVERNMENT COUNCIL**

ARTICLE 6. The Central People's Government Council shall consist of the Chairman and six Vice Chairmen of the Central People's Government and of fifty-six Council Members elected by the Plenary Session of the Chinese People's Political Consultative Conference. It shall have a Secretary-General elected by and from the Central People's Government Council.

ARTICLE 7. The Central People's Government Council shall exercise the following authority, in accordance with the Common Program enacted by the Plenary Session of the Chinese People's Political Consultative Conference:

1. Enacting and interpreting the laws of the state, promulgating decrees and supervising their execution;
2. Determining the administrative policies of the state;
3. Annulling or revising any decisions and orders of the Government Administration Council, which do not conform to the laws and decrees of the state;
4. Ratifying, abrogating or revising treaties and agreements concluded by the People's Republic of China with foreign countries;
5. Dealing with questions of war and peace;

6. Approving or revising the state budget and financial statement;
7. Promulgating acts of general amnesty and pardon;
8. Instituting and awarding orders, medals, and titles of honour of the state;
9. Appointing or removing of government personnel as follows:
  - A. Appointment or removal of the Premier and Vice-Premiers and Members of the Government Administration Council; Secretary-General and Assistant Secretaries-General of the Government Administration Council; Chairmen, Vice-Chairmen, and Members of the various Committees and Commissions; Ministers and Vice-Ministers of the various Ministries; President and Vice-Presidents of the Academy of Sciences; Directors and Deputy Directors of the various Administrations; and Manager and Assistant Managers of the Bank;
  - C. Appointment or removal or confirmation of the appointment or removal, on the recommendation of the Government Administration Council, of chairmen, vice-chairmen and chief administrative personnel of people's governments in various major administrative areas, provinces and municipalities;
  - D. Appointment or removal of ambassadors, ministers and plenipotentiary representatives to foreign states;
  - E. Appointment or removal of the Chairmen, Vice-Chairmen and Members of the People's Revolutionary Military Council; of the Commander-in-Chief, Deputy Commander-in-Chief, Chief of Staff, Deputy Chief of Staff, Director and Assistant Director of the General Political Department of the People's Liberation Army;
  - F. Appointment or removal of the President and Vice-Presidents and Committee Members of the Supreme People's Court, the Procurator-General, Deputy Procurators-General and Committee Members of the People's Procurator-General's Office;
11. Preparing for and convening the All-China People's Congress.

ARTICLE 8. The Chairman of the Central People's Government shall preside over the meetings of the Central People's Government Council and shall direct its work.

ARTICLE 9. The Vice-Chairmen and Secretary General of the Central People's Government shall assist the Chairman in the discharge of his duties.

ARTICLE 10. Sessions of Central People's Government Council shall be convened by the Chairman once every two months. The Chairman may convene the session earlier or postpone it when conditions demand it or upon the request of more than one third of the members of the Central People's Government Council or upon the request of the Government Administration Council. More than one half of the Council Members constitute a quorum and the adoption of any resolution demands the concurrence of over one half of the Members present at the session.

ARTICLE 11. The Central People's Government Council shall have a Secretariat and may set up other subordinate working bodies when necessary.

ARTICLE 12. The Central People's Government Council shall enact its own organizational regulations.

### **CHAPTER III. THE GOVERNMENT ADMINISTRATION COUNCIL**

ARTICLE 13. The Government Administration Council shall consist of a Premier, a number of Vice Premiers, a Secretary-General and a number of Council Members appointed by the Central People's Government Council.

Members of the Government Administration Council may concurrently hold posts as Chairmen of the various Committees or Commissions or as Ministers of the various Ministries.

ARTICLE 14. The Government Administration Council shall be responsible and accountable to the Central People's Government Council. When the Central People's Government Council adjourns, the Government Administration Council shall be responsible and accountable to the Chairman of the Central People's Government.

ARTICLE 15. The Government Administration Council shall exercise the following authority on the basis and in application of the Common Program of the Chinese People's Political Consultative Conference, and of the laws and decrees of the state and of the administrative policies stipulated by the Central People's Government Council:

1. Issuing decisions and orders and verifying their execution;
2. Annuling or revising the decisions and orders of the Committees, Ministries, Commissions, Academy, Administrations, and Bank, and governments of all levels, which do not conform to the laws and decrees of the state and of the decisions and orders of the Government Administration Council;
3. Submitting bills to the Central Peoples' Government Council;
4. Co-ordinating, unifying and directing the interrelations, the internal organisations and the general work of the Committees, Ministries, Commissions, Academy, Administrations and Bank and other subordinate bodies;
5. Directing the work of local people's governments throughout the country;
6. Appointing or removing, or confirming the appointment or removal of the chief administrative personnel of county and municipal level and above, not included in ARTICLE 7, Section 9, B.

ARTICLE 16. The Premier of the Government Administration Council shall direct the Council's affairs. The Vice-Premiers and the Secretary-General of the Government Administration Council shall assist the Premier in the discharge of his duties.

ARTICLE 17. Once a week the Government Administration Council shall hold meetings convened by the Premier. The Premier may convene the meeting earlier or postpone it when conditions demand it, or upon the request of over one third of the Council Members. Over one half of the Members of the Government Administration Council constitute a quorum, and the adoption of a resolution demands the concurrence of over one half of the Members present at the meeting.

The decisions and orders of the Government Administration Council shall come into force when signed by the Premier or signed by the Premier and countersigned by the heads of the Committees, Ministries, Commissions, Academy, Administrations, or Bank concerned.

ARTICLE 18. The Government Administration Council shall set up Committees of Political and Legal Affairs, of Financial and Economic Affairs, of Cultural and Educational Affairs, of People's Control, and shall set up the following Ministries, Commissions, Academy, Administrations, and Bank, which shall direct their respective departments of state administration:

Ministry of the Interior, Ministry of Foreign Affairs, Information Administration, Ministry of Public Security, Ministry of Finance, People's Bank, Ministry of Trade, Customs Administration, Ministry of Heavy Industry, Ministry of Fuel Industry, Ministry of Textile Industry, Ministry of Food Industry, Ministry of Light Industry (industries not included in the four mentioned above), Ministry of Railways, Ministry of Posts and Tele-Communications, Ministry of Communications, Ministry of Agriculture, Ministry of Forestry and Land Reclamation, Ministry of Water Conservancy, Ministry of Labour, Ministry of Cultural Affairs, Ministry of Education, Academy of Sciences, Press Administration, Publications Administration, Ministry of Public Health, Ministry of Justice, Commission of Legislative Affairs, Commission of the Nationalities Affairs, Commission of Overseas Chinese Affairs.

The Committee of Political and Legal Affairs shall direct the work of the Ministry of the Interior, the Ministry of Public Security, the Ministry of Justice, the Commission of Legislative Affairs, and the Commission of the Nationalities Affairs.

The Committee of Financial and Economic Affairs shall direct the work of the Ministries of Finance, of Trade, of Heavy Industry, of Fuel Industry, of Textile Industry, of Food Industry, of Light Industry, of Railways, of Posts and Tele-Communications, of Communications, of Agriculture, of Forestry and Land Reclamation, of Water Conservancy, of Labour, and of the People's Bank, and of the Customs Administration.

The Committee of Cultural and Educational Affairs shall direct the work of the Ministry of Cultural Affairs, the Ministry of Education, the Ministry of Public Health, the Academy of Sciences, the Press Administration, and the Publications Administration.

In order to carry out their work, the responsible Committees may issue decisions and orders to the Ministries, the Commissions, the Academy, the Administrations and the Bank under their direction and to other subordinate bodies and may verify their execution.

The Committee of People's Control shall be responsible for the supervision over the execution of duties by government institutions, and public functionaries.

ARTICLE 19. The Ministries, Commissions, Academy, Administrations and the Bank may announce decisions and issue orders within their jurisdiction and may verify their execution.

ARTICLE 20. The Government Administration Council shall have a Secretariat to deal with the routine work and to take charge of the files, archives and seals of the Government Administration Council, etc.

ARTICLE 21. The organisational regulations of the Government Administration Council, the Committees, Ministries, Commissions, the Academy, the Administrations, the Bank and the Secretariat shall be enacted or ratified by the Central People's Government Council.

ARTICLE 22. The Central People's Government Council may, when necessary, decide on the increase or reduction of the number or on the merging of the Committees, Ministries, Commissions, the Academy, Administrations, the Bank and the Secretariat.

#### **CHAPTER IV. THE PEOPLE'S REVOLUTIONARY MILITARY COUNCIL**

ARTICLE 23. The People's Liberation Army and other people's armed forces throughout the country shall come under the unified control and command of the People's Revolutionary Military Council.

ARTICLE 24. The People's Revolutionary Military Council shall have a Chairman, a number of Vice Chairmen, and a number of Council Members.

ARTICLE 25. The organisation of the People's Revolutionary Military Council and the system of its administration and command shall be determined by the Central People's Government Council.

## **CHAPTER V. THE SUPREME PEOPLE'S COURT AND THE PEOPLE'S PROCURATOR-GENERAL'S OFFICE**

ARTICLE 26. The Supreme People's Court is the highest judicial body of the country, and is charged with the direction and supervision of the judicial work of all levels of judicial bodies of the country.

ARTICLE 27. The Supreme People's Court shall have a President and a number of Vice-Presidents and, a number of Committee Members.

ARTICLE 28. The People's Procurator-General's Office shall have the supreme supervisory power to ensure the strict observance of the law by all government institutions and public functionaries as well as by nationals of the country.

ARTICLE 29. The People's Procurator-General's Office shall have a Procurator-General, a number of Deputy Procurators-General and a number of Committee Members.

ARTICLE 30. The organisational regulations of the Supreme People's Court and of the People's Pro-

curator-General's Office shall be enacted by the Central People's Government Council.

## **CHAPTER VI. RIGHT OF AMENDMENT AND INTERPRETATION OF THIS ORGANIC LAW**

ARTICLE 31. The right of amendment of the Organic Law of the Central People's Government belongs to the Plenary Session of the Chinese People's Political Consultative Conference; while the latter is not in session, it belongs to the Central People's Government Council. The right of interpretation of this Organic Law belongs to the Central People's Government Council.

In administrative regions where military action has been concluded, agrarian reform thoroughly carried out, and people of all circles fully organized, popular elections shall be held, and regional people's congresses called for the formal election of regional people's government councils. After the establishing of regional people's government councils, the Military Administrative Committees shall be wound up.  
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