

Dates of Meeting:

26-07-1950 – 11-08-1950

Type of Meeting:

1st National judicial work conference

The conference was sponsored by the Supreme People's Court, the Supreme People's Procurate, the Ministry of Justice, the Law Committee

Place of Meeting:

Beijing

Attendance:

Peng Zhen, Dong Biwu, Shen Junru, Shi Liang

Major Agenda Items:

New set of laws Discussions of the drafting of various laws, such as the Outline Penal Code, Organizational Regulations of the People's Courts, General Regulations of Judicial Procedure, the Company Law, and the Law on the Reform of Criminals.

Speeches/Reports:

Dong Biwu: further stressed the important role of the work related to the revolutionary legal system. He said that once a society is freed from the influence of the war, the judicial and public security work becomes the most important tool in the hands of the people's state in fighting against counterrevolutionaries and maintaining social order.

He defined the three principal sources of judicial cadres, namely: 1) cadres who had performed judicial or other work including military service in the "old liberated areas," provided they underwent a short period of study prior to their new appointments; 2) legacy judicial personnel who had successfully reformed and passed background checks; and, 3) students.

Peng Zhen: asserted that law should apply not just to counterrevolutionaries but also to workers, peasants, cadres, and others who violate the law, no matter how good they might be.

Shi Liang: earnest efforts are needed to reform and rearrange the prison sector to accommodate the growing number of detainees. He proposed that earnest efforts must be made: (1) to improve the plans of work in the prisons; (2) to strengthen prison administration; (3) to reform the prison system. He proposed that the struggle must be waged to build up a new body of people's judicial cadres in three or five years, to improve the prison system, and to strengthen propaganda and education concerning judicial work.

Other Decisions and/or Actions:

- Provisional regulations on organization of people's court
- General principles of litigation procedures
- Provisional regulations on reform of prisoners
- to establish a national court system where the Minister of Justice proposed for example a five-year training for judges
- the need to expand the central law courses organised in the Ministry of Justice, as well as to expand the institute of new jurisprudence the chief purpose of which was to re-educate lawyers of the old school. It was also recognised as indispensable that courses for the preparation of judicial procuratorial cadres be organised in the large administrative regions (in the North-Eastern, Central-Southern Eastern, South-Central and North-Western regions) and in the larger provinces. In addition, a number of proposals were heard for the improvement of the work of the law faculties which functioned in most of the public and private universities of China. Hitherto, law faculties had worked without maintaining any ties with the organs of justice, stood aloof from routine tasks which were handled by the courts and the procuratorate and consequently turned out the kind of cadres that were not suitable for work in the new, democratic organs of justice

Remarks:

1. Draft of Proposed Advocates Act in Beijing, Tianjin and Shanghai to the conference for discussion. The main contents of the draft were as follows:
 - A. The work of the lawyer
 - (1) Drafting legal documents, advocacy and conducting cases.
 - (2) Investigating and collecting evidence appertaining to cases.
 - (3) Publicising the government's decrees and policies.
 - B. The constitution of the Legal Profession

(1) Public Lawyers, designated by the court, to act as defenders in criminal actions and conduct civil actions, working for poor people without charge. This was to be the main part of the constitution.

(2) Private Lawyers, ratified by the Central Judicial Ministry and admitted by the courts, to provide a service to people who were willing and able to pay remuneration.

(3) Legal Assistants, designated by non-governmental organisations and authorised by the courts, to work for the organisation.