

1953

Speeches/Documents

**Title: PROVISIONAL GENERAL RULES OF THE PRC FOR THE ORGANIZATION OF PEOPLE'S MEDIATION COMMITTEES**

**Author:**

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**Source:.** The Criminal Process in the People's Republic of China, 1949-1963 ..., Volume 2 Jerome Alan Cohen pp 124-125

**Description:.** passed at the 206th meeting on government administration by the Government Administration Council, Feb. 25, 1954; promulgated by the Government Administration Council, March 22, 1954 settling disputes among neighborhoods. to mediate common civil cases and minor criminal cases

Article 1. These General Rules are adopted specifically in order to establish people's mediation committees (hereafter simply called mediation committees) for promptly resolving disputes among the people, strengthening the people's education in patriotic observance of the law, and promoting the internal unity of the people in order to benefit production by the people and construction by the state.

Article 2. Mediation committees are mass mediation organizations which conduct their work under the guidance of basic level people's governments and courts.

Article 3. The tasks of mediation committees shall be to mediate ordinary civil disputes among the people and minor criminal cases and also, through mediation, to conduct propaganda-education concerning policies, laws, and decrees.

Article 4. Generally, in establishing mediation committees, the area under the jurisdiction of a public security station or the street shall be the unit in cities, and the administrative village shall be the unit in the countryside. Mediation committees shall be composed of from three to eleven members.

Article 5. Generally, in cities members of mediation committees shall be elected by representatives of the residents, under the direction of the basic level people's government. In the countryside, they shall be elected by the people's congress of the administrative village. Mediation committees shall each have one chairman and also may have one or two vice-chairmen, all of whom shall be elected by and from among the committee members. There shall be one election each year. Those members who are re-elected may continue to serve.

All those among the people whose political appearance is clear and who are impartial, linked with the masses, and enthusiastic about mediation work may be elected to membership on mediation committees. If during their term of office there are instances when committee members violate the law, are derelict in their duty, or are unfit to discharge their duty, the institution that elected them may at any time recall them and replace them at a regular election.

Article 6. Principles which must be observed in mediation work:

- (1) Mediation must be conducted in compliance with the policies, laws, and decrees of the people's government.
- (2) Agreement of both parties must be obtained and mediation may not be coerced.
- (3) It must be understood that mediation is not a procedure to which resort is necessary in order to bring suit. The parties may not be prevented from bringing suit in the people's court on the ground that they did not resort to mediation or that mediation was unsuccessful.

Article 7. Discipline which must be observed by mediation committees:

- (1) Corruptly accepting bribes or practicing favoritism and other abuses shall be prohibited.
- (2) Punishing the parties or taking them into custody shall be prohibited.

(3) Engaging in any oppressive or retaliatory conduct against the parties shall be prohibited.

Article 8. When mediating cases, mediation committees shall conduct their work during periods of production leisure, and they shall attentively listen to the opinions of the parties and penetratingly investigate, study, and clarify the circumstances of the case. They shall conduct mediation with a friendly and patient attitude and in a reasoning manner. Successful mediation of a case may be registered, and, when necessary, the parties may be given a certificate of mediation.

Article 9. If, in mediating cases, mediation committees violate policies, laws, or decrees, the people's court shall correct or annul the action.

Article 10. Basic level people's governments and courts shall strengthen their guidance and supervision over mediation committees and also help them in their work.

Article 11. These General Rules shall go into effect on the day they are promulgated by the Government Administration Council of the Central People's Government.

### **Remark**

The committees were elected to "make timely settlement of civil disputes, strengthen education of the people on patriotism and observance of the law, and create unity among the people in order to benefit the people's efforts for production and national construction." The committees were to be subordinate both to the "basic-level" government and "basic level courts," as predecessor committees had been for several years. The committees were to settle "civil disputes and minor criminal cases," and "carry out propaganda and education on national policies and laws." Mediation committees with three to eleven members were to be established in each area or street in the city and each hsiang in the countryside.<sup>1</sup> Committee members were to be elected by "representatives of residents," and had to be "politically upright" persons with "close links with the masses" and "enthusiastic" about mediation work. They were enjoined to carry out mediation "according to policy and law," and to mediate cases only when the parties voluntarily agreed to mediation. They were ordered not to prevent parties from going to the courts if they wished, and were prohibited from accepting bribes or showing favoritism, punishing or detaining parties, and "oppressing or retaliating against parties." They were further obliged to "utilize leisure hours of production, listen to the views of the parties concerned, conduct penetrating investigation and study, fully acquaint themselves with circumstances of the case and adopt a polite and patient attitude and method of persuasion." Cases were to be registered, and documents embodying the parties' agreement were to be issued to the parties "when necessary."