

Outline of China's Land Law (10 October 1947)

Resolution:

China's rural system is unjust in the extreme. Speaking of general conditions, landlords and rich peasants, who make up less than 10 percent of the rural population, hold approximately 70 to 80 percent of the land, cruelly exploiting the peasantry. Farmhands, poor peasants, middle peasants, and other people, however, who make up over 90 percent of the rural population, hold a total of approximately only 20 to 30 percent of the land, toiling throughout the whole year, knowing neither warmth nor a full stomach. These grave conditions are the root of our country's being the victim of aggression, oppression, poverty, backwardness, and the basic obstacles to our country's democratization, industrialization, independence, unity, strength, and prosperity.

In order to change these conditions, it is necessary, on the basis of the demands of the peasantry, to wipe out the rural system of feudal and semi feudal exploitation, and to realize the system of "land to the tillers." For twenty years, and especially in the last two years, under the leadership of the CCP Chinese peasants have obtained enormous achievements and rich experiences in carrying out land reform. In September of this year, the CCP convened a nationwide rural conference,⁹⁹ and at the conference it presented detailed research into conditions of the Chinese rural system and experience of the land reform and enacted the basic program on Chinese rural law to serve as a proposal to the democratic government<> of all areas, peasants' meetings, peasants' congresses, and their committees. The CCP CC is in complete accord with the basic program on rural law and is furthermore publishing it. It is hoped that the democratic governments of all areas, peasants' meetings, peasants' congresses, and their committees will discuss and adopt this proposal, and furthermore will work out concrete methods appropriate to local conditions to unfold and thoroughly carry through a nationwide land reform movement, completing the basic task of the Chinese revolution.

Basic Program

CCPCC

10 October 1947

- 1) The rural system of feudal and semi feudal exploitation is abolished. The rural system of "land to the tillers" is to be realized.
- 2) Landownership rights of all landlords are abolished.

- 3) Landownership rights of all ancestral shrines, temples, monasteries, schools, institutions, and organizations are abolished.
- 4) All debts incurred in the countryside prior to the reform of the rural system are canceled.
- 5) The legal executive organs for the reform of the rural system shall be the village peasants' meetings, and the committees elected by them; the assemblies of the poor peasant leagues and organized and landless and land-poor peasants of villages, and the committees elected by it; district, county, provincial and other levels of peasant congresses, and committees elected by them.
- 6) Except as provided in article 9, section b, all land of landlords in the villages, and all public land, shall be taken over by the village peasant association, and together with all other village land, in accordance with the total population of the village, irrespective of male or female, young or old, shall be unifiedly and equally distributed; with regard to the quantity of land, surplus shall be taken to relieve dearth, and with regard to the quality of land, fertile shall be taken to supplement infertile, so that all the village people shall obtain land equally; and it shall be the individual property of each person.
- 7) The unit for the distribution of land shall be the xiang, or the administrative village equivalent to xiang. But district or county peasant associations may make certain necessary adjustments between various xiang or equivalent administrative villages. In areas where the district is extensive and the population sparse, and for the purpose of convenient cultivation, comparatively small units below the level of the xiang may be taken as units for the distribution of the land.
- 8) Village peasant associations shall take over the landlords' animals, agricultural implements, houses, grain, and other properties of rich peasants; and these shall be distributed to peasants lacking in these properties and to other poor people, and furthermore an equal portion shall be distributed to the landlords. The property distributed to each person shall be their personal property, thus enabling all the village people to obtain proper materials for production and for life.
- 9) Methods for dealing with certain special lands and properties, provided as

follows:

a) Woods and hills, irrigation and waterworks, marshland, orchards, pools, wasteland, and other distributable land shall be divided in accordance with the ordinary standards for land.

b) Great forests, great hydraulic engineering works, large mines, large pasture land, large wastelands, and lakes shall be administered by the government.

c) Famous sites and historic spots shall be securely protected. Special libraries, antiques, works of art, etc., which are of historic or academic value and which

have been taken over shall be inventoried and turned over to the senior government of the area.

d) Ammunition, arms, and those large quantities of money, valuables, and grain left over after satisfying the needs of the peasants shall be inventoried and

turned over to the senior government of the area for settlement.

l 0) Methods for dealing with certain special questions in the distribution of the land provided are as follows:

a) Poor peasants with only one or two persons in the family may be given land equivalent to that of two or three people by the village peasant meetings, in consideration of prevailing conditions.

b) Rural laborers, individual professionals, and their families, in general, shall be given land equivalent to that of peasants; but if their profession is sufficient for constant maintenance of all or most of their living expenses, they shall not be given land, or shall be given a partial portion of land, as determined by the village peasant meetings and their committees in consideration of prevailing conditions.

c) For all personnel of the PLA, democratic governments, and all people's organizations whose home is in the countryside, they and their families shall be given land and properties equivalent to that of peasants.

d) Landlords and their families shall be given land and properties equivalent to that of peasants.

e) For GMD army officers and soldiers, GMD government officials and personnel, GMD party members, and other enemy personnel whose homes are in rural areas, their families shall be given land and properties equivalent to that of the peasants.

f) For all traitors, collaborators, and Civil War criminals, they themselves

shall not be given land or properties. If their families live in the countryside, have not taken part in criminal activities, and are willing to cultivate the land themselves, they shall be given land and properties equivalent to that of the peasants.

11) The government shall issue deeds to the ownership of the land, and they shall be given to the people, and moreover it shall recognize their right to free management, buying and selling, and under specially determined conditions to rent out the land. All land deeds and all notes on debts from before the reform of the rural system shall be turned in and shall be null and void.

12) The property and legal operations of industrial and commercial elements shall be protected from encroachment.

13) For the sake of making the land reform thorough and complete, people's courts shall be established to try and punish those who resist or violate the provisions of this law. The people's courts shall be organized from personnel elected by the peasant meeting or peasant congress and from personnel appointed by the government.

14) During the period of the reform of the rural system, for the sake of maintaining the order of the rural reform and protecting the wealth of the people, the village peasant meeting or its committee shall appoint personnel by definite procedure to take necessary steps for carrying out the responsibilities of taking over, recording, liquidating, and holding all transferred lands and properties; to guard against damage, waste, corruption, and destruction. The peasant association shall forbid anyone from, for the sake of interrupting equitable distribution, deliberately butchering animals; felling trees; destroying agricultural implements, irrigation and water-works, buildings and construction works, or crops or other materials; and the acts of theft, seizing, secretly giving away to others, concealing, burying, dispersing, or selling their goods. Violations shall be tried and punished by the people's courts.

15) For the sake of guaranteeing that all measures of land reform shall be in accord with the will and interests of the overwhelming majority of the people, the government shall take the responsibility for securing proper democratic rights for the people; securing full rights for the peasants and their representatives at all meetings to freely criticize and impeach all cadres of all kinds and levels; and full rights at all appropriate meetings to freely remove and change and to elect all cadres of the government and peasant organizations. Anyone who infringes on the above democratic rights and powers of the people shall be punished by the people's courts.

16) In places where the land has already been equally distributed before the promulgation of this law, and provided that the peasants do not demand redistribution, the land need not be redistributed